



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, July 07, 2022

Closed Session 5:00 PM

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Closed Session 5:00 PM

A. CLOSED SESSION

- (1) Conference with Legal Counsel: Existing Litigation Pursuant to Government Code Section 54956.9: Name of Case: City of Clearlake v. Sunshine Properties LLC (14630 Olympic Drive, Clearlake CA 95422), Case Number CV422746, Lake County Superior Court

- (2) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive
- (3) Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora; Employee Organization: Unrepresented Management Employees
- (4) Conference with Legal Counsel: Anticipated Litigation Pursuant to Government Code Section 54956.9(b): Two (2) Potential Cases

B. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

Zoom Link: <https://clearlakeca.zoom.us/j/84997130847>

Regular Meeting 6:00 PM

C. ROLL CALL

D. PLEDGE OF ALLEGIANCE

E. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invocational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mswanson@clearlake.ca.us.*

F. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

G. PRESENTATIONS

H. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to*

staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.

- I. CONSENT AGENDA:** *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

5. Warrants

Recommended Action: Receive and file

6. Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021

Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

7. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021

Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

8. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361

Recommended Action: Adopt Resolution

9. Minutes of the April and May Meetings

Recommended Action: Receive and file

10. Notification of Expiring Committee Appointments

Recommended Action: Receive and file

J. PUBLIC HEARING

11. Consideration of the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue.

Recommended Action: Adopt Resolution # 2022-45

12. Public Hearing to Consider Development Agreement, DA 2022-01 for a Commercial Cannabis Operation located at 2250 Ogulin Canyon Road, further described as Assessor Parcel Number 010-044-19.

Recommended Action: Hold first reading of Ordinance # 264-2022, read by title only, waive further reading and set second reading for July 21, 2022

K. BUSINESS

13. Discussion Regarding Mandatory Water Allocations and other Drought Mitigation Measures

Recommended Action: Direction to Staff.

- 14. Re-introduction for first reading Ordinance No. 263-2022 Amending Chapter 8, Section 8-6 of the Clearlake Municipal Code Relating to Traffic and Parking Regulations
Recommended Action: Hold first reading of Ordinance No. 263-2022, read by title only, waive further reading and set second reading and adoption for July 21, 2022
- 15. Consideration of Approval of Lakeshore Drive Design with BKF Engineering
Recommended Action: Authorize the City Manager to execute a contract with BKF Engineering for Phase One and Two of Lakeshore Drive Design not-to-exceed \$450,000
- 16. Consideration and Approval of On Call Consultant Contracts
Recommended Action: Authorize City Manager to execute nine (9) on-call consulting contracts for a not-to-exceed amount of \$200,000 per contract
- 17. Award of Contract for the 2022 Chip Seal Project
Recommended Action: Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.
- 18. Consideration of Updates to Management Classification and Benefits Plan
Recommended Action: Adopt Updates to the Management Classification and Benefits Plan
- 19. Consideration of Designation of Voting Delegates and Alternate(s) For the League of California Cities Annual Conference in September
Recommended Action: Move to appoint one Council Member and up to two alternates as voting delegates

L. CITY MANAGER AND COUNCILMEMBER REPORTS

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

POSTED: July 1, 2022

BY:



Melissa Swanson, Administrative Services Director/City Clerk



Clearlake, CA

Check Register

Packet: APPKT01412 - 6/15/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
002353	ALL IN ONE AUTO	06/15/2022	Regular	0.00	9,407.50	12740
000112	CALIF POLICE CHIEF'S ASSOC	06/15/2022	Regular	0.00	440.00	12741
000024	CLEARLAKE POLICE ASSOCIATION	06/15/2022	Regular	0.00	1,500.00	12742
VEN01233	DATAWORKS PLUS, LLC	06/15/2022	Regular	0.00	2,500.00	12743
000774	DEEP VALLEY SECURITY	06/15/2022	Regular	0.00	82.90	12744
VEN01241	E4 UTILITY DESIGN	06/15/2022	Regular	0.00	2,780.00	12745
VEN01254	ESS ENVIRONMENTAL INC.	06/15/2022	Regular	0.00	1,740.00	12746
000241	GALL'S LLC	06/15/2022	Regular	0.00	1,528.24	12747
001954	KOEFRAN	06/15/2022	Regular	0.00	250.00	12748
000108	LAKE COUNTY RECORD BEE	06/15/2022	Regular	0.00	586.80	12749
000900	LAKESIDE APPLIANCE	06/15/2022	Regular	0.00	1,815.00	12750
VEN01123	LOOMIS	06/15/2022	Regular	0.00	593.88	12751
002169	LOS CARNEROS INVESTIGATIVE SVC	06/15/2022	Regular	0.00	900.00	12752
VEN01048	Minnesota Life Insurance	06/15/2022	Regular	0.00	851.96	12753
000026	NATIONWIDE RETIREMENT SOLUTION	06/15/2022	Regular	0.00	1,520.08	12754
001439	NICHOLS CONSULTING	06/15/2022	Regular	0.00	3,800.00	12755
001392	OFFICE DEPOT	06/15/2022	Regular	0.00	171.64	12756
000009	OPERATING ENGINEERS LOCAL 3	06/15/2022	Regular	0.00	650.00	12757
000208	PEACE OFFICERS RESEARCH ASSOC	06/15/2022	Regular	0.00	223.50	12758
VEN01279	TOP SHOT RENTALS LLC	06/15/2022	Regular	0.00	1,061.50	12759
000708	VALIC LOCKBOX	06/15/2022	Regular	0.00	395.00	12760
001723	VALLEY TOXICOLOGY SERVICE	06/15/2022	Regular	0.00	85.00	12761
002206	VICTOR MEDICAL COMPANY	06/15/2022	Regular	0.00	567.73	12762

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	39	23	0.00	33,450.73
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	39	23	0.00	33,450.73

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	33,450.73
			<hr/>
			33,450.73



Clearlake, CA

Check Register

Packet: APPKT01413 - 6/15/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
001423	ALLIANT INSURANCE SERVICES, IN	06/15/2022	Regular	0.00	675.00	12763
000085	ARAMARK UNIFORM SERVICES	06/15/2022	Regular	0.00	49.31	12764
001397	AT&T CALNET 3	06/15/2022	Regular	0.00	22.43	12765
001397	AT&T CALNET 3	06/15/2022	Regular	0.00	22.43	12766
001397	AT&T CALNET 3	06/15/2022	Regular	0.00	22.43	12767
000068	BOB'S JANITORIAL	06/15/2022	Regular	0.00	293.50	12768
VEN01150	BRITTANY SHORES	06/15/2022	Regular	0.00	150.00	12769
VEN01265	CANTEEN SERVICES OF UKIAH, INC	06/15/2022	Regular	0.00	130.00	12770
000073	EASTLAKE SANITARY LANDFILL	06/15/2022	Regular	0.00	447.67	12771
VEN01292	FEDERICO DELA CRUZ RODRIGUEZ	06/15/2022	Regular	0.00	233.79	12772
VEN01274	FRANCISCO SEGOVIANO	06/15/2022	Regular	0.00	150.00	12773
VEN01291	MICHAEL L. ADAMS	06/15/2022	Regular	0.00	700.00	12774
001889	PERFORMANCE MECHANICAL	06/15/2022	Regular	0.00	1,303.00	12775
001843	PG&E CFM	06/15/2022	Regular	0.00	5,695.10	12776
	Void	06/15/2022	Regular	0.00	0.00	12777
000127	PORAC LEGAL DEFENSE FUND	06/15/2022	Regular	0.00	682.65	12778
000202	ROTO-ROOTER OF LAKE COUNTY	06/15/2022	Regular	0.00	649.70	12779
000506	SIGNS OF RANDY HARE	06/15/2022	Regular	0.00	1,092.93	12780
VEN01223	STEVEN DIAZ	06/15/2022	Regular	0.00	150.00	12781

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	30	18	0.00	12,469.94
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	30	19	0.00	12,469.94

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	12,469.94
			<hr/>
			12,469.94



Clearlake, CA

Check Register

Packet: APPKT01415 - 6/20/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
000116	LAKE COUNTY TAX COLLECTOR	06/20/2022	Regular	0.00	1,047.00	12782
001934	TINA VIRAMONTES	06/20/2022	Regular	0.00	130.00	12783

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	2	2	0.00	1,177.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	2	2	0.00	1,177.00

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	1,177.00
			<hr/>
			1,177.00



Clearlake, CA

Section 1, Item 5.

Check Register

Packet: APPKT01423 - 6/23/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
000085	ARAMARK UNIFORM SERVICES	06/23/2022	Regular	0.00	49.31	12784
VEN01298	ASHLEY WILLIAMS	06/23/2022	Regular	0.00	100.00	12785
002162	CALIFORNIA ENGINEERING	06/23/2022	Regular	0.00	6,467.50	12786
2404	CALTRONICS	06/23/2022	Regular	0.00	707.69	12787
002370	CODE PUBLISHING CO	06/23/2022	Regular	0.00	1,000.00	12788
VEN01151	CSAA INSURANCE EXCHANGE	06/23/2022	Regular	0.00	3,636.37	12789
VEN01197	DONALD L BARTRAM	06/23/2022	Regular	0.00	6,525.00	12790
VEN01241	E4 UTILITY DESIGN	06/23/2022	Regular	0.00	3,100.00	12791
000096	GOLDEN STATE WATER COMPANY	06/23/2022	Regular	0.00	370.79	12792
000797	GRANITE CONSTRUCTION	06/23/2022	Regular	0.00	183,565.84	12793
001176	KEVIN NESS JEWELERS	06/23/2022	Regular	0.00	70.69	12794
000108	LAKE COUNTY RECORD BEE	06/23/2022	Regular	0.00	2,345.22	12795
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	17.74	12796
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	255.94	12797
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	119.84	12798
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	137.58	12799
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	137.58	12800
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	337.06	12801
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	119.84	12802
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	17.74	12803
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	119.84	12804
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	85.80	12805
000158	LAKE COUNTY SPECIAL DISTRICTS	06/23/2022	Regular	0.00	17.74	12806
001814	LENAHAN,LEE,SLATER,AND PEARSE,	06/23/2022	Regular	0.00	3,447.00	12807
001889	PERFORMANCE MECHANICAL	06/23/2022	Regular	0.00	1,394.00	12808
002031	REDWOOD COAST FUELS	06/23/2022	Regular	0.00	1,192.58	12809
001638	THE CENTER FOR LIFE'S CHOICES	06/23/2022	Regular	0.00	100.00	12810
VEN01299	YOUNG LIFE	06/23/2022	Regular	0.00	300.00	12811

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	37	28	0.00	215,738.69
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	37	28	0.00	215,738.69

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	215,738.69
			<u>215,738.69</u>



Clearlake, CA

By Check Number

Table with columns: Vendor Number, Vendor Name, Payment Date, Payment Type, Discount Amount, Payment Amount, Number. Includes sub-header 'Bank Code: AP-Accounts Payable' and lists various vendors like ACC BUSINESS, ADAM J GIORDANO, AMELIA RAMOS, etc.

Check Register

Packet: APPKT01448-6

Section 1, Item 5.

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
002264	WEX BANK	06/30/2022	Regular	0.00	15,189.72	12853

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	81	42	0.00	138,319.08
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	81	42	0.00	138,319.08

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	138,319.08
			<u>138,319.08</u>



Clearlake, CA

Section 1, Item 5.

Check Register

Packet: APPKT01451 - 6/30/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12854
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12855
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12856
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12857
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12858
000039	ALAMEDA COUNTY SHERIFF OFFICE	06/30/2022	Regular	0.00	324.00	12859
VEN01150	BRITTANY SHORES	06/30/2022	Regular	0.00	19.00	12860
002133	CHRIS KELLEHER	06/30/2022	Regular	0.00	19.00	12861
VEN01162	DAVID R. SILVA	06/30/2022	Regular	0.00	1,760.00	12862
002287	GARRET COPAS	06/30/2022	Regular	0.00	250.00	12863
001732	GARY PRICE CONSULTING SERVICES	06/30/2022	Regular	0.00	2,530.00	12864
002373	KRISTIANA OUTEN	06/30/2022	Regular	0.00	250.00	12865
001924	MICHAEL PERREAULT	06/30/2022	Regular	0.00	19.00	12866
VEN01304	NATHAN WILLIAMS	06/30/2022	Regular	0.00	19.00	12867
VEN01295	NICHOLAS L. CROWE	06/30/2022	Regular	0.00	500.00	12868
002357	PARTY RENTAL LAKE EVENT DESIGN	06/30/2022	Regular	0.00	1,397.50	12869
VEN01171	SKIP'S MUSIC INC.	06/30/2022	Regular	0.00	1,388.00	12870
VEN01223	STEVEN DIAZ	06/30/2022	Regular	0.00	19.00	12871
VEN01161	TIM J. MANAS	06/30/2022	Regular	0.00	7,870.50	12872
001710	TREVOR FRANKLIN	06/30/2022	Regular	0.00	19.00	12873
001540	US BANK CORPORATE PMT. SYSTEM	06/30/2022	Regular	0.00	22,455.25	12874
	Void	06/30/2022	Regular	0.00	0.00	12875
	Void	06/30/2022	Regular	0.00	0.00	12876
	Void	06/30/2022	Regular	0.00	0.00	12877
	Void	06/30/2022	Regular	0.00	0.00	12878
	Void	06/30/2022	Regular	0.00	0.00	12879
	Void	06/30/2022	Regular	0.00	0.00	12880
	Void	06/30/2022	Regular	0.00	0.00	12881

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	124	21	0.00	40,459.25
Manual Checks	0	0	0.00	0.00
Voided Checks	0	7	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	124	28	0.00	40,459.25

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	6/2022	40,459.25
			<hr/>
			40,459.25

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Continuation of Director of Emergency Services/City Manager Order (Directive #CACHE-01) Restricting Access to Specified Areas as a Result of Cache Fire	
SUBMITTED BY: Alan D. Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On August 18, 2021 The Director of Emergency Services/City Manager issue a Proclamation of Local Emergency due to the Cache Fire, which was ratified by the City Council on August 19, 2021.

On August 23, 2021 the roadblocks into the fire area were lifted and unauthorized access to the Cache Fire impacted properties became a concern. Based on this concern and the need for law enforcement to have the appropriate tools to prohibit and take action against illegal activity in the area, the City Manager issued a directive restricting access to specified areas as a result of the Cache Fire.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council.

Staff believes there is still a need to restrict unauthorized access to the areas under the Cache Fire Directive #1 and it is in the best interests of the City to have the Council ratify and continue this order until the state of emergency can be lifted.

OPTIONS:

1. Continue to ratify order.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:**

CITY OF CLEARLAKE

City Council



STAFF REPORT

SUBJECT: Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action August 19, 2021

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in sixty days.

BACKGROUND/DISCUSSION:

On August 18, 2021 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared a Local Emergency due to the Cache Fire:

“A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On August 19, 2021, the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2021-44. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency Resolution No. 2021-44 and review the status of the Proclamation again within 60 days.

OPTIONS:

- 1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2021-44 and review the status of the Proclamation again within 60 days
- 2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.



STAFF REPORT

SUBJECT: Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Clerk to implement and utilize teleconference accessibility to conduct public meetings pursuant to Assembly Bill 361 (Stats. 2021, ch. 165).

BACKGROUND/DISCUSSION:

On Friday, September 17, 2021, the Governor signed AB 361. Because the bill contained urgency findings, the law is now in effect. AB 361 allows local agencies to continue to conduct remote ("Zoom") meetings during a declared state of emergency, provided local agencies comply with specified requirements. Absent this legislation, local agencies would have had to return to traditional meetings beginning on October 1, 2021.

Starting October 1, and running through the end of 2023, to participate in remote meetings, public agencies must comply with the requirements of new subsection (e) of Government Code section 54953.

The Council passed Resolution No. 2021-48 on October 7, 2021, which made the necessary findings for all subordinate legislative bodies of the City, such as the Planning Commission, so these bodies can also continue to meet remotely.

Subsequent Remote Meetings

Any time after the first remote meeting of the legislative body, it can meet remotely if both of the following apply:

1. State/local emergency/social distancing. Either:
 - a. "a state of emergency remains active" or
 - b. "state or local officials have imposed or recommended measures to promote social distancing" and
2. 30 days. Within the last 30 days (which vote may occur at that meeting) the legislative body has made the following findings by majority vote "(A) The legislative body has reconsidered the circumstances of the state of emergency. (B) Any of the following circumstances exist (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing."

OPTIONS:

1. Move to adopt the attached resolution to allow ongoing teleconferencing of public meetings
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED ACTIONS:

1. Adopt Resolution making the necessary findings to continue to hold remote meetings as required by AB 361.

- Attachments:** 1) Resolution No. 2022-46

RESOLUTION NO. 2022-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS
DURING THE STATE OF EMERGENCY

WHEREAS, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency stemming from the COVID-19 pandemic (“Emergency”); and

WHEREAS, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

WHEREAS, AB 361 added subsection (e) to Government Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

WHEREAS, as of September 19, 2021, the COVID-19 pandemic has killed more than 67,612 Californians; and

WHEREAS, social distancing measures decrease the chance of spread of COVID-19; and

WHEREAS, this legislative body previously adopted a resolution to authorize this legislative body and all other subordinate legislative bodies of the City to conduct remote “telephonic” meetings; and

WHEREAS, Government Code 54953(e)(3) authorizes legislative bodies of the City to continue to conduct remote “telephonic” meetings provided that the City has timely made the findings specified therein.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Clearlake as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency, continues to directly impact the ability of the members of this legislative body and all subordinate legislative bodies of the City to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

PASSED, APPROVED AND ADOPTED this 7th day of July, 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:

Dirk Slooten, Mayor

ATTEST:

Melissa Swanson, City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, May 19, 2022

Regular Meeting 6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/83256809167>

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

ABSENT

Vice Mayor Russ Perdock

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

Motion made by Council Member Cremer, Seconded by Council Member Claffey. Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

E. PRESENTATIONS

1. Presentation of May's Adoptable Dogs
2. Presentation of a Proclamation Declaring May 21 - 27, 2022 as Safe Boating Week
3. Presentation of a Proclamation Declaring May 2022 as California Tourism Month
4. Presentation of the Lake County Tourism Improvement District Annual Report

F. PUBLIC COMMENT

Dave Hughes spoke regarding imposing a moratorium on agriculture and cannabis cultivation in the Burns Valley watershed/Ogulin Canyon area.

Vicki Crystal spoke regarding imposing a moratorium on agriculture and cannabis development in the Ogulin Canyon area.

Administrative Services Director/City Clerk Swanson read aloud two emailed comments:

Ed Robey submitted a comment asking the consideration of a moratorium on cannabis and other agriculture projects in the Ogulin Canyon area until the drought conditions are over.

Deb Sally submitted a comment asking for the consideration of a temporary moratorium on new wells or commercial projects in Clearlake.

Willie Long spoke regarding violations of the vehicle code that he sees that aren't being cited, such as the absence of mud flaps and broken windshields. He added that the road to the dumps is deteriorated and needs maintenance due to traffic.

G. CONSENT AGENDA

Item #5 was pulled for separate action.

Motion made by Council Member Cremer, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

5. Consideration of Resolution 2021 - 30 to adopt a list of approved projects for submission to California Transportation Committee (CTC) for funding pursuant to SB1.
Recommended Action: Adopt Resolution 2022 – 24, a Resolution of the City Council of the City of Clearlake Adopting a project list for submission to the California Transportation Committee for funding under the provisions of SB1.

Motion made by Council Member Cremer, Seconded by Council Member Claffey. Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

6. Warrants
Recommended Action: Receive and file
7. Minutes of the April 13, 2022 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
8. Adoption of Resolution 2022-25 Supporting the Application of Chelsea Investments for the Local Government Matching Grant (LGMG) Program for Development of Affordable Housing at 15837 18th Avenue, Clearlake
Recommended Action: Adopt resolution

H. BUSINESS

9. Introduction for first reading Ordinance No. 262-2022 Adding Chapter 11-6 of the Clearlake Municipal Code / Establishing Edible Food Recovery Regulations in Accordance with SB 1383

Recommended Action: Move to waive full reading of the ordinance, make any amendments if necessary, and introduce by title only Ordinance No. 262-2022, which amends the Clearlake Municipal Code by establishing regulations related to the establishment of an edible food recovery program, and for it to be placed on an upcoming agenda of the City Council for second reading and adoption

City Attorney Jones gave the staff report.

Motion made by Council Member Overton, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

- 10. Presentation and Acceptance of the Annual Financial Report for Fiscal Year 2019-20; Resolution No. 2022-26

Recommended Action: Hear presentation and adopt Resolution

Finance Director Young gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

- 11. Consideration of Sale of Vacant Land Located at 4438 Fir Avenue, Clearlake

Recommended Action: Authorize the City Manager to Execute a Sale Agreement for Vacant Land Located at 4438 Fir Avenue, Clearlake

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

- 12. Purchase of Axon Fleet 3 for the Police Department

Recommended Action: Authorize the Chief of Police to enter into a 5-year contract with Axon Enterprises Inc. for the purchase of Axon Fleet 3 and adopt Resolution No. 2022-27 waiving the competitive formal bidding process.

Lt. Hobbs gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Council Member Cremer, Council Member Overton

Voting Nay: Council Member Claffey

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

It was the consensus of the Council to discuss a moratorium on agricultural and cannabis development in the Burns Valley watershed area.

K. CLOSED SESSION

(13) Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora, Finance Director Young, Administrative Services Director Swanson; Employee Organization: Clearlake Municipal Employee Association; Clearlake Police Officers Association

(14) Liability Claim: Claimant: Smiley James Harris; Agency claimed against: City of Clearlake

Motion to deny the claim of Smiley James Harris:

Motion made by Council Member Overton, Seconded by Council Member Cremer.
Voting Yea: Mayor Slooten, Council Member Claffey, Council Member Cremer, Council Member Overton

(15) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive

(16) Conference with Legal Counsel: Existing Litigation Pursuant to Government Code Section 54956.9: Name of Case: 14630 Olympic Drive, Clearlake CA 95422

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

City Attorney Jones announced the action taken by Council on the Harris Claim item and announced there was no further action taken in Closed Session.

M. ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Thursday, May 05, 2022

Regular Meeting 6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/89161805350>

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Vice Mayor Russ Perdock

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

E. PRESENTATIONS

1. Proclamation Declaring May 2022 as Military Appreciation Month
2. Proclamation Declaring May 15 - 21, 2022 as Police Week
3. Proclamation Declaring May 1 - May 7, 2022 as Public Service Appreciation Week
4. Proclamation Declaring May 2022 as Maternal Mental Health Awareness Month
5. Proclamation Declaring May 9 - May 13, 2022 as Economic Development Week
6. Proclamation Declaring May 1 - May 7, 2022 as National Small Business Week
7. Presentation of the Lake County Tourism Improvement District Annual Report

This item was postponed to the next Council meeting.

F. PUBLIC COMMENT

There was no public comment.

G. CONSENT AGENDA

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

8. Consider Resolution 2022-21 approving a temporary road closure on May 21, 2022.
Recommended Action: approve Resolution 2022-21 for the temporary road closure
9. Approval of the Sole Source Purchase of Light Poles from JAM Services
Recommended Action: Waive the competitive bidding process and authorize the sole source purchase of light poles from JAM Services.
10. Consider the Resolution No. 2022-22 approving a temporary street closure for the Hope 4 Health event on May 14, 2022.
Recommended Action: Approve the temporary street closure.
11. Acceptance of the Contract with Clean Lakes Inc. in the amount of \$148,603.80 for the Austin Beach Water Project.
Recommended Action: Approve the contract for the Austin Beach Project and authorize the City Manager to sign
12. Warrants
Recommended Action: Receive and file
13. Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
14. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
15. Discontinuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020
Recommended Action: By motion end declaration of emergency
16. Second Reading and Adoption of Ordinance No. 261-2022, An Ordinance of the City Council of the City of Clearlake California Adopting a Military Equipment Use Policy
Recommended Action: Hold second reading, read by title only, waive further reading and adopt ordinance
17. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution

H. BUSINESS

- 18. Award of Contract for the Austin Park Splash Pad Project
Recommended Action: Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

City Manager Flora gave the staff report.

Motion made by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 19. Award of Contract for the 2nd and Modoc Roadway Improvement Project
Recommended Action: Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

Public Works Director Goodman presented the Staff Report.

Margaret Garcia had questions regarding where funds were coming from for this project.

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 20. Consideration of Sale of Vacant Land Located at 13981 Morgan Avenue, Clearlake
Recommended Action: Authorize the City Manager to Execute a Sale Agreement for Vacant Land at 13891 Morgan Avenue, Clearlake

City Manager Flora presented the Staff Report.

Daniel Richardson presented interest in purchasing the property.

Motion made by Council Member Cremer, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 21. Consideration of Reorganization of the Clearlake Marketing Committee
Recommended Action: Discuss and give direction to staff

Councilmember Claffey presented the Staff Report.

Motion made by Vice Mayor Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

(22) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive

(23) Conference with Legal Counsel: Initiation of Litigation Pursuant to Government Code Section 54956.9(c): One potential case

(24) Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora, Finance Director Young, Administrative Services Director Swanson; Employee Organization: Clearlake Municipal Employee Association; Clearlake Police Officers Association

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken in closed session.

M. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, April 07, 2022

Regular Meeting 6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/88641591450>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

The Council added an item to consider Resolution No. 2022-19, A Resolution of the City Council of the City of Clearlake to Submit the Burns Valley Sports Complex and Recreation Center Project for Consideration as a Community Project Funding Proposal. It was moved by Vice Mayor Perdock and seconded by Councilmember Cremer to consider the item as an added agenda item. The motion passed with a unanimous roll call vote of the Council.

City Manager Flora gave the staff report on this item during Business.

Motion made by Mayor Slooten, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

E. PRESENTATIONS

1. Police Department Employee Recognition
2. Presentation of a Proclamation Declaring April 10 - 16, 2022 as Public Safety Telecommunicators Week
3. Presentation of a Proclamation Declaring April 2022 as Child Abuse Prevention Month
4. Presentation of a Proclamation Declaring April 2022 as Sexual Assault Awareness Month

F. PUBLIC COMMENT

Tony Sarkas spoke regarding an incident he experienced while filming a tow truck tow an RV.

Richard Marks of the CIFAC spoke regarding the CIFAC and the bid award process.

G. CONSENT AGENDA

Item #13 was pulled for separate action.

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

5. Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
6. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
7. Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
8. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
9. Minutes of the February and March Meetings
Recommended Action: Receive and file
10. Warrants
Recommended Action: Receive and file
11. Amendment of Contract for Construction Administration Services for the Burns Valley Development Project
Recommended Action: Move to amend the contract with California Engineering Company for a not-to-exceed amount of \$85,457.85
12. Amendment of Contract for Construction Administration Services for the Sulphur Fire Roadway Improvement Project
Recommended Action: Move to amend the contract with California Engineering Company in the amount of \$32,190.43
13. Award of Contract for the Austin Park Splash Pad Project
Recommended Action: Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

This item was removed from the Consent Agenda for separate action.

City Manager Flora gave the staff report. It was recommended by staff that the Council reject the bids and authorize rebidding the project.

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 14. Consideration of AAR #6 to the 2021-2022 Budget; Resolution No. 2022-17
Recommended Action: Adopt resolution

- 15. Approve Contract with SSA Landscape Architects for Phase 2 Schematic Design for the Burns Valley Sports Complex
Recommended Action: Authorize the City Manager to execute a contract with SSA Landscape Architects for Schematic Design of the Burns Valley Sports Complex.

H. BUSINESS

- 16. Award of Contract for Demolition of Structures and Abatement of Property Located at 14525 Lakeshore Drive Clearlake, CA 95422
Recommended Action: Authorize the City Manager to execute a contract with Chernoh Excavating in the amount of \$53,439.00 for the demolition and abatement and authorize the City Manager to execute a change order if asbestos remediation is necessary

Code Enforcement Supervisor Lambert gave the staff report.

Motion made by Vice Mayor Perdock, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 17. Consideration of the Public Works Construction Project Manager Job Description, Authorization of Amendments to the Management Benefit Plan, and Adoption of an Amended 2021/22 Salary Schedule; Resolution Nos. 2022-15 and 2022-16
Recommended Action: Adopt resolutions

Administrative Services Director/City Clerk Swanson gave the staff report.

Motion made by Council Member Claffey, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

- 18. Consideration of Sale of Vacant Land Located at 12121 Lakeshore, Clearlake
Recommended Action: Authorize the City manager to Execute a Sale Agreement for Vacant Land Located at 12121 Lakeshore Drive, Clearlake.

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

(19) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive

(20) Pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title: City Manager

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken by the Council in Closed Session.

M. ADJOURNMENT

The meeting was adjourned at 8:26 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk



SPECIAL MEETING - CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, April 12, 2022

Special Meeting 1:30 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/85061542345>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. BUSINESS

1. Consideration of rejection of bids for the 2nd and Modoc Road Improvement Project
Recommended Action: Reject all bids for the 2nd and Modoc Road Improvement Project and authorize staff to re-bid.

Engineering Technician Brown gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

E. ADJOURNMENT

The meeting adjourned at 1:38 p.m.

BY:

A handwritten signature in blue ink that reads "Melissa Swanson".

Melissa Swanson, Administrative Services Director/City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Notification of Expiring Committee Appointments	MEETING DATE: July 7, 2022
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Discussion <input type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to receive and file the annual listing of Mayor’s Appointments. No action by Council is necessary at this time.

BACKGROUND/DISCUSSION:

The annual listing of Mayor’s Appointments is attached for your Council review per the Council Norms and Procedures.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

Attachments: 1) 2022 Mayor’s Appointments

**CITY OF CLEARLAKE
MAYOR’S APPOINTMENTS**

ABANDONED VEHICLE AUTHORITY

Lake County Building Department
Code Enforcement Division
255 No. Forbes St.
Lakeport, CA 95453
263-2309

Russ Perdock, Member
David Claffey, Alternate

MEETS:

Third Wednesday of the month at 1 PM; alternating Clearlake/Lakeport

SEWER DISTRICT 1-6 ADVISORY BOARD

Lake County Special Districts
Attn: Administrator
230 No. Main St.
Lakeport, CA 95453
263-0119

Dirk Slooten, Member

As needed

RESOURCE MGMT COMMITTEE

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Joyce Overton, Member
David Claffey, Alternate

As needed

INTEGRATED WASTE MANAGEMENT TASK FORCE/SOLID WASTE DIVERSION COMMITTEE & CLEARLAKE SOLID WASTE COMMITTEE

Lake County Public Services
Director
333 – Second Street
Lakeport, CA 95453
262-1760

Russ Perdock, Member
David Claffey, Alternate

As needed

VECTOR CONTROL BOARD OF TRUSTEES

Jamesina J. Scott, Director

P.O. Box 310
Lakeport, CA 95453

(4 year term – expires 2023)
Curt Giambruno

2nd Wed. of the mo.
1:30 p.m.

One member is chosen by each incorporated City, and three members are chosen by the Board of Supervisors, for a total of five members.

P.E.G. BOARD

14050 Olympic Drive
Clearlake, CA 95422

David Claffey, Member
Russ Perdock, Alternate

2nd Mon of the mo. at
6:00 p.m. alternating in
Clearlake/Lakeport

TRAFFIC SAFETY COMMITTEE

Resolution 2019-46

Meets Quarterly/As Needed

Joyce Overton, Member
Russ Perdock, Alternate
City Engineer, Member
Public Works Director or designee
Clearlake Police Department representative
Lake County Fire Protection District representative
Sheryl Almon, Public Member

LEAGUE OF CALIFORNIA CITIES, REDWOOD EMPIRE DIVISION

Division Business Meeting and Legislative Committee Joyce Overton, Member
David Claffey, Alternate

AREA PLANNING COUNCIL (APC)/TRANSIT AUTHORITY

Lisa Davey-Bates, Executive Director
367 N. State Street, Suite 204
Ukiah, CA 95482
234-3314

City Representative
Russ Cremer, Member
Dirk Slooten, Alternate

Meets 2nd Wed of mo.
9:00 a.m alternating in Lower Lake
and Lakeport

**LAKE COUNTY CLEAN WATER PROGRAM ADVISORY COUNCIL
(NPDES-National Pollutant Discharge Elimination System)**

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Public Works Department Representative, Member
TBD, Alternate

Meets as needed

**LAKE COUNTY WATERSHED PROTECTION DISTRICT MANAGEMENT COUNCIL
(NPDES-National Pollutant Discharge Elimination System)**

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Joyce Overton (2022 Calendar Year)
Russ Cremer, Alternate

Meets as needed

LAKE COUNTY COMMUNITY RISK REDUCTION AUTHORITY

Lake County Risk Reduction Authority
Director
255 No. Forbes St.
Lakeport, CA 95453
RRA@lakecountycal.gov

Russ Cremer, Member

Meets 3rd Monday of each month at 3:00

LAKE COUNTY COMMUNITY VISIONING FORUM PLANNING COMMITTEE

County of Lake – Attn: Matthew Rothstein
255 No. Forbes St.
Lakeport, CA 95453
263-2580

Dirk Slooten, Member

CLEARLAKE PLANNING COMMISSION

(4 Year Staggered Terms Expiring in Odd Numbered Years)

Meets the 2nd and 4th Tues
of the mo. at 6:00 p.m.

<u>Name</u>	<u>Appointed</u>	<u>Term Expiration</u>
Fawn Williams	11/03/20	03/11/25
Terry Stewart	11/04/21	03/11/25
Robert Coker	08/21/18	03/11/25
Lisa Wilson	02/19/19	03/11/23
Erin McCarrick	05/05/20	03/11/23

ZONING CODE UPDATE/DESIGN REVIEW MANUAL STEERING COMMITTEE

Meets as needed
Wednesdays at 6:00 p.m.

Dirk Slooten, Councilmember
Planning Commissioner Appointee
Planning Commissioner Appointee
Dave Hughes, community member
Bob Mingori, community member
Chuck Leonard, community member

MEASURE V CITIZEN OVERSIGHT COMMITTEE

Resolution No. 2017-07; 2021-18

Meets annually in October

Ray Silva	Appointed by David Claffey	2020-2024
Conrad Colbrandt	Appointed by Russ Perdock	2020-2024
Jim Scholz	Appointed by Joyce Overton	2020-2024
Sheryl Almon, Member	Appointed by Russ Cremer	2018-2022
Bruno Sabatier, Member	Appointed by Dirk Slooten	2018-2022

APPOINTED BY MAYORS' SELECTION COMMITTEE:

(The following are recommended appointments from the Mayor to the Mayors' Selection Committee that will make the final appointments)

Lake Local Agency Formation Commission (4 Yr Term: 1/1/19 – 1/1/23)

NOTE: APPOINTED BY MAYORS' SELECTION COMMITTEE

John Benoit, Executive Director
P.O. Box 2694
Granite Bay, CA 95746
707-592-7528
(916) 797-7631 FAX
johnbenoit@surewest.net
jbenoit@icloud.com

Dirk Slooten, Member
Russ Perdock, Alternate

Meets 3rd Wed.
at 9:00 a.m. alternating
in Clearlake/Lakeport

LAKE COUNTY AIRPORT LAND USE COMMISSION

Lake County Planning Department
255 No. Forbes St.
Lakeport, CA 95453
263-2221

Russ Cremer, Member
Dirk Slooten, Alternate

Meets as needed

MAYORS' SELECTION COMMITTEE

**Chairman of the Board of Supervisors
City of Clearlake Mayor
City of Lakeport Mayor**
Staff: **Susan Parker, County Administrator
County of Lake
255 No. Forbes St
Lakeport, CA. 95453**



STAFF REPORT	
SUBJECT: Partial Abandonment of Spruce Avenue and Armijo Avenue North of 18 th Avenue	MEETING DATE: July 7, 2022
SUBMITTED BY: Mark Roberts – Planning Department and Dave Swartz – City Engineer	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue.

BACKGROUND/DISCUSSION

The site is located approximately 600 feet east of Old Highway 53/18th Avenue and approximately 2,660 feet from the intersection of Highway 53/Dam Road. The surrounding area is mostly characterized by undeveloped and developed lots zoned for commercial and residential use. The partial abandonment of Spruce Avenue and Armijo Avenue will not only help stimulate economic growth, but it is also for the overall health, safety, and general welfare of the public. *Please refer to the Attachment # 2 - Road Abandonment Exhibits A & B for details.*

On April 26, 2022, the Planning Commission approved and adopted Resolution PC 2022-10 for General Plan Consistency (GPCD 2022-02) and Categorical Exemption (CE 2022-08) in accordance with Government Code 65402 for the partial abandonment of Spruce and Armijo Avenue North of 18th Avenue.

OPTIONS:

1. Move to Adopt Resolution No. 2022-45, A Resolution of the City Council of the City of Clearlake approving the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue as described in Attachment # 2 - Road Abandonment Exhibits A & B.
2. Move to Deny Resolution No. 2022-45 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

RECOMMEND MOTIONS:

1. Adopt Resolution No. 2022-45

FISCAL IMPACT:

None Budgeted Item Yes No

Budget Adjustment Needed? Yes **No** If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund **Other:**

Comments:

STRATEGIC PLAN IMPACT:

Goal #1: Make Clearlake a Visibly Cleaner City

Goal #2: Make Clearlake a Statistically Safer City

Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

Goal #4: Improve the Image of Clearlake

Goal #5: Ensure Fiscal Sustainability of City

Goal #6: Update Policies and Procedures to Current Government Standards

Goal #7: Support Economic Development

Attachments:

- 1) Resolution 2022-45
- 2) Road Abandonment Exhibits A & B
- 3) Planning Commission Staff report dated April 26th, 2022

RESOLUTION NO. 2022-45
An Ordinance of the City Council of the
City of Clearlake for the Partial Abandonment of
Spruce Avenue and Armijo Avenue North of 18th Avenue
as described in the Attached Exhibits A and B.

WHEREAS, the City of Clearlake, State of California, has partial roadways North of 18th Avenue, known as Spruce Avenue and Armijo Avenue (*project*), that has not served the purpose for which it was acquired, for at least the past consecutive five (5) years immediately preceding this partial abandonment; and

WHEREAS, the City of Clearlake Planning Commission held a public hearing on April 26, 2022 and adopted/approved PC Resolution 2022-10 approving a General Plan Consistency Determination (*GPCD 2022-02*) and Categorical Exemption (*CE 2022-08*) and determined the extent and purpose of the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue is in conformance with the City of Clearlake General Plan; and,

WHEREAS, notice of said Public Hearing for April 26th, 2022 (*Planning Commission*) and July 7, 2022 (*City Council*) was duly made by publication, mailing, and posting in accordance with all applicable Federal, State and local requirements; and,

WHEREAS, no protests were filed with and/or received by said City of Clearlake; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Clearlake, described as Spruce Avenue and Armijo Avenue in the attached Exhibits A and B; and

WHEREAS, the City Council of the City of Clearlake may vacate all or part of a street, highway, or public service easement pursuant to the Public Streets, Highways, and Service Easements Vacation Law (*State of California Streets & Highways Code, § 8000-8363 et seq.*); and,

WHEREAS, the summary partial vacation requirements for a public street has been met, pursuant to §8331, §8333 and §8334 of the California Streets & Highways Code.

WHEREAS, the City Council of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on July 7, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City of Clearlake City Council of the City of Clearlake makes the following findings:

1. Find the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue is consistent with the adopted City of Clearlake General Plan; and

2. The partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue is exempt under current California Environmental Quality Act (CEQA) Guidelines; and,
3. The Council of the City of Clearlake hereby orders the partial abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue as described in the attached Exhibits A and B hereto; and
4. The partial that abandonment of Spruce Avenue and Armijo Avenue North of 18th Avenue shall be abandoned for the reason that they are no longer needed, and that public convenience, necessity, and the best interests of the citizens of Clearlake will be served by such abandonment, including future developments.

PASSED AND ADOPTED on this 7th day of July 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor, Dirk Slooten

ATTEST: _____
City Clerk, City Council

EXHIBIT

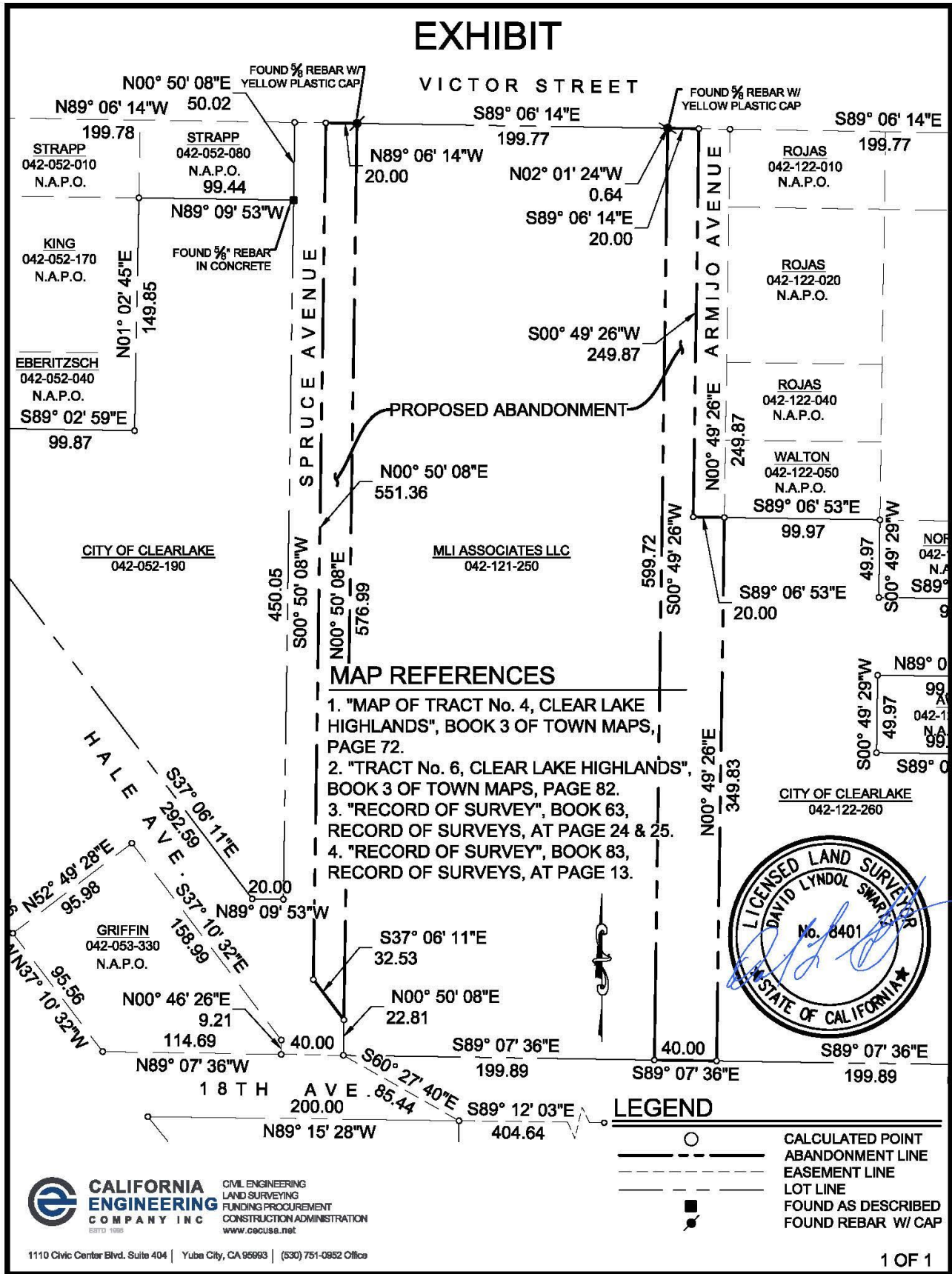
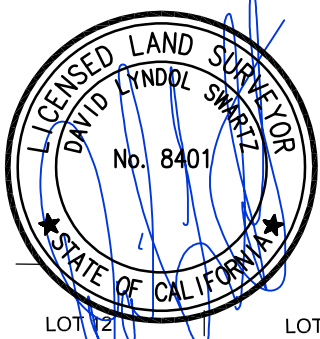
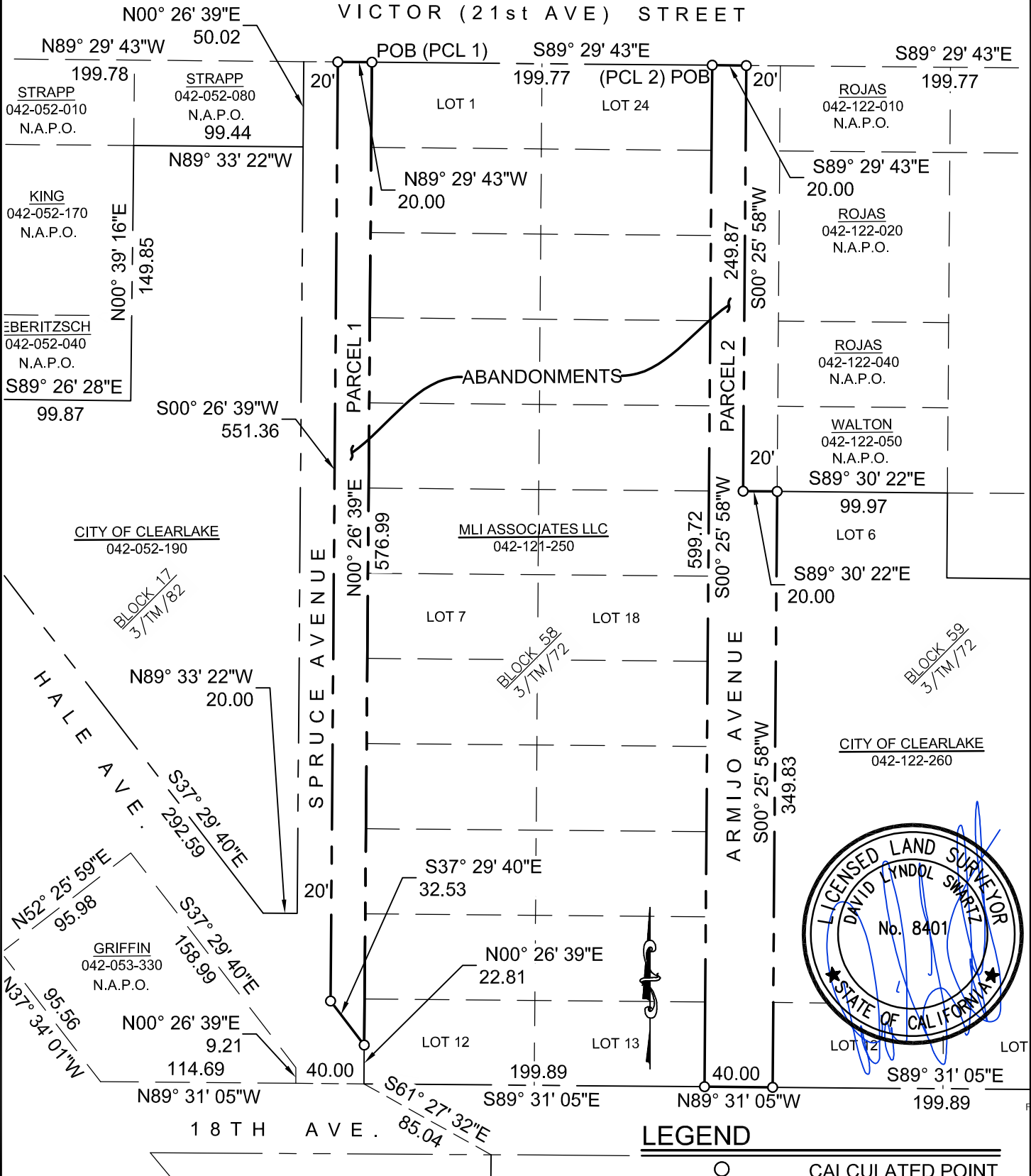



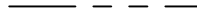






EXHIBIT B

VICTOR (21st AVE) STREET



LEGEND

-  CALCULATED POINT
-  ABANDONMENT LINE
-  EASEMENT LINE
-  LOT LINE
-  POB
-  PCL 1
-  POINT OF BEGINNING
-  PARCEL NUMBER

CALIFORNIA ENGINEERING COMPANY INC
 ESTD 1956
 CIVIL ENGINEERING
 LAND SURVEYING
 FUNDING PROCUREMENT
 CONSTRUCTION ADMINISTRATION
 www.cecusa.net

Exhibit A

Description of a

Road Abandonment

All that certain real property situate in the City of Clearlake, County of Lake, State of California, and described as follows:

Parcel 1 – Portion of Spruce Avenue

Beginning at the northwest corner of Lot 1, Block 58, as shown on that certain map entitled “Tract No. 4, Clear Lake Highlands”, on file with the Lake County Recorder’s Office in Book 3 of Town Maps, at Page 72; Thence from said Point of Beginning North 89° 29’ 43” West, along the south right of way line of 21st Avenue, also known as Victor Street, a distance of 20 feet; thence South 0° 26’ 39” West a distance of 551.36 feet, to a point on the north right of way projection of Hale Avenue as shown on that certain map entitled “Tract No. 6, Clear Lake Highlands”, on file with the Lake County Recorder’s Office in Book 3 of Town Maps, at Page 82, said point being 39.92 feet from and perpendicular to the south right of way line of said Hale Avenue; Thence South 37° 29’ 40” East a distance of 32.53 feet to a point on the east right of way line of said Spruce Avenue that bears North 0° 26’ 39” East from the southwest corner of Lot 12, Block 58, as shown on said “Tract No. 4, Clear Lake Highlands”, a distance of 22.81 feet; Thence North 0° 26’ 39” East, along the east right of way of Spruce Avenue to the point of beginning, a distance of 576.99 feet.

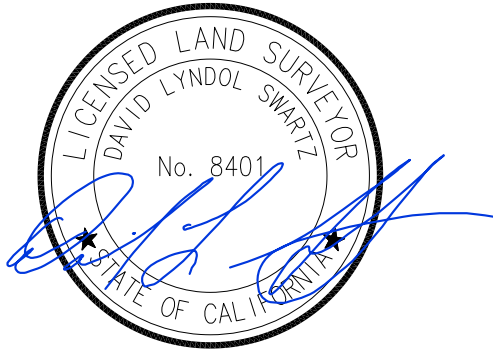
The above-described abandonment contains 0.259 acres, more or less.

Parcel 2 – Portion of Armijo Avenue

Beginning at the northeast corner of Lot 24, Block 58, as shown on that certain map entitled “Tract No. 4, Clear Lake Highlands”, on file with the Lake County Recorder’s Office in Book 3 of Town Maps, at Page 72; Thence from said Point of Beginning South 89° 29’ 43” East, along the south right of way line of 21st Avenue, also known as Victor Street, a distance of 20 feet; thence South 0° 25’ 58” West a distance of 249.87 feet; Thence south 89° 30’ 22” East a distance of 20 feet, to a point on the easterly right of way line of Armijo Avenue and being the northwest corner of lot 6, block of said “Tract No. 4, Clear Lake Highlands”; Thence, along the east right of way of Armijo Avenue, South 0° 25’ 58” West a distance of 349.83 feet, said point being the southwest corner of Lot 12, of said Block 59; Thence North 89° 31’ 05” West, along the northerly right of way line of 18th Avenue, a distance of 40 feet, said point being the south east corner of lot 13, aforementioned Block 58; thence North 0° 25’ 58” East, along the westerly right of way of said Armijo Avenue to the point of beginning, a distance of 599.72 feet.

The above-described abandonment contains 0.436 acres, more or less.

The basis of bearings for the above-described road abandonments are shown on that certain map entitled "Record of Survey", on file with the Lake County Recorder's Office in Book 63 of Record of Surveys, at Pages 24 and 25.





CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: General Plan Consistency Determination, GPCD 2022-02 Categorical Exemption, CE 2022-08	MEETING DATE (Regular): 04/26/2022
SUBMITTED BY: Mark Roberts and Michael Taylor, Planning Department	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: Partial Abandonment of Spruce and Armijo Avenue; Clearlake, CA 95422	APPLICANT/OWNER: City of Clearlake
ZONING: General Commercial (GC)	GENERAL PLAN: General Commercial

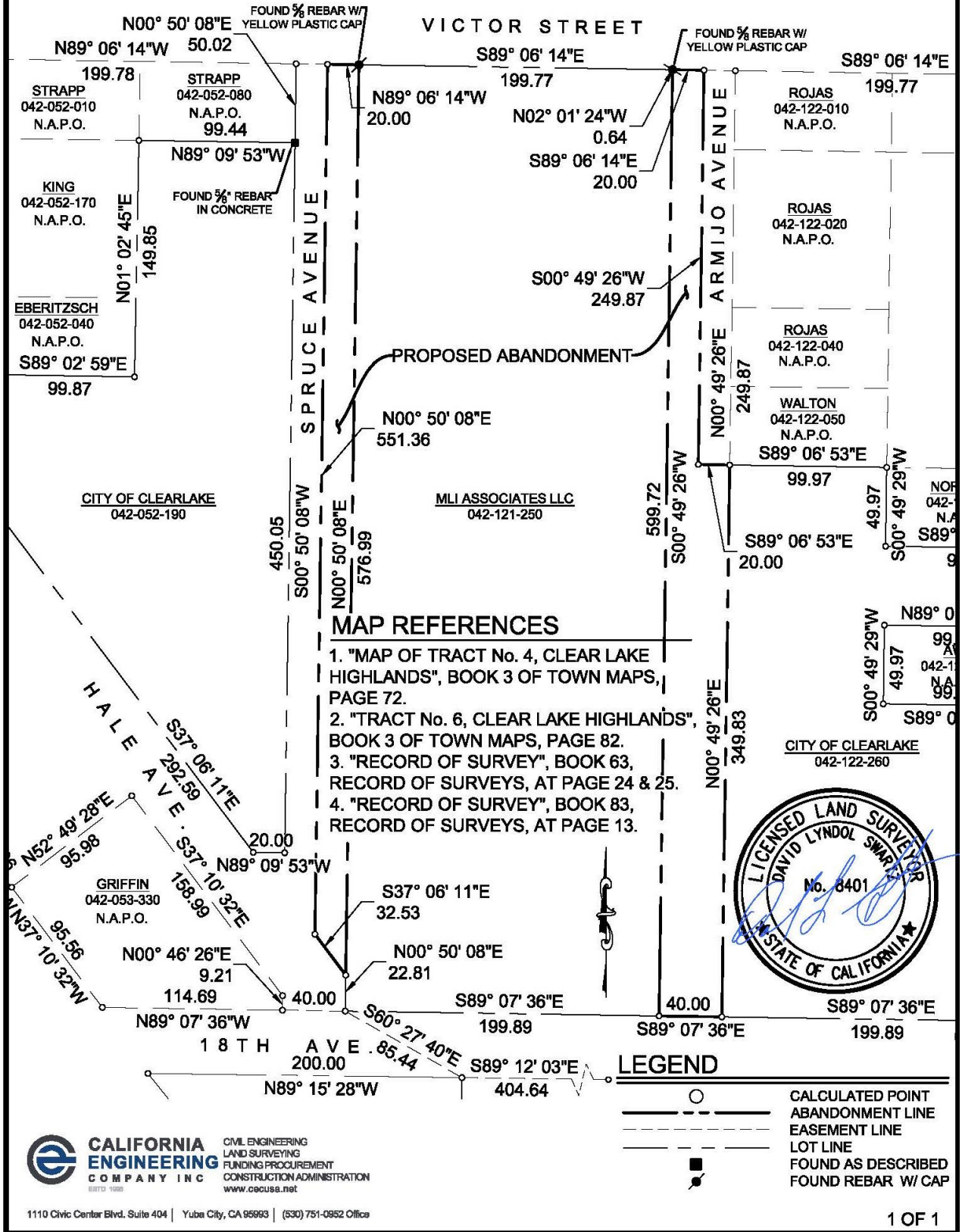
WHAT IS BEING ASKED OF THE PLANNING COMMISSION

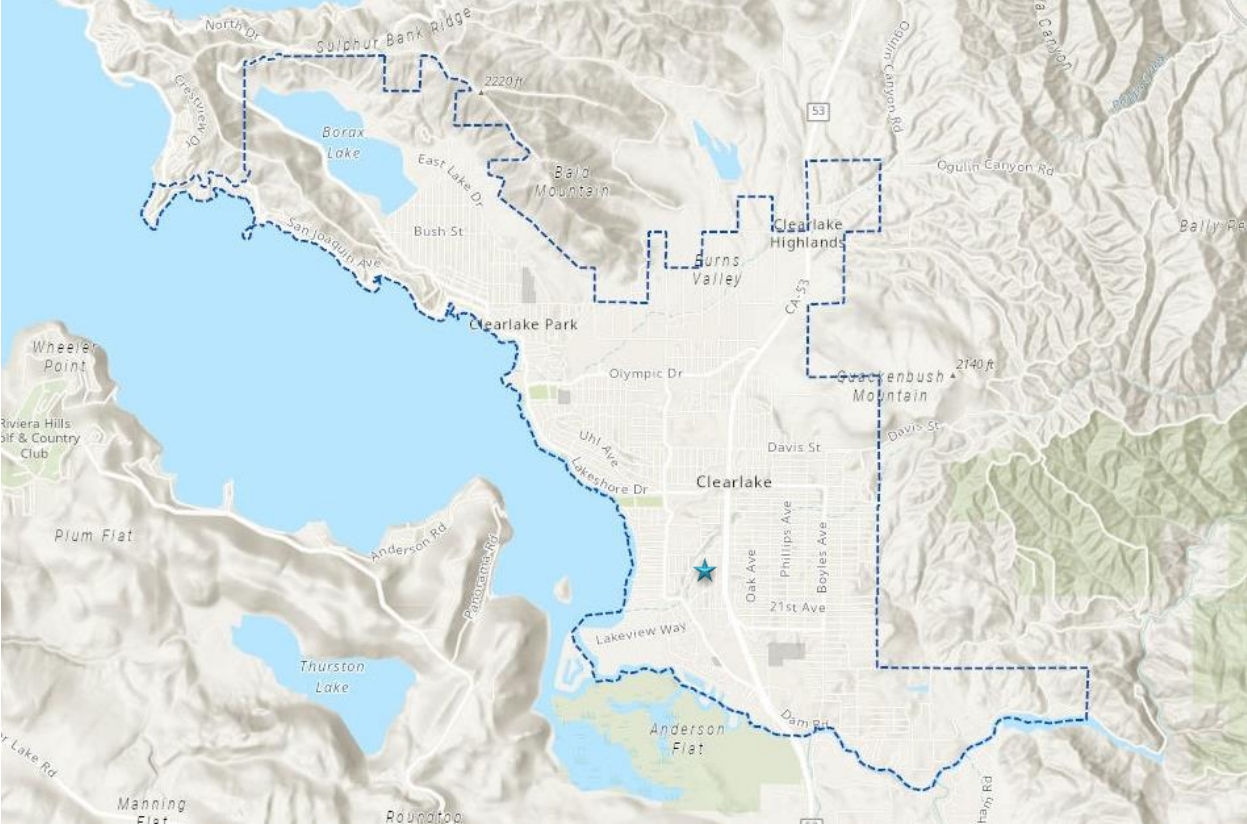
The Planning Commission is being asked to make a determination of General Plan Consistency and environmental determination prior to the conveyance of real property by a government agency, pursuant to Government Code 65402 to abandon a portion of Spruce Avenue and Armijo Avenue.

BACKGROUND/DISCUSSION

The site is located approximately 600 feet east of Old Highway 53 and 550 feet from the intersection of State Highway 53 and 18th Avenue. The surrounding area is mostly characterized by undeveloped and developed lots zoned for commercial and residential uses. The surrounding parcels itself has no building improvements and will be used for future economic developments. The partial abandonment of Spruce Avenue and Armijo Avenue will not only help stimulate future economic growth, but it is also for the overall health, safety, and general welfare of the public. Please refer to the Exhibit below for details on the partial abandonment.

EXHIBIT





GENERAL PLAN AND ZONING ORDINANCE CONSISTENCY

General Plan and Zoning Designation:

The surrounding parcels have a General Plan and Zoning Designation of “GC” - General Commercial.

ENVIRONMENTAL REVIEW (CEQA)

Categorical Exemption CE 2022-08.

This General Plan Consistency Report is exempt from the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) (Common Sense Exemption) and therefore does not require an environmental determination process. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. Future development of the site will be subject to additional environmental analysis.

ENABLING PROVISIONS OF THE PLANNING COMMISSION

Government Code Section 65402 states that prior to the conveyance of real property by a government agency, the planning agency must first make the finding that the location, extent, and purpose of such conveyance is in conformance with the General Plan. The city is requesting a determination of General Plan consistency for the partial abandonment of Spruce Avenue and Armijo Avenue.

RECOMMENDATION

Staff recommends option 1 below – that the Planning Commission move to Adopt Resolution PC 2022-10, a Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2022-10, A Resolution of the Planning Commission of the City of Clearlake finding that the location, extent, and purpose of such conveyance is in conformance with the City of Clearlake General Plan.
2. Move to Deny Resolution PC 2022-10 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENT(S)

1. Attachment 1 – Abandonment Road Exhibit Map

RESOLUTION NO. PC 2022-10

**A Resolution of the Planning Commission of the
City of Clearlake General Plan Consistency Determination GPCD 2022-02
for the partial abandonment of Spruce Avenue and Armijo Avenue
as described in the attached Exhibit Map.**

WHEREAS, State Government Code Section 65402 stipulates that prior to the acquisition of real property by a government agency, the planning agency of the jurisdiction in which said property is located must first make the finding that the transfer of said real property is in conformity with the adopted General Plan of the local jurisdiction; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as Spruce and Armijo Avenue in the attached Exhibit Map; and

WHEREAS, the project is Exempt from the California Environmental Quality Act under Section 15061 (b)(3); and

WHEREAS, the Planning Commission of the City of Clearlake has reviewed and considered the staff report, testimony, and evidence at a regular meeting on April 26, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Clearlake makes the following findings:

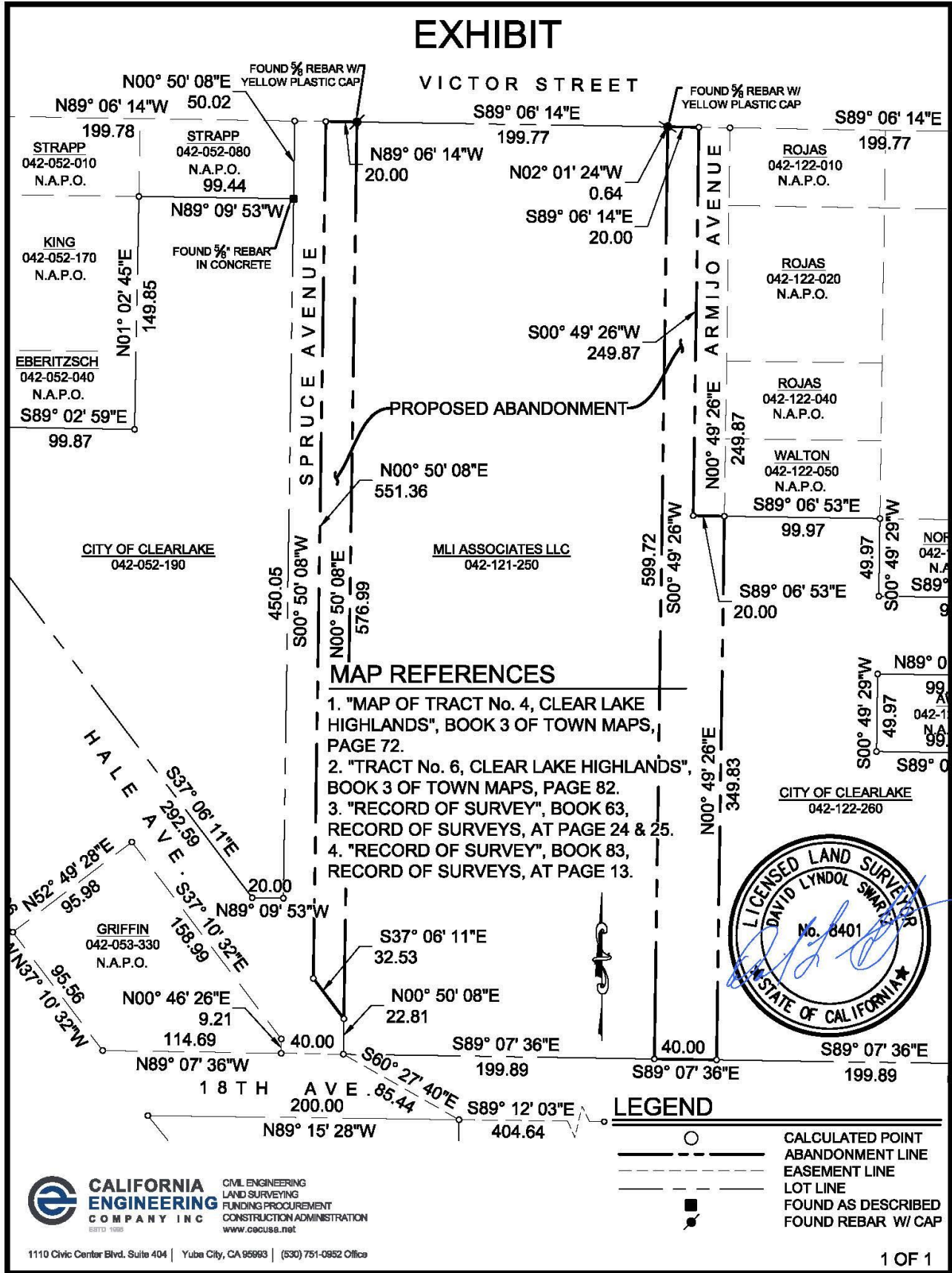
- 1) The acquisition of this property is consistent with the adopted goals, objectives, and polices of the General Plan.

PASSED AND ADOPTED on this 26 day of April 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission





STAFF REPORT	
SUBJECT: Development Agreement, DA 2022-01 for Clearlake Harvest, LLC (Commercial Cannabis Operation)	MEETING DATE: July 7, 2022
SUBMITTED BY: Mark Roberts – Planning Department	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider the Development Agreement, DA 2022-01 for a Commercial Cannabis Operation located at 2250 Ogulin Canyon Road, further described as Assessor Parcel Number 010-044-19-000.

BACKGROUND/DISCUSSION:

On May 24, 2022, the Planning Commission approved Conditional Use Permits 2021-28 through 2021-32 and recommended approval to the City Council of the Development Agreement. Specifically, the following Conditional Use Permits were approved on May 24th, 2022, in accordance with Section 18-43 of the Clearlake Zoning Ordinance.

- CUP 2021-28 – Cannabis Cultivation/Processing: *Is the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants. Additionally, it may include on-site drying, curing, grading, or trimming of cannabis plants, as well as the processing of raw cannabis plants for the purpose of manufacturing, distribution, and retail delivery.*
- CUP 2021-29 – Manufacturing: *Is the compounding, blending, extracting, infusing, or otherwise making or preparing and packaging the cannabis product.*
- CUP 2021-30 – Distribution: *Is the procuring of cannabis plants from permitted cannabis cultivation operations and/or cannabis manufacturers for sale to permitted cannabis dispensaries. Also, includes the inspection(s), quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging, of all cannabis material.*
- CUP 2021-31 – Retail Dispensary; Delivery Only: *The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products. Note: the facility will not be open to the public.*
- CUP 2021-32 – Nursery: *For the self-propagation of immature cannabis plants.*

Development Agreement:

In accordance with Section 5-25.030 of the City of Clearlake Municipal Code, a Development Agreement for commercial cannabis operations is required. The use permits have been conditioned not to be effective until the Development Agreement has been adopted by the City Council. The applicant concurs with all provisions of the Development Agreement.

This agenda item is focused on the approval of a Development Agreement regarding the subject business and does not venture into potential changes to existing City regulations and/or ordinances related to cannabis operations.

The approval of the proposed Development Agreement should be considered based on existing can regulations.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The Development Agreement will create a positive revenue source for the City based on the fee structure set forth in the terms of the agreement. There will be a semi-annual production fee paid, as well as an annual facility fee. The actual revenue cannot be estimated at this time since it will be dependent upon the success of the business.

RECOMMENDED ACTION:

Hold First Reading of Ordinance No. 264-2022, Read by Title Only, Waive Further Reading, and Set Second Reading and Adoption for July 21, 2022.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City**
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake**
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development**

- Attachments:**
 - 1) Development Agreement Ordinance Packet
 - 2) Planning Commission Staff Report dated May 24, 2022

**CITY OF CLEARLAKE
ORDINANCE NO. 264-2022
AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
APPROVING A DEVELOPMENT AGREEMENT (DA 2022-01) WITH
CLEARLAKE HARVEST COMPANY, LLC FOR PROPERTY LOCATED AT 2250 OGULIN CANYON ROAD, CLEARLAKE,
CA, FURTHER DESCRIBED AS ASSESSOR’S PARCEL NUMBER 010-044-19-000**

WHEREAS, the State of California enacted California Government Code Sections 65864, etc. to authorize municipalities to enter into Development Agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction; and

WHEREAS, Clearlake Harvest Company, LLC., (APPLICANT) who intends to operate commercial cannabis operation (*Cannabis Cultivation, Processing, Manufacturing, Distribution, Retail Delivery – Delivery Only and Nursery*) at subject property, located at 2250 Ogulin Canyon Road, further described as Assessor Parcel Number 010-044-19-000; City of Clearlake, County of Lake, State of California (“Site”) that is the subject of this agreement; and

WHEREAS, the APPLICANT presently intends to develop a Commercial Cannabis Operation (*Cannabis Cultivation, Processing, Manufacturing, Distribution, Retail Delivery – Delivery Only and Nursery*) on the site consistent with the California Cannabis Laws, the City’s Municipal Code, and Project Approvals (known as the “Project”); and

WHEREAS, the Planning Commission of the City of Clearlake approved Conditional Use Permit Applications CUP 2021-28 through CUP 2021-32 to allow a Commercial Cannabis Operation (*Cannabis Cultivation, Processing, Manufacturing, Distribution, Retail Delivery – Delivery Only and Nursery*) on May 24th, 2022 and;

NOW THEREFORE, the City Council of the City of Clearlake does hereby ordain as follows:

SECTION 1. After conducting duly noticed hearings before the City Council on July 7, 2022, and after independent review and consideration, the City Council approves the execution of the Development Agreement, hereby adopted as Exhibit A to this Ordinance.

SECTION 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Execution. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this **7th day of July 2022.**

AYES:
NOES:
ABSENT OR NOT VOTING:

Dirk Slooten, Mayor

Attest:

Melissa Swanson, City Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED MAILTO:

City of Clearlake
14050 Olympic Dr.
Clearlake, CA 95422
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Recording Fee Exempt Per Government Code §27383

DEVELOPMENT AGREEMENT (DA 2022-01)

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this **7th** day of **July 2022** (the "Execution Date"), by and between the **CITY OF CLEARLAKE, a California Municipal Corporation** ("City") and **Clearlake Harvest Company, LLC., (developer/applicant)**. The City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement.

RECITALS

- A. The State of California enacted California Government Code Sections 65864 *et seq.* ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.
- B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
- C. Developer currently holds an option to lease to the property located at 2250 Ogulin Canyon Road (the "site"), City of Clearlake, County of Lake, CA 95422 further described as Assessor Parcel number 010-044-19-000 to allow a Commercial Cannabis Operation (*Cannabis Cultivation/Processing, Manufacturing, Distribution, Retail Dispensary, Delivery Only and Nursery*)
- D. Owner intends to operate a cannabis facility and operation. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 et seq.) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana

Grown for Medical Use issued by the California Attorney General (the “AG Guidelines”), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act (“MAUCRSA”), creating a unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the “California Cannabis Laws”). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the facility and operations.

- E. Ultimately, Owner intends to obtain state licenses issued pursuant to MAUCRSA to operate cannabis facilities at the Site, once such licenses are being issued.
- F. Owners presently intend to develop and open a cannabis operation on the Site consistent with the California Cannabis Laws and Project Approvals (known as the “Project”).
- G. Owner applied to City for a development agreement and will subsequently need to obtain special use permits and regulatory permits for the Project. This Agreement, and the special use and regulatory permits, when and if issued by the City, shall collectively be referred to as “Project Approvals”.
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted Ordinance No’s. 200-2017 and 201-2017 permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. The City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual fee based on the gross revenue of the operations, and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.
- K. All procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 *et seq.*, and the CEQA Guidelines, Title 14 of the California Code of Regulations, Chapter 3, §15000 *et seq.* have been satisfied as has gone through an Environmental Analysis (Initial Study) and a proposed Mitigated Negative Declaration has been adopted. All potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures.
- L. The City has given public notice of its intention to adopt this Agreement and has conducted publichearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses, and programs specified in City’s General Plan, zoning code and municipal ordinances.

- M. The City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement, *i.e.*, assuring Owner that it will enjoy the development rights.
- N. The City agrees that Owner’s land use entitlements for the Project shall vest for the term of this Agreement as described below.
- O. After conducting a duly noticed hearing on **May 24th, 2022**, in conjunction with certain amendments and additions to the City’s Municipal Code, the Planning Commission of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.
- P. After conducting a duly noticed hearing on **July 7th, 2022**, in conjunction with amendments and additions to the City’s Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses, and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

- 1. Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and

shown in **Exhibit B (Site Lease/Map)** and incorporates by reference all Development Approvals approved by the City for the Site. Except as otherwise provided in Section 15 of this Agreement, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word "Owner" as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. Relationship of the Parties. It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. Term. Except as otherwise specified herein, the term of this Agreement (the "Term") is 3 years from the date the Owner begins commercial operation at the Project Site ("Operation Date"). The Operation Date shall be no later than 12 months following the Execution Date. The Term shall generally be subject to earlier termination or extension as hereinafter provided.

3.1 Term Extension – Third Party Issues. Notwithstanding the Parties' expectation that there will be no limit or moratorium upon the Project's development or the issuance of building or other development related permits (a "Development Limitation") during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 Litigation. Any third party-initiated litigation that arises from or is related to any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project's development, or third party- initiated litigation having the actual effect of delaying the Project's development. This extension period related hereto shall include any time during which appeals maybe filed or are pending.

3.1.2 Government Agencies. Any delay arising from or related to the act(s) or omission(s) any third-party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project's development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, that both of the conditions listed in subparts 3.2.1 and 3.2.2 below have been fully satisfied are the Owner is in full compliance:

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City's satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above for a seven-year term extension, this Agreement's Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to engage in the Project activities at the Project Site, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. "Certified Report" shall mean a detailed document prepared by Owner on a form acceptable to the City's Director of Finance to report to the City the gross receipts of the Project's operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly authorized officer of Owner.

4.2. Development Approvals. “Development Approvals” means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. “Production Fee” shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, in the amount of 5% of gross sales from operations.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days past due will constitute a breach subject to Section 20 of this agreement.

4.6. Semi-Annual Production Fee. The semi-annual Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.7. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. “Land Use Regulations” do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.7.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.7.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement.

4.7.3. The control and abatement of nuisances;

4.7.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.7.5. The exercise of the power of eminent domain.

4.8. “Existing Land Use Regulations” means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.9. “Gross Receipts” means 5% (five percent) for 1) wholesale and retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City’s entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner’s compliance with this Agreement, California Cannabis Laws and the City’s municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. Annual payments of the Facility Fee by Owner to the City. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen and sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City’s Finance Director and a payment for the

Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Tenants and/or any operator of the facility. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner’s submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at Owner’ expense, of Owner records regarding Certified Reports and the Production Fees. The City’s Finance Director shall provide at least seven (7) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants’ operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee, Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City’s Director of Finance in addition to all costs of the audit, including city staff time and outside consultants. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner’s subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.

8.2. Enhanced Design Requirement. Owner shall submit a design plan for the building and site, for review and approval by the Planning Director, which shall incorporate at a minimum upgraded fencing and landscaping improvements consistent with the Community Character and Design Policies in the City’s General Plan.

8.3. Maintain & Operate Project. Owner shall maintain and operate the Project on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.

8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the “Indemnified Parties”) harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys’ fees and costs), damages (including, without limitation, consequential damages), claims and liabilities arising from the Project, this

Agreement, the approval of the Project, and the activities of Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

9.2 Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

9.3 Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b) payment of the usual and customary fees and charges of general application charged for the processing of such applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

9.4 Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall

be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

10.1 Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2 Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3 Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or Project. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, no moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 10.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the

processing of applications for development and construction upon the Site so long as such fees and charges are of general application and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is reasonably required in order to prevent a condition dangerous to the public health or safety; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees permitted by, Section 4.1; or (v) it is otherwise expressly permitted by this Agreement. The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays, Supersedure by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder as soon as possible after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 2.1 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized upon consultation with the Owner, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair or interfere with the right of City to require the processing of building permits as required by law relating to any specific improvements proposed for the Project pursuant to the applicable provisions of the City's municipal code, inclusive of such California and International Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however,

no such permit processing shall authorize or permit City to impose any condition on and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributees, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement (“Assignable Rights”) to a third party, a subordinate entity, or a related entity (make an “Assignment”) without the prior written consent of City in each instance, which consent may be withheld in City’s sole discretion. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City’s prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner’s good faith compliance with its terms (the “Periodic Review”). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and subsection 3.2 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile (“Fax”) machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake
14050 Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones & Mayer, City Attorney

8150 Sierra College Blvd., Suite 190
Roseville California 95661
Attention: Ryan R. Jones, Esq.

If to developer/applicant: Clearlake Harvest Company, LLC
Attn: Kris Gretsinger
PO BOX 2116
Clearlake, CA 95422

Notices sent in accordance with this Section shall be deemed delivered upon the: **(a)** date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); **(b)** date of actual receipt (if personally delivered by other means); **(c)** date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or **(d)** date of delivery as indicated on the return receipt (if sent by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner's rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner's rights under this Agreement. Default by any Assignee or Owner's successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner's rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: **(a)** certifying that this Agreement is unmodified and in full force

and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and **(b)** acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrancer of all or any portion of the Site. Upon Owner’s written request, City shall issue a certificate of performance evidencing completion of any of Owner’s obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner’s sole discretion, from encumbering the Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device (“Mortgage”) securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns (“Mortgagee”) shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee’s sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City’s performance hereunder. No Mortgagee will be liable for any monetary defaults arising

prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will terminate the Agreement and Mortgagee's right to operate.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee's acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City's written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement ("Successors"). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this Agreement's provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by

any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Jointly Drafted. It is agreed among the parties that this Agreement was jointly negotiated and jointly drafted by the Parties and their respective counsel, and that it shall not be interpreted or construed in favor of or against any party solely on the ground that it drafted the Agreement. It is also agreed and represented by all Parties that said Parties were of equal or relatively equal bargaining power and that in no way whatsoever shall this Agreement be deemed to be a contract of adhesion, or unreasonable or unconscionable.

39. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

40. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this Agreement.

41. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

“CITY”

CITY OF CLEARLAKE, CA a California
Municipal Corporation

Date: _____, 2022

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones & Mayer

By: _____

Ryan R. Jones, Esq.

City Attorney

BY: _____

Clearlake Harvest Company, LLC
(Developer/Representative)

Date: _____, 2022

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California: _____

County of _____.

On _____, before me, _____
Here in

Personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

Notary Public Seal

WITNESS my hand and official seal.

Notary Public Signature

Instructions for Completing this form: This form complies with current California statutes regarding notary wording and if needed, should be completed, and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law. State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment. Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.

- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e., he/she/tl!6y, is /ar6) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
- Indicate title or type of attached document, number of pages and date.
- Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e., CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**EXHIBIT A
LEGAL DESCRIPTION**

Refer to Attachment

EXHIBIT B
SITE LEASE/MAP
Refer to Attachment

sert name and title of the officer



**CITY OF CLEARLAKE
Planning Commission**

STAFF REPORT	
SUBJECT: Conditional Use Permits CUP 2021-28 through CUP 2021-32 Mitigated Negative Declaration CEQA- IS 2021-05 Draft Development Agreement DA 2022-01	MEETING DATE (Regular): May 24, 2022 (Continued from May 10, 2022 PC Hearing)
SUBMITTED BY: Mark Roberts and Michael Taylor, Planning Department	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 2250 Ogulin Canyon Road Clearlake, CA 95422.	APPLICANT/OWNER: Clearlake Harvest Company, LLC (Applicant) Anand Rajendraiah/RSG Clearlake Vista, LLC (Owner)
PARCEL NUMBER(S): 010-044-19	GENERAL PLAN: Industrial
ZONING: Industrial (“I”); Cannabis Business (“CB”)	

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider *Conditional Use Permit Applications CUP 2021-28, through CUP 2021-32*, corresponding environmental assessment/Mitigated Negative Declaration (IS 2021-05) and Development Agreement, DA 2022-01 to establish and operate a Commercial Cannabis facility located at 2250 Ogulin Canyon Drive, Clearlake, CA 95422 further described as Assessor parcel Number 010-044-19.

MAY 10, 2022, PC HEARING SUMMARY

During the Planning Commission Meeting, there was concerns regarding the cumulative impacts on the surrounding groundwater/usage. Upon hearing the concerns, the Planning Commission continued the hearing to May 24, 2022. Clearlake Harvest has been coordinating with their water specialist to help address these concerns and provide additional documentation during and/or prior to the hearing.

PROJECT SUMMARY

Specifically, the following use permits are being requested in accordance with Section 18-43 of the Clearlake Zoning Ordinance. [For a full detailed scope of work, please refer to Attachments 2 - *Application Packet and Project Business/Operational Plans* and Attachment 3 (Proposed Site and Grading Plans)].

- **CUP 2021-28 – Cannabis Cultivation/Processing:** germinating, cloning, seed production, planting, growing and harvesting cannabis plants. Also may include on-site drying, curing, grading, or trimming of cannabis plants, as well as the processing of raw cannabis plants for the purpose of manufacturing, distribution and retail delivery.
- **CUP 2021-29 – Manufacturing:** compounding, blending, extracting, infusing or otherwise making or preparing and packaging the cannabis product.
- **CUP 2021-30 – Distribution:** procuring cannabis plants from permitted cannabis cultivation sites

or cannabis manufacturers for sale to permitted cannabis dispensaries and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging, and other processes prior to permitted medical cannabis dispensaries.

- **CUP 2021-31 – Retail Dispensary; Delivery Only:** The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products. Note: the facility will not be open to the public.
- **CUP 2021-32 – Nursery:** For the self-propagation of immature cannabis plants.
- **Development Agreement, DA 2022-01:** The project also includes Planning Commission review and recommendation on a Development Agreement (Attachment 3) as required by the Zoning Code.
- **Mitigated Negative Declaration Initial Study IS 2021-05:** Pursuant to California Environmental Quality Act (CEQA) guidelines staff prepared an Initial Study to assess the potential adverse environmental effects of the proposed project, reduced to a level of non-significance subject to a number mitigation measures.

Clearlake Harvest Company

Phased Development of 2250 Ogulin Canyon Rd

Phase 1

- Cultivation:
 - 10,000 square foot cultivation in a 10,200 square foot greenhouse(s)
- Nursery
 - Will use existing building for self propagation
- Build out the 60x40 building for either or both:
 - Processing
 - Retail – Delivery Only
- Property Development
 - Grade the area needed to build the greenhouses and 60x40 building
 - Create a gravel roadway and parking spots
- Fire Safety
 - Install fire tank and water storage tank
 - Build out hammerhead for fire department
- Employees
 - Three estimated

Phase 2

The items pushed off to Phase 2 are the 5,000 square foot and 2,500 square foot cultivation. This is due to drought, economic conditions, and determining the appropriate space on the property.

The initial plans showed a 2,500 square foot cultivation to be on the side part of the property. That is still the plan, but will need to revisit with a new engineer to draw up plans. It was also supposed to be for someone who qualified for the Social Equity Program, but the City did not approve it, so it may be postponed until something can be figured out.

There also may not be room to do the 5,000 square foot cultivation, so that may be scrapped.

We can apply for a modified use permit or development agreement as we go.

- Cultivation
 - 5,000 square foot cultivation in a 6,500 square foot greenhouse
 - 2,500 square foot cultivation in a 3,000 square foot greenhouse.
- Employees
 - Six estimated.

Examples of the Proposed Greenhouses



Hydrology Analysis and Usage (For full report - Refer to Attachment 4)

The applicant contracted Chico Environmental to prepare a Hydrology Report dated August 4, 2021, with Findings to determine groundwater availability to the project parcel. The project parcel is approximately 12.95-acre site is situated in Burns Valley Groundwater Basin, a rural portion of southeastern Lake County, California. The report indicates there is one (1) well approximately 200 feet below ground surface (bgs), with 4 ½ inch casing. The well was installed on December 12, 2005. A well test and system equipment evaluation were conducted on March 31, 2021. The purpose of the report is to determine if the aquifer has sufficient quantity to support outdoor cannabis cultivation for 17,500 square-feet of the 12.95-acre property.

Coast Range Geomorphic Province of California

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

The average annual precipitation ranges from 25 inches to 35 inches per year and the average annual air temperature ranges between 55 to 59 °F in the project area. Surface water is limited to ephemeral drainages within the project area.

Groundwater Hydrogeology

Groundwater typically fluctuates between 2-10 feet below ground surface (bgs) from spring to fall. The DWR estimates the usable storage capacity to be 4,000 acre-feet (DWR 1960). Agricultural demand is typically around 14 acre-feet per year. As of 2006, there were 86 domestic wells and 13 irrigation wells in the Burn Valley Basin, with half of the domestic wells measuring less than 75 feet bgs and half of the irrigation wells measuring less than 250 feet bgs.

Groundwater Wells

As of March 2006, there are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately half of these domestic wells are shallower than 75 feet deep, and approximately half of the irrigation wells are shallower than 250 feet deep.

On December 11, 2005 a domestic well was completed at the subject site. The 200 feet bgs well was drilled with first water encountered at 120 feet bgs and a completed static water level of 125 feet bgs. The estimated yield for the well was 30 gallons per minute.

A well performance report from March 2021 shows the static water level of the well is 113.5 feet bgs. After pumping at a rate of 23 gallons per minute for 1.5 hours, the pumping level decreased from 133.5 feet bgs to 143.2 feet bgs. The well returned to 121 feet bgs after 5 minutes of recovery.

Report Findings:

According to the report, the 2019 SGMA report rates Burns Valley as a Very Low Priority groundwater basin. Current groundwater data suggests that the Burns Valley Groundwater Basin fully recharges annually.

Section 28.1 of the lake County, California – Code of Ordinances - Regulation of the Extraction and Exportation of Groundwater from Lake County. Section 1.11 States: “The County seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the County’s important groundwater resources that the County requires a Permit to extract or otherwise capture groundwater for any use outside the County. This chapter requires a Permit for the export and use of groundwater outside the County and is not intended to regulate groundwater in any other way.”

Groundwater pumped for irrigation on 2250 Ogulin Canyon will not be used for export out of the County.

The expected annual water use for the cannabis cultivation project would be approximately 511,400 gallons per square foot (gsf) per year with usage including cultivation (455,000 gsf per year), processing (24,000 gsf), and a nursery (32,400 gsf per year).

The well yields 30 gallons per minute (15,768,000 gallons per year) and is monitored by a flow through meter.

According to the report, there will be no additional impacts on the Burns Valley Basin from the project, nor impacts of water use to the surrounding areas and there is a sufficient quantity of groundwater to support the proposed operation.

GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE:

General Plan Consistency:

- The General Plan identifies the project site for industrial land uses. The project involves commercial agriculture, processing and distribution would be consistent with the industrial land use. There are also a number of general plan policies which promote economic and job creation which this project proposes. For example, the Economic Development Element supports the development of diverse businesses in the community. Policy ED 1.1.2 states “Support a healthy mix of local businesses and mid-sized companies. “Policy ED 3.1.1 states “Prioritize economic activities that utilize Clearlake's natural geographic location in the region”. Program ED2.1.1.2 states: “Incorporate light industry and compatible uses along State Route 53”.

Zoning Ordinance Regulations:

- The proposed operations would involve Cannabis Cultivation/Processing, Manufacturing, Distribution Retail Dispensary; *Delivery Only* to permitted dispensaries of cannabis. The project is anticipated to have up to up to twenty (20) employees and up to three (3) managers. The business would operate every day 8 a.m. to 5 p.m.
- The project is located in the Commercial Cannabis Business District and the proposed operations and development is subject to a commercial cannabis business use permit (issued by the Planning Commission) in accordance with Section 18-43.060 of the Zoning Code. Section 18-43.020 (C) of the Code also requires concurrent processing and approval of a Cannabis Regulatory Permit (issued by the City Manager) and a Development Agreement (approved by the City Council).
- In addition to the use permits required for the operation, the project also requires a *Commercial Cannabis Regulatory Permit* per section 5-25 of the Police Code issued by the City Manager. These regulations may seem to be redundant to the use permits because the criteria for review are similar to the use permit considerations of the Planning Commission but provides consistency with State Cannabis regulations and provides the City the ability to more immediately enforce the regulations and cease operations if there is an immediate threat to the public health and safety.

Off-Street Parking:

Per Section 18-20.090 of the City’s Municipal Code, the applicant shall adhere to the following parking requirements.

- Distributor/Manufacturing: 1 space per 800 SQFT of area and 1 space per 20,000 SQFT for loading areas.
 - *Response: The applicant anticipates on adding Distribution/Manufacturing during phase Two of the development. The applicant is currently not proposing any square footage to be used for Distribution/Manufacturing.*
- Cultivation: 1 space per 1,000 SQFT of area and 1 space per 20,000 SQFT for loading areas.
 - *Response: The applicant is proposing a 10,200 SQFT Greenhouse. Therefore, the applicant should provide a minimum of ten (10) parking spaces.*
- Nursery: 1 space per 1,000 SQFT of area and 1 space per 20,000 SQFT for loading areas.
 - *Response: The applicant will be utilizing an existing structure that is approximately 1, 600 SQFT in size. Therefore, the applicant should provide a minimum of two (2) parking spaces.*
- Office Space: 1 space per 300 SQFT of area.

- *Response: The applicant will be utilizing an existing structure that is approximately 1,440 SQFT in size. Therefore, the applicant should provide a minimum of five (5) parking spaces.*

Parking Analysis/Response:

Based on the anticipated square footage for Phase 1, the total number of parking spaces the applicant should provide is 17 parking spaces.

However, since the operation is not open to the public and is anticipated on having no more than six (6) employees, Staff believes the eleven (11) proposed parking spaces will adequately support the proposed operation. As the operation increases (*i.e., additional square footage, employee, etc.*), the applicant shall provide additional parking spaces in accordance with the City Municipal Code.

Exterior Lighting:

- The applicant has not provided a lighting plan at this time. Any new lighting will be subject to compliance with **Section 18-20.120** of the Zoning Code regarding night sky preservation as well as the City's *Lighting Standards*. Use permit conditions of approval requires submittal and approval by staff of a detailed lighting plan that complies with these standards.

Trash/Recycling Containment:

- In accordance with **Section 18-20.070**, a 15' x 15' trash enclosure plan for storage of recycling and trash will provided adjacent to building no. 2. A condition of approval requires that such installation shall be completed, consistent with the City's *Trash/Recycling Enclosure Design Standards* prior to occupancy.

Signage:

- The applicant has not indicated any new signage for the facility. As a condition of approval, the applicant will need to submit a sign program (if proposed in the future) for staff review for compliance with the Zoning Code prior to installation of any signs.

Landscaping:

- There site plan indicates little to no landscaping from the street view of the property. Application materials did not include any upgrades to landscaping, which would have to be compliant with the City's *Landscaping and Irrigation Standards*. Use permit conditions of approval requires submittal and approval by staff of a detailed landscaping and irrigation plan that complies with these standards (specifically for the parking area).

○

ENVIRONMENTAL REVIEW/CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Initial Study, IS 2021-05 and Mitigated Negative Declaration

- Pursuant to California Environmental Quality Act (CEQA) Guidelines staff prepared an Initial Study to assess the potential adverse environmental effects of the proposed Project. The study concludes that any potentially significant adverse environmental impacts from the project would be reduced to a level of non-significance level with the incorporated Mitigation Measure/Conditions of Approval. (Refer to Attachment 5 for CEQA Analysis).

Notice of Intent (NOI):

- A Notice of Intent (NOI) was circulated in accordance with the California Environmental Quality Act (CEQA) to the following:
 - The NOI was circulated to various Federal, State and local agencies informing them of the proposed Mitigated Negative Declaration. The NOI was circulated from October 22, 2021,

to November 26, 2021, and an amended NOI was circulated on 12/23/2021 to 1/24/2022. The amended NOI was for re-assignment of project numbers only, there was no change to the proposed project.

- The following agencies have commented on the project.
 - California Historical Resource Information System dated June 11, 2021
 - California Department of Transportation (Caltrans) dated October 26, 2021
 - Lake County Environmental Health Services Department dated May 28, 2021
 - Central Valley Water Quality Control Board dated
 - CA State Department of Cannabis Control (DCC) January 19th, 2022, and November 9, 2021.

City’s Response to Agency Comments:

The city responded to the DCC’s comments on January 25, 2022, addressing their concerns and/or making clarifying adjustments/statements regarding the initial study. The response to DCC was solely for clarification purposed and did not warrant amending the CEQA document for recirculation. All remaining agencies comments have been incorporated as Mitigation Measures and/or Conditions of Approval.

- o The NOI was mailed to the surrounding property owners within 600 feet of the subject parcel informing property owners of the proposed Mitigated Negative Declaration. The NOI was circulated from October 22, 2021, to November 26, 2021, and amended NOI was circulated on 12/23/2021 to 1/24/2022. Please note: The amended NOI was for re-assignment of project number only, there was no change to the proposed operation. ***The city did not receive any public comment on the project and/or the environmental document.***
- o In accordance with CEQA, the Planning Commission will need to concur with the adequacy of the Final Initial Study and proposed mitigated negative declaration before taking action to approve the project and moving this project forward to the City Council for final determination (on the Development Agreement). Because the City Council will be taking the final action on the project, regarding the Development Agreement, in accordance with the City’s Environmental Guidelines, the Council will need to make the final action of issuing the mitigated negative declaration. The Council’s determination on the adequacy of the mitigated negative declaration will be based on staff/Commission recommendation.

DEVELOPMENT AGREEMENT:

- A Development Agreement allows a project sponsor to secure vested rights, and it allows the City to secure certain benefits. Development Agreements are enabled by California Government Code Sections 6584-65869.5. Per state law, the City Council must approve a Development Agreement by Ordinance upon the Planning Commission making a recommendation of support for the requested Agreement. Once approved, development agreements are recorded with the County Clerk. As required per Section 18-43.020(c) for cannabis operations and in compliance with Section 18-30 of the zoning ordinance, Attachment # 7 of this report consists of the draft Development Agreement DA 2022-01.

Section 18-30.070 of the zoning ordinance outlines the following procedures for development agreements:

- a) *The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the council. The recommendation shall include whether or not the proposed Development Agreement meets the following findings:*
- b) *The proposed Development Agreement is consistent with the Clearlake General Plan and any applicable Specific Plan;*

- c) *The proposed Development Agreement complies with zoning, subdivision and other applicable ordinances and regulations;*
- d) *The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning and provides substantial public benefits or necessary public improvements, making it in the City’s interest to enter into the Development Agreement with the applicant; and*
 - i. *The proposed project and Development Agreement:*
 - ii. *Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area;*
 - iii. *Will be appropriate at the proposed location and will be compatible with adjacent land uses;*
 - or*
 - iv. *Will not have a significant adverse impact on the environment.*
- o The term of this Agreement will be for three years from the date the owner begins operation with the ability for an extension of seven additional years upon approval by resolution of the City Council with the owner being in full compliance with the conditions of the Agreement. A separate resolution from the Planning Commission recommending approval of the development agreement is included in this report.
- o The applicant has reviewed the Draft. If the Commission recommends approval of the Development Agreement, it will be reviewed by the City Attorney and then formally transmitted to the City Council for adoption.

MOTION/OPTIONS:

1. Move to Approve Resolution PC 2022-10, A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permits CUP 2021-28 through CUP 2021-32 for the development of a Commercial Cannabis Operation located at 2250 Ogulin Canyon Road, further described as Assessor Parcel Number 010-044-19 and Move to Adopt Resolution PC 2022-11, A Resolution of the Planning Commission of the City of Clearlake Recommending Approval of a Mitigated Negative Declaration based on Initial Study 2021-05 and Development Agreement DA 2022-01 to the City Council. And
2. Move to Deny Resolutions PC 2022-10, and PC 2022-11 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

Attachments:

- 1) Resolution PC 2022-10 with Conditions of Approval (Exhibit A)
- 2) Application Packet and Project Business/Operational Plan
- 3) Proposed Site and Grading Plans
- 4) Hydrology Report prepared by CHICO Environmental Science and Planning
- 5) Environmental Analysis (CEQA – IS 2021-05)
- 6) Resolution PC 2022-11 recommending Approval of a Mitigated Negative Declaration and Development Agreement to City Council
- 7) Draft Development Agreement
- 8) Agency Comments

RESOLUTION No. PC 2022-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE APPROVING CONDITIONAL USE PERMITS, CUP 2021-28 THROUGH CUP 2021-32 TO ALLOW A COMMERCIAL CANNABIS OPERATION (*CULTIVATION/PROCESSING, MANUFACTURING, NURSERY, DISTRIBUTION AND RETAIL DISPENSARY - DELIVERY ONLY*) ON PROPERTY LOCATED IN THE “I” INDUSTRIAL AND “CB” CANNABIS BUSINESS ZONING DISTRICTS AT 2250 OGULIN CANYON ROAD; CLEARLAKE, CA 95422, CLEARLAKE, CALIFORNIA, APN: 010-044-190-000.

WHEREAS, Clearlake Harvest Company, LLC applied for approval of Cannabis Business Use Permits for cultivation, manufacturing, distribution for property located at 2250 Ogulin Canyon Road; Clearlake, CA 95422, in the I, Industrial, and CB, Commercial Cannabis Business Zoning Districts, APN 010-044-190-000; and

WHEREAS, Conditional Use Permit Applications CUP 2021-28 through CUP 2021-32 have been made in accordance with Section 18-43, Commercial Cannabis of the Municipal Code, which refers to Commercial Cannabis Uses; and

WHEREAS, a companion application, Development Agreement DA 2022-01 has been filed for commercial cannabis operations by Clearlake Harvest Company, LLC, et al at the same location; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of air quality, biological resources, hazardous materials, and noise; and

WHEREAS, mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur have been identified through the Initial Study (applicant has agreed to all mitigation measures in accordance with CEQA); and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Clearlake Environmental Review Guidelines and related regulations and is designed to ensure compliance during Project implementation; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and a Mitigated Negative Declaration (MND) should be prepared; and

WHEREAS, the City distributed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Project on October 22, 2021 to November 26, 2021 and an amended NOI was circulated on December 23, 2021 to January 24, 2022. Each circulation period started a 30-day public review period. The NOI was posted at the Lake County Clerk / Recorder’s office, distributed through the State Clearinghouse, posted at City offices, and mailed to project stakeholders, property owners, and residents within a 600-foot radius of the Project; and

WHEREAS, the City received five written comments within the 30-day public review period;
and

WHEREAS, the City responded to all comments by preparing a final initial study and mitigated negative declaration, and the Planning Commission staff report, that adequately address these comments and found these documents adequate to complying with the CEQA, the City’s Environmental Review Guidelines and related regulations; and

WHEREAS, the proposed project is consistent with the General Plan which designates the project site as Industrial; and

WHEREAS, in accordance with Section 18-28.040 of the Zoning Code the use as proposed will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity; and

WHEREAS, the Planning Commission has considered this project on this date at a duly noticed public hearing, the staff report, public testimony, and found that the project is compatible with the surrounding area, it will not be detrimental to adjacent property owners or the public at large, and approval is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake as follows:

A. Recommend Adoption of the Mitigated Negative Declaration

1. The Planning Commission finds that the Mitigated Negative Declaration was presented to the Planning Commission, that the Planning Commission has reviewed the Mitigated Negative Declaration prepared for the 2250 Ogulin Canyon Road Commercial Cannabis Business Use Permit (the “Project”), all staff reports pertaining to the Project and all comments received there on, and that the Mitigated Negative Declaration has been prepared and completed in compliance with the California Environmental Quality Act (CEQA).
2. The Planning Commission finds that on the basis of the Mitigated Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact individually or cumulatively on the environment.
3. The Planning Commission finds that the Mitigated Negative Declaration reflects the City’s independent judgment and analysis.

B. Recommend Adoption of the Mitigation Monitoring and Reporting Program

1. The Planning Commission hereby recommends to the City Council adoption of the Mitigation Monitoring and Reporting Program, as attached to the Project staff report.
2. The Planning Commission hereby recommends to the City Council that the proposed mitigation measures described in the Mitigated Negative Declaration are feasible and therefore become binding upon the City and its construction contractors.

C. Approval of the Project

Having independently reviewed, analyzed, and recommended approval of the Mitigated Negative Declaration, and mitigation measures as set forth in the Mitigation Monitoring and Reporting Program, the Planning Commission hereby approves the 2250 Ogulin Canyon Road Commercial Cannabis Business Use Permit Project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to approved Conditions of Approval in Exhibit A.

PASSED AND ADOPTED on this 24th day of May 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman, Planning Commission

ATTEST: _____

City Clerk, Planning Commission

Exhibit A

CITY OF CLEARLAKE CONDITIONS OF APPROVAL

CLEARLAKE HARVEST COMPANY, LLC

Pursuant to the approval of the City of Clearlake’s – Planning Commission on May 24th, 2022, it is hereby granted Clearlake Harvest Company, LLC, with the following conditions of approval to allow the development and operation of a commercial cannabis operation (*Cultivation/Processing, Distribution, Retail Delivery, Manufacturing, and Nursery*) located at 2250 Ogulin Canyon Road; Clearlake, CA 95422; further described as Assessor Parcel Number (APN) 010-044-190-000 is subject to the following terms and conditions of approval.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the **Site Plan(s), and Project Description** and any conditions of approval imposed by the above **Conditional Use Permits** and Review Authority as shown on the approved site plan for this action **dated May 24, 2022.**
2. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
3. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Community Development Director, Planning Commission or on appeal, the City Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
4. This use permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.
5. The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. **The fee should be paid within five (5) days of approval of the mitigated negative declaration at the Lake County Clerk’s Office.** Once fees have been paid, the applicant shall submit a copy of all documentation to the City of Clearlake, verifying the fees have been paid. **Said permit shall not become valid, vested or operative until the fee has been paid, including the issuance of any permits.**
6. **Prior to operation,** the applicant(s) shall obtain and maintain all applicable permits from all Federal, State and local agencies having jurisdiction over this project, including but not limited to:
 - *CDFA - CAL Cannabis California Department of Food and Agriculture: (Cultivation licenses)*
 - *BCC - Bureau of Cannabis Control (Issues Distributor, Retailer, Testing Lab, Microbusiness, and Temporary Event licenses)*
 - *CDPH - MCSB California Department of Public Health’s Manufactured Cannabis Safety Branch (Issues Manufacturing licenses)*

- *California Department of Cannabis Control*
- *California Department of Pesticide Regulation*
- *California Department of Fish and Wildlife*
- *California State Water Resources Control Board*
- *California Central Valley or North Coast Regional Water Quality Control Board*

7. If the subject parcel is on a **septic system and/or well**, the applicant shall bring a minimum of three (3) site plans drawn to scale to the Lake County Environmental Health Department for review and approval **prior to submitting a Building Permit Application** with the City of Clearlake.
8. The use permit may be transferred to new owners subject to obtaining a new commercial cannabis regulatory permit, upon the new owner’s written agreement to maintain all conditions of approval.
9. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the City of Clearlake for review and approval. Said documentation shall include the following:
 - *Name of Individual and Title*
 - *Contact Information (Phone, email and address)*
 - *What that individual is authorized to do.*
10. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.
11. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the approved Development Agreement for the project.
12. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business’ books and records for the purpose of verifying compliance with the Municipal Code and the Use Permits and related Development Agreement including but not limited to a verification of the amount of taxes required to be paid during any period for the project.
13. The applicant is responsible for ensuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.

14. **Prior to operation**, the applicant shall be enrolled in and comply with the *State of California Track and Trace* program and all requirements, including having all cannabis plants properly tagged.
15. **Prior to Operation**, all personnel listed as owners, managers or supervisors shall under undergo and pass a background check by the City of Clearlake Police Department.
 - Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation.
16. All parking areas, routes of travel, building access and bathrooms shall meet the American with Disabilities Act (ADA) requirements and must be reviewed and approved of a Certified Accessibility Access Specialist (CASP).
17. The applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
18. The use permit approval shall not become effective, operative, vested or final until a Notice of Determination has been filed with the State Clearing House and the Lake County Clerk’s Office.
19. The use permit shall not become operational until a Development Agreement has been adopted by the City Council in accordance and a commercial cannabis regulatory permit has been approved and issued by the City Manager, at the recommendation of the Planning Commission, in accordance with the Municipal Code.
20. The permit holder shall operate in full compliance with fire safety rules and regulations of the Lake County Fire District.
21. **Prior to operation and/or development**, the applicant shall secure any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or all applicable Federal, State and local agency permits.
22. In accordance with the Municipal Code and requirements made by the Lake County Fire Protection Lake County Air Quality Management District and Lake County Health Department, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:
 - *Odor Control Plan (compliant with Section 18-43.060)*
 - *Security Plan (compliant with Section 18-43.060).*
 - *Exterior Lighting Plan (compliant with Sections 18-20.120 and 18-43.060 and with the City’s Lighting Standards, including design review approval)*
 - *Waste/Recycling and Enclosure Plan (compliant with Section 18-20.070 and with the City’s Trash and Recycling Enclosure Requirements and Design Standards, including design review approval).*
 - *Fencing Plan for security of all cannabis businesses activities (compliant with Section and the City’s Fence Design Standard including design review approval).*
 - *Hazardous Materials Mitigation Plan if required by the Lake County Fire Protection District and/or the Lake County Environmental Health Department)*
 - *Air Quality Permit if required by Lake County Air Quality Management District.*
 - *If applicable, Civil Site plans identifying existing and proposed storm drains, drainage ditches,*

curbs, sidewalks, gutters, and striping, as regulated by the City's Design and Construction Standards, Off-Street Parking Regulations, and Parking Design Standards to be found in compliance with all other applicable local/federal/state laws, including ADA and CASP requirements.

- Sign plan that demonstrates compliance with the City's sign regulations. All non-compliant signs shall be immediately removed. Installation of signs without prior City approval may be grounds for revocation of this use permit.

23. The applicant shall adhere to all applicable requirements in the City of Clearlake Municipal Code.

B. AESTHETICS

1. All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City's Design Standards). *(Initial Study Mitigation Measure AES -1)*

C. AIR QUALITY

1. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust. *(Initial Study Mitigation Measure AIR-1)*
2. Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements. *(Initial Study Mitigation Measure AIR-2).*
3. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District. *(Initial Study Mitigation Measure AIR-3)*
4. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site. *(Initial Study Mitigation Measure AIR-4)*
5. Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for lifer of the project.. *(Initial Study Mitigation Measure AIR-5)*
6. All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City In accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times. *(Initial Study Mitigation Measure AIR-6)*
7. An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site

will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code. (*Initial Study Mitigation Measure AIR-7*).

8. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/amended water to prevent dust generation and nuisance conditions. (*Initial Study Mitigation Measure AIR-8*).
9. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls (*Initial Study Mitigation Measure AIR-9*).
10. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details (*Initial Study Mitigation Measure AIR-10*).
11. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. (*Initial Study Mitigation Measure AIR-11*).
12. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits (*Initial Study Mitigation Measure AIR-12*).
13. All mobile diesel equipment used for construction and/or maintenance shall be compliant with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as the Lake County Noise Emission Standards.
14. 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.

D. BIOLOGICAL RESOURCES:

1. **Prior to construction activities**, the applicant shall have a qualified biologist conduct a nesting bird survey within fourteen (14) days of initial ground disturbance or construction if it occurs between March 1st and August 31st (*Initial Study Mitigation Measure BIO-1*)
2. **Prior to construction activities**, the applicant shall have a qualified biologist conduct visual encounter/inspection for the Long Eared Myotis bat. If one is observed, the California Department of Fish and Wildlife shall be notified.. (*Initial Study Mitigation Measure BIO-2*)
3. All future expansion and/or development associated with the operation shall be located outside threwn NFHL 100-year Flood Zone, including the State Water Resource Control Board required setbacks. (*Initial Study Mitigation Measure BIO-3*)
4. **Prior to ground disturbance**, the applicant shall have a qualified biologist conducts seasonally botanical survey in accordance with the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021 (*Initial Study Mitigation Measure BIO-4*)
5. If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: https://www.wildlife.ca.gov/conservation/survey-protocols_ (*Initial Study Mitigation Measure BIO-5*)
6. If any work occurs within a known watercourse with the potential to impact aquatic resources, the applicant shall be in compliance with the California Departments of Fish and Wildlife Streambed Alteration Agreement. (*Initial Study Mitigation Measure BIO-6*)
7. If suitable roosting habitat for special-status bats will be affected by project activities, a qualified wildlife biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include trees within 0.25 mile of project activities. (*Initial Study Mitigation Measure BIO-7*)

E. CULTURAL/TRIBAL RESOURCES

1. **During construction activities**, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City’s approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc. (*Initial Study Mitigation Measure CUL-1*)
2. The cultural resource consultant’s investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources

through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project. *(Initial Study Mitigation Measure CUL-2)*

3. If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. *(Initial Study Mitigation Measure CUL-3)*

F. GEOLOGY & SOILS

1. **Prior to any ground disturbance and/or operation**, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. *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. (Initial Study Mitigation Measure GEO-1)*
2. Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s). *(Initial Study Mitigation Measure GEO-2)*
3. The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary. *(Initial Study Mitigation Measure GEO-3)*

G. HAZARDS & HAZARDOUS MATERIALS

1. All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. *(Initial Study Mitigation Measure HAZ-1)*

2. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials. *(Initial Study Mitigation Measure HAZ-2)*
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. *(Initial Study Mitigation Measure HAZ-3)*
4. The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site. *(Initial Study Mitigation Measure HAZ-4)*
5. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations. *(Initial Study Mitigation Measure HAZ-5)*
6. Hazardous Waste must be handled according to all Hazardous Waste Control Laws. Any generation of a hazardous waste must be reported to Lake County Environmental Health within thirty days.
7. All employees and/or staff members shall be properly trained in and utilize Personnel Protective Equipment in accordance with all federal, state and local regulations regarding handling any biological and/or chemical agents.
8. Hazardous waste must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

J. HYDROLOGY AND WATER QUALITY:

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 begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

K. NOISE

1. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. *(Initial Study Mitigation Measure NOI-1)*
2. Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties. *(Initial Study Mitigation Measure NOI-2)*

3. During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regards to noise and vibration. (*Initial Study Mitigation Measure NOI-3*)

L. TRANSPORTATION & TRAFFIC

1. Improvements shall be made to the project access off of Ogulin Canyon Road as required by the City of Clearlake – Public Works Department. Applicant shall submit plans prepared by a certified Engineer to the City of Clearlake for review and approval. All necessary permits shall be secured from the City of Clearlake prior to development.
2. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.
3. All access roads, yards and parking areas shall be properly maintained for life of the project to prevent a source of contamination where cannabis products are handled or transported.

M. TIMING & MITIGATION MONITORING

1. **Prior to this use permit becoming, valid, effective or operative**, until the Development Agreement has been reviewed and approved by the City Council.
2. If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.
3. If a structure(s) or associated site development authorized by use permit is not issued building permits (if building permits are required) within three (3) years of the date of approval, the use permit shall expire.
4. Upon written request received prior to expiration, the Community Development Director may grant renewals of use permit approval for successive periods of not more than one (1) year each.
 - *Approvals of such renewals shall be in writing and for a specific period.*
 - *Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed.*
 - *Renewal of a use permit shall not require public notice or hearing unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Community Development Director must make the findings required for initial approval.*
5. The Planning Commission may revoke or modify the use permit in the future if the Commission finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action taken by the Planning Commission.
6. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - a. *Noncompliance with any of the foregoing conditions of approval; or*
 - b. *The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such*

revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.

- 7. All conditions are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

To be Complete by Authorized Representative/Applicant

Name: _____

Signature: _____

Date: _____

To Be Completed by Staff Only

Name: _____

Signature: _____

Title: _____

Date: _____

City of Clearlake



14050 Olympic Dr.

Clearlake, CA 95422

Application# CB- [REDACTED]

707-994-8201

www.clearlake.ca.us

CANNABIS BUSINESS APPLICATION For Use Permit and Regulatory Permit

(Please print clearly and fill in/provide all that apply)

Type of Commercial Cannabis Use:

- Commercial Cannabis Cultivation
- Cannabis Manufacture
- Cannabis Distributor
- Cannabis Testing Laboratory
- Cannabis Nursery
- Cannabis Processor

REQUIRED FOR A COMPLETE APPLICATION

- Completed and signed Application Forms
- Additional Documentation
- Initial Application Fee Paid: (\$**TBD**)

Applicant's full name: Clearlake Harvest Company, LLC (Kris Gretsinger)

Applicant's mailing address: PO Box 2116 Clearlake, CA 95422

Applicant's phone number: 510-381-8199 Email: info@chcfarms.com

Applicant's physical home address: 2250 Ogulin Rd Canyon Clearlake, CA 95422

Applicant's tax ID number: 86-3836659

Management/ Community Relations Contact(s) Kris Gretsinger

Applicant's Height: 5'9 Weight: 100 Hair color: Brown Eye color: Brown

Address of proposed business: 2250 Ogulin Canyon Rd, Clearlake, CA 95422

Square footage of proposed building: See attached

Describe the site plan and floor plan (attach additional page if necessary): See attached

Number of Managers/Supervisors: 3 Number of employees: None at the moment. Potential for 20

Names and addresses of anyone who will act as an owner, manager or supervisor of the facility (attach additional page if necessary): See Operations Plan

Describe proposed business and operations (attach additional page if necessary): See Operations Plan

Anticipated gross annual revenues: See Operations Plan

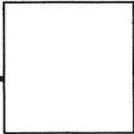
DOCUMENTS TO SUBMIT

Please provide additional information as required in Section 18-12.050, 18-12.060, and Section 5-25 including but not limited to the following:

- { X } 1. Two passport quality, current photographs of the applicant.
- { X } 2. Copy of birth certificate, passport, or valid California Driver's License (not to include an AB60 federally restricted license).
- { X } 3. Sign off by Lake County Fire Protection District permitting the use. Reached out to Fire Marshall Cory Smith and are in communication with the Fire Department.
- { X } 4. The applicant must complete a criminal history check for the State of California and F.B.I. which is approved by the Chief of Police or his designee.

- 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale. See attached.
- 6. A site plan drawing depicting the facility and all properties within 600 feet.
- 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.
- 8. A detailed security plan.
- 9. An odor control plan.
- 10. A detailed business plan.
- 11. Previous addresses for the past five years.
- 12. Property ownership and lease details.

AGREEMENT



APPLICANT'S SIGNATURE (Attach Notarized documents)

I hereby certify that I will abide by the City of Clearlake's Commercial Cannabis Ordinance No. 200-2017 and this agreement and that the information provided in this application is, to my knowledge, true and correct. I hereby authorize City staff, including the police department, authority to conduct a criminal background check pursuant to California Penal Code Section 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the FBI every person listed as an owner manager or supervisor of the marijuana business must submit fingerprints and other information deemed necessary by the City Manager or his designee for a background check by the Clearlake Police Department. I understand that any material misrepresentation may result in either denial or revocation of dispensary permit.

Applicant's Signature: 

Date: 5/13/21

FOR OFFICE USE ONLY

APPROVED BY: _____

DATE: _____

Credit Card Debit Card Money Order Cash Check # _____



California Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 North Central Region
 1701 Nimbus Road, Suite A
 Rancho Cordova, CA 95670-4599
 916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Section J, Item 12.



9/9/2021

Erin McCarrick
 2250 Ogulin Canyon Road
 Clearlake, CA 95422
erin@madronestrategies.com

Dear Ms. McCarrick:

**Notification of Lake or Streambed Alteration
 EPIMS Notification No. LAK-18425-R2
 2250 Ogulin-Standard Agreement**

The California Department of Fish and Wildlife (CDFW) had until August 31, 2021, to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. CDFW did not meet that date. As a result, by law, you may now proceed with the project described in your Notification without an Agreement.

Please note pursuant to Fish and Game Code section 1602, subdivision (a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the Notification and any modifications to that Notification received by CDFW prior to August 31, 2021. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the Notification. If the term proposed in your Notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the Notification may constitute a violation of Fish and Game Code section 1602.

Your Notification includes, but is not limited to the following information:

- Proposed cannabis operations will occupy 27,500 square feet of the property and will be on existing flat land. The proposed site for the nursery is on an existing concrete slab.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, Fish and Game Code sections 2080 *et seq.* (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); section 1908 (rare native plants); sections 3511, 4700, 5050, and 5515 (fully protected species); section 3503 (bird nests and eggs); section 3503.5 (birds of prey); section 5650 (water pollution); section 5652 (refuse

Erin McCarrick
EPIMS Notification No. LAK-18425-R2
Page 2 of 2


disposal into water); section 5901 (fish passage); section 5937 (sufficient water for fish); and section 5948 (obstruction of stream).

This letter may be submitted to the California Department of Cannabis Control (DCC) to satisfy Business and Professions Code section 26060.1 (b)(3) as written verification that a Lake or Streambed Alteration Agreement is not required for the activities specifically described in your Notification.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your Notification, with all attachments, available at all times at the work site.

If you have questions regarding this letter, please contact Kyle Stoner, Senior Environmental Scientist (Specialist), at (916) 767-8178 or by email at kyle.stoner@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B35A7660DD7848B...

Jennifer Garcia
Environmental Program Manager

ec: Kyle Stoner, Senior Environmental Scientist (Specialist)
kyle.stoner@wildlife.ca.gov

Please print this license order confirmation for your records.

Once you have printed your receipt and license document(s) (as applicable) you will have concluded the online ordering process. You may use any self-print license document within the validity dates on the document.

NOTE: Please allow at least 15 days for your mail fulfilled annual license, harvest tag, fishing report card, or annual lands pass to arrive in the mail. If you ordered multiple items, they will be printed and mailed in a single long document. Be sure to separate the license documents after the "---END OF DOCUMENT---" indicator before use.

If you do not receive your license document(s) in the mail within 15 days, please contact us as soon as possible. If over 90 days pass from your purchase date you may be required to purchase duplicate items.

(916)928-5805
LRB@WILDLIFE.CA.GOV

California Department of Fish and Wildlife

License Order Confirmation

Trans Number: 24949305

Licensee Name: ERIN MCCARRICK

GO ID: 1066192566

Date of Birth: 06/21/1980

Item Name

Your Price

2021 1602 Std \$25 - 100K

2,478.25

Customer Total: \$2,478.25

Order Total: \$2,478.25

Purchase Total: \$2,478.25

Charged To Visa: \$2,478.25

Credit Card Number: *****4706

Reference Number: 3839142

Purchase Date/Time: 6/1/2021 7:15:25 PM

Retain this LICENSE ORDER CONFIRMATION as Proof of Purchase.

21

LSA

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LSA PAYMENT RECEIPT

Not a license



D-0032934779-4

GO ID: 1066192566
STATE ID: B675**** CA
ERIN MCCARRICK
3650 LOCUST ST
CLEARLAKE, CA 95422

Doc No: D-0032934779-4
Trans: 00000024949305
010793051

Outlet No: 305002-001
6/1/2021 7:15:25 PM

Item	Fee*
1602 Std \$25 - 100K	\$2,478.25
Applicant Name: ERIN MCCARRICK	
Business Name: CLEARLAKE HARVEST COMPANY	
LSA Notification #: TBD	
Project Name: 2250 OGULIN - STANDARD AGREEMENT	

Total: \$2,478.25

*Includes any applicable application fees, agent handling fees and license buyer surcharge.

----- End of Document D-0032934779-4 -----

Application for Commercial Cannabis Operations

By Clearlake Harvest Company, LLC

2250 Ogulin Canyon Rd

Clearlake CA 95422

2250 Ogulin Canyon Commercial Cannabis Application

1. Introduction
2. City of Clearlake Considerations
 - a. Additional Information
 - b. General Plan Consistency
 - c. Environmental Consideration
 - d. Zoning and Regulatory Considerations
 - e. Proof of Legal Access
 - f. Noise, Traffic, Visual, Geological and Neighborhood Considerations
 - g. City of Clearlake Regulatory Compliance Review
3. Vicinity Map
4. Site Plans and preliminary floor plans
5. Business Plan
6. Operations Plan
 - a. Security and Lighting Plan
 - b. Odor Management Plan
 - c. Parking Plan
 - d. Employee Safety and Training Plan
 - e. Waste Management Plan (both solid and liquid waste)
 - f. Pest Management Plan
 - g. Materials Plan
 - h. SWIPP/Drainage, Erosion & Sediment Control Plan
 - i. Grading Plan – if applicable
 - j. Water Management Plan
7. Archeological Report
8. Botanical/Biological Report

Attachments

- I. Landlord Authorization
- II. City of Clearlake Regulatory Compliance Review
- III. Security and Lighting Plan
- IV. Waste Management Plan
- V. Pest Management Plan
- VI. SWPPP
- VII. City of Clearlake Application

I. INTRODUCTION

Who: Clearlake Harvest Company, LLC (Kris Gretsinger)
Kris Gretsinger: 510-381- 8199
Anand Rajendraiah: 616-634-2617
Erin McCarrick: 707-350-5052 or 605-393-7658

What: The applicant, Kris Gretsinger, is proposing a new cannabis operation that will include a nursery, a processing building, and hybrid greenhouse cannabis cultivation sites. The project is proposed on a 12.95 acre property in Clearlake CA (APN 010-044-19). The property was most recently a single-family dwelling. Prior to that, it was used for small scale honey processing. The surrounding area is zoned industrial and also commercial cannabis in the CB overlay zone.

Proposed cannabis operations will occupy 27,500 square feet of the property and will be on existing flat land. The proposed site for the nursery is on an existing concrete slab.

The total cumulative project will not disturb more than one acre.

Where: 2250 Ogulin Canyon Rd, Clearlake, CA 95422

Why: The applicant currently operates a cannabis distribution company in Clearlake and is looking to expand operations, create more jobs, and increase the tax base for the City of Clearlake.

How/When: The applicant hopes to break ground this year and begin employing a crew of ten people for cultivation and harvest operations this fall. Additionally, applicant plans to facilitate license and growing opportunities for equity candidates this year as part of the Clearlake Social Equity Program.

The members of Clearlake Harvest Company have been involved in numerous fire recovery projects in Lake County and therefore are very committed to fire safety and prevention. Applicant is committed to working with the City of Clearlake, the Clearlake Police Department, the Fire Department, and other State and Local agencies to ensure this company complies by all regulations, including 4290 road compliance and access for all emergency personal.

2. CITY OF CLEARLAKE CONSIDERATIONS

A. Additional Information

Applicant: Clearlake Harvest Company, LLC

Operator:

1. Operator(s)
 - a. The name or names of the Operator: Kris Gretsinger
 - b. Date of birth: April 24, 1979
 - c. Previous addresses for the five (5) years immediately preceding the present.
 - i. 2016 – Current: 2035 Kenway Court Lodi, CA 95242
 - d. The height, weight, color of eyes and hair.
 - i. 5’9, 230 lbs, brown eyes, brown hair
 - e. Photographs for identification purposes (photographs shall be taken by the Police Department or provide 2 passport quality photos).
 - i. With the City of Clearlake
 - f. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
 - i. 2020 – Current: Owner/Operator, Clearlake Ventures, LLC. – Clearlake
 - ii. 2010 – 2020: Project Manager, Pacific States Environmental – Dublin, CA
 - g. The Cannabis Operation business history, including whether the Business Owner and Responsible Parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
 - i. Applicant currently owns and operates a cannabis distribution company in Clearlake, CA. Applicant additionally owned a cannabis cultivation in Mendocino County that was sold to another person. Applicant has never had a cannabis related license revoked or suspended.
2. Tax identification number.
 - a. Clearlake Harvest Company, LLC = 86-3836659
3. The address to which notices relating to the application is to be mailed.
 - a. PO Box 2116, Clearlake, CA 95422

Application Fee: Submitted

B. General Plan, Land Use and Zoning Compliance Consideration:

The site is designated for Industrial land uses zone in the General Plan and in the Cannabis Combining (CB) zoning, which appears to be consistent with the project.

Additionally, as noted in the vicinity maps, the proposed operation is well beyond 600 feet from any currently sited youth facilities, such as public and private schools. The closest property line is a storage facility that is over 400 feet from the site. The site will not be visible from the road.

C. Environmental Consideration:

The applicant has been determined low risk through both the State Water Resources Control Board and the Department of Fish and Wildlife for this Commercial Cannabis Operations.

The applicant has obtained a biological and archeological report included in this report. The project does may require minor grading and could be considered a Class 5 Categorical Exemption “Minor Alterations in Land Use Limitations” as it does not have a slope of more than 20% and will not result in any major changes in land use or density.

The proposed project is 378 feet way from the closest waterway - an ephemeral stream in the southeast corner of the property. There is no risk of runoff from operations as the greenhouses will be self-contained. Additionally, the area around the greenhouses will have waddles and any other necessary erosion and wastewater controls. There are no waterway crossing to access the cultivation site. Applicant has filed for a Standard Agreement with Fish and Wildlife and is enrolled in the State Water Board for Cannabis Cultivation.



D. Zoning and Regulatory Considerations

Ordinance No. 249-2021 recently amended section 18-43.050 (A) of Chapter 18 of the Municipal Code to re-remove the numerical cap on cannabis businesses located within the boundaries of the Commercial Cannabis Combining District Map.

Use Consistency with the Zoning Code:

The project is located in the Industrial Zoning District and the CB, Commercial Cannabis Combining District. Surrounding uses are mostly comprised of other commercial operations including existing and proposed cannabis operations. There are no youth facilities, churches, schools or parks located nearby. To the applicant's knowledge, there are no inhabited residence within 600 feet.

E. Proof of Legal Access

See attached approval from Anand Rajendraiah on behalf of RSG Clearlake Vista, LLC (the property owner). See Attachment I

F. Noise, Traffic, Visual, Geological and Neighborhood Considerations

The property is isolated and in a low traffic area. There will be very low traffic to and from the property aside from employee vehicles. It is anticipated that the employees will not exceed twenty and that will be over years of growth. If necessary, the applicant will obtain noise, traffic, visual, or neighborhood considerations. The property is not within a Groundwater Sustainability Agency, and therefore does not need a Geological Survey.

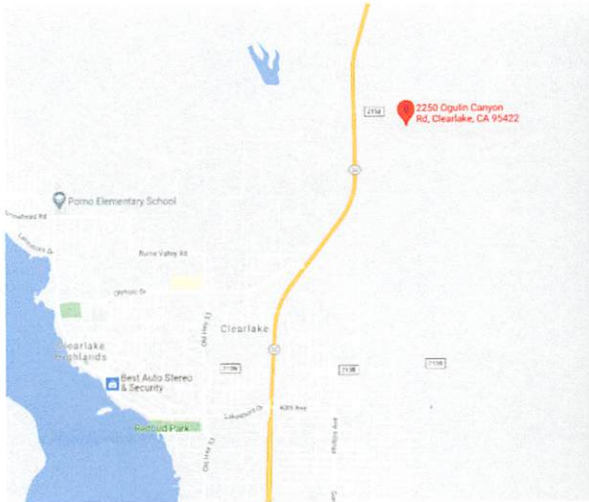
G. City of Clearlake Regulatory Compliance Review

See Attachment II

3. VICINITY MAP

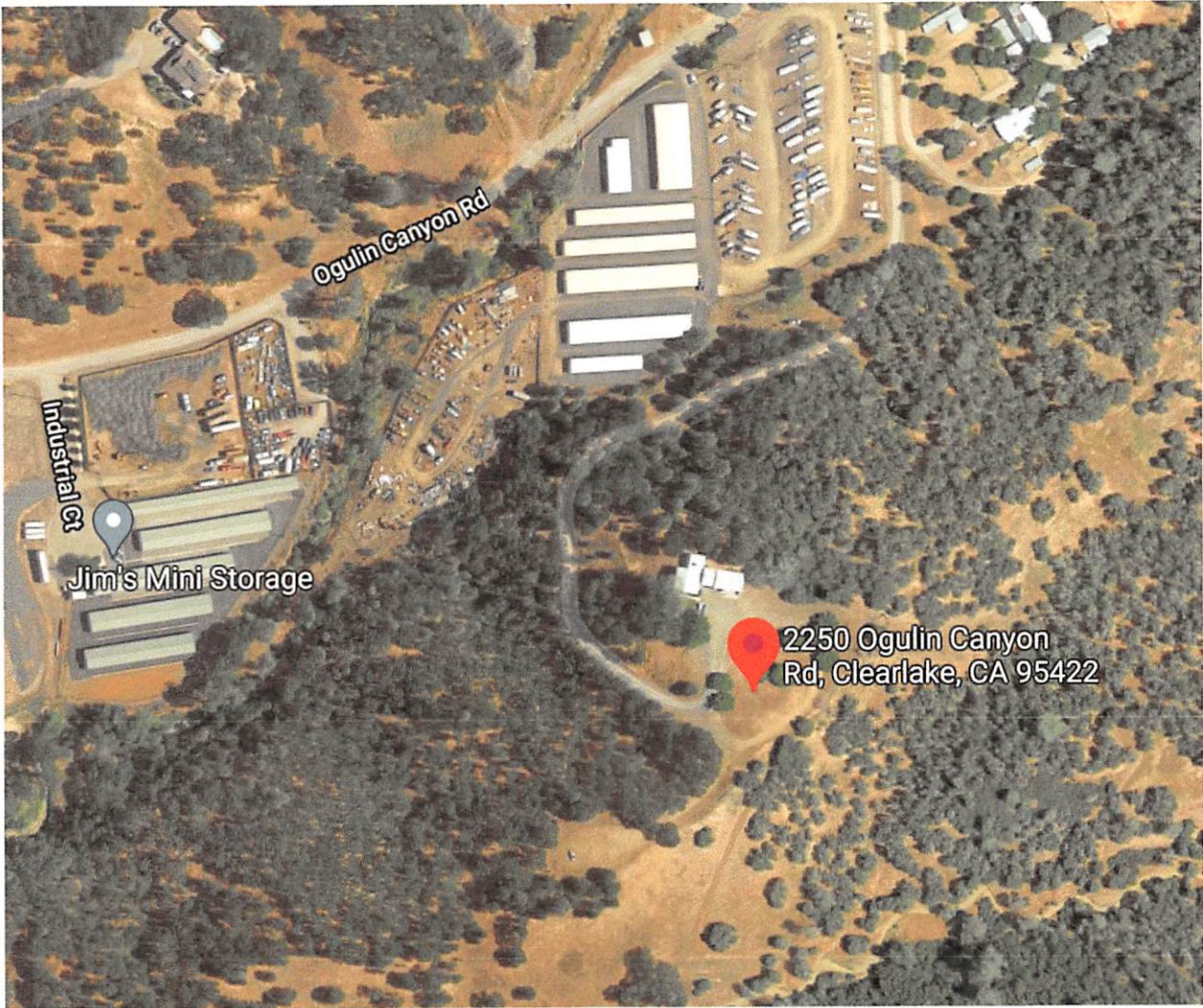
The following maps show the location of the proposed project to surrounding businesses and identifies the closest schools, playgrounds, churches, nurseries.

General location of proposed project



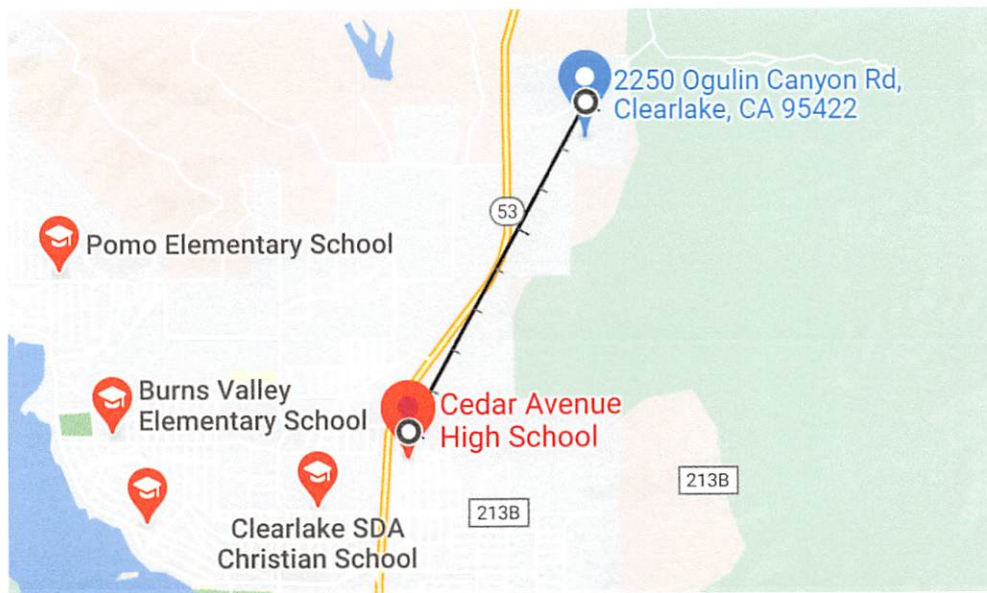
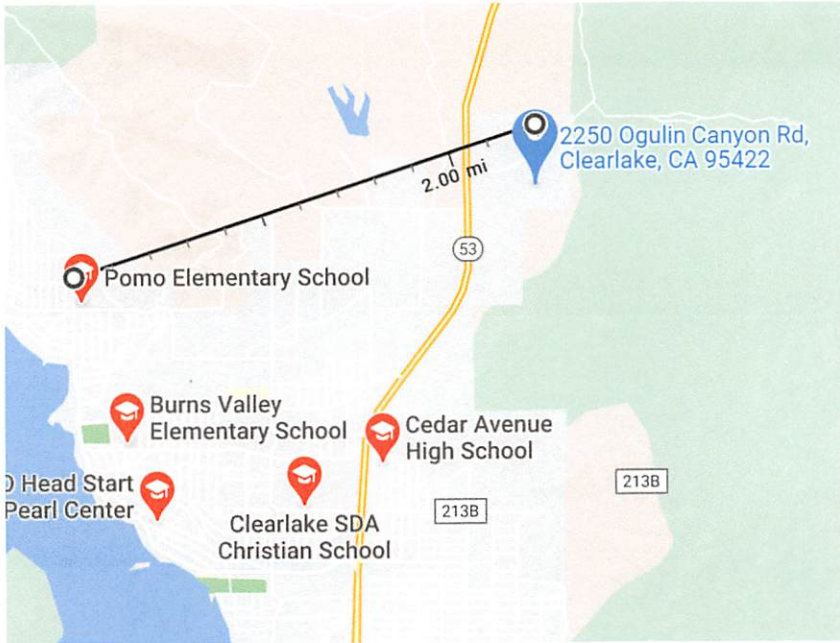
Surrounding area

- The surrounding area is industrial to the North, comprised of a dog kennel and storage facility. The areas to the South and East are undeveloped parcels.



Proximity to schools

- Pomo Elementary is 2.37 miles away and Cedar Avenue High School is 1.57 miles away.



Proximity to churches

- Clearlake Church of the Nazarene is the closest church and it is 1.2 miles away.



Proximity to childcare

- The Learning House is the closest childcare and it is 1.5 miles away.



4. SITE PLANS AND PRELIMINARY FLOOR PLANS

Site Plan

SITE 1
Office Space

SITE 2
1600 sf Nursery

SITE 3
3000 SF Nursery

SITE 4
10,000 sf Cultivation

SITE 5
2500 sf Cultivation or processing building

SITE 6
2400 sf Processing

SITE 7
5,000 sf Cultivation area with Equity Partners



Total Canopy = 17,500 sf

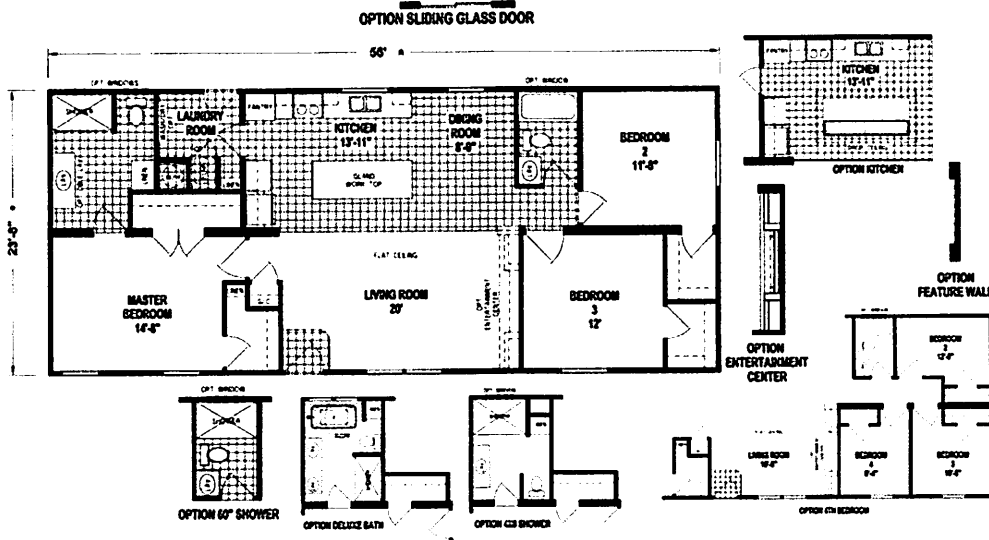
Total Square Footage = 27,500 sf

Newly Disturbed Footage = 25,900 sf

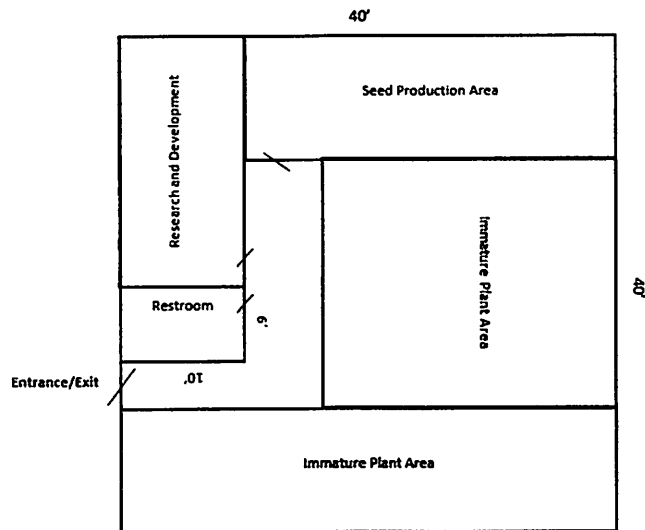
Not to scale

Types of Licenses & Preliminary Floor Plans

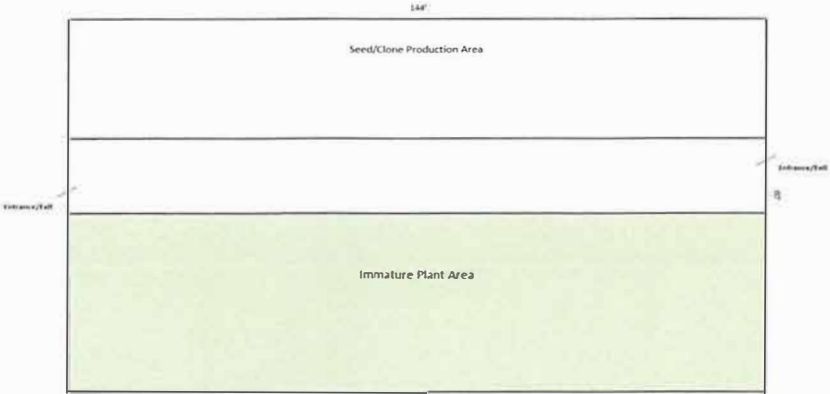
- Site 1 – Office Space
 - Office Space – There will be no change to the existing trailer on the property. The trailer is a Skyline 24x60 foot trailer. The bedrooms on the below floor plan will be used as offices.



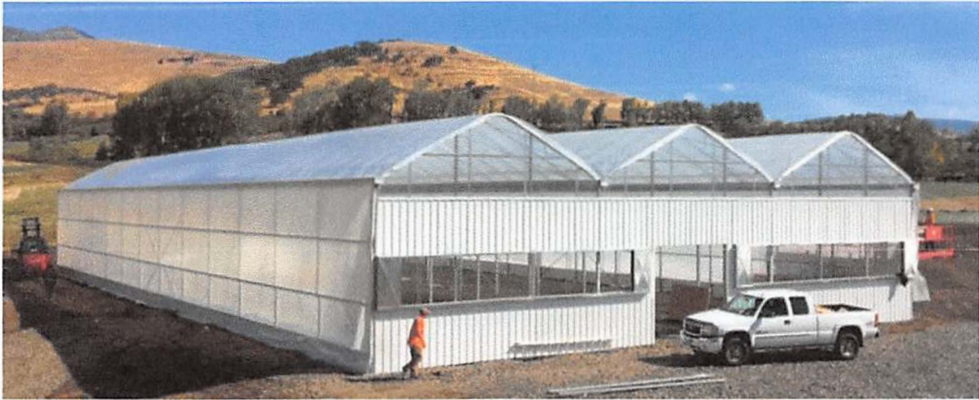
- Site 2 – Nursery Operations
 - Nursery License - Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.



- Site 3 – Nursery Operations or Processing (see processing layout)
 - Nursery License - Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.



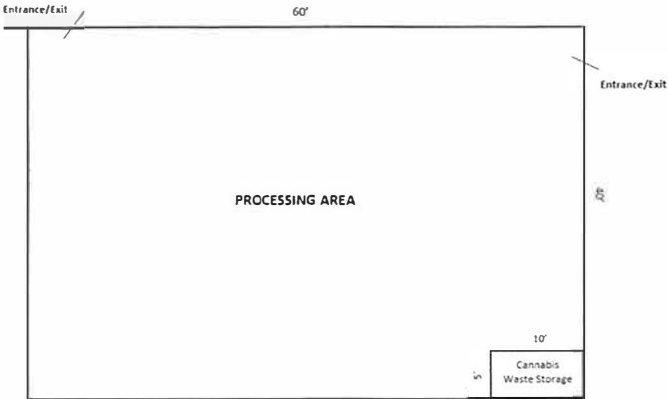
- Site 4 - Cultivation Operations
 - Small Mixed Light Tier 2 – cannabis cultivation up to 10,000 square feet in a hybrid greenhouse.
 - See attached information and quote from Fullbloom Greenhouse. Picture of proposed greenhouse below. Full engineered plans available upon payment.



- Site 5 – Cultivation Operations
 - Specialty Cottage Mixed Light Tier 2 – cannabis cultivation up to 2,500 square feet in a hybrid greenhouse.
 - See attached information for the 3000 square foot greenhouse. Picture of proposed greenhouse below. Full engineered plans available upon payment.



- Site 6 - Processing Operations
 - Processing Operations - Processing operations are auxiliary to a cultivation license. The structure will be used for drying, curing and trimming the flower.



- Site 7 – Equity Partner Cultivation Operations

It is a priority of our organization and operation to build social equity into our business model. We will set aside the following licenses for equity candidates. We will work with the City of Clearlake to identify those individuals that qualify for the developing equity program.

 - Specialty Cottage Mixed Light Tier 1 – cannabis cultivation up to 2,500 square feet in a hybrid greenhouse.
 - See attached information for the 3000 square foot greenhouse. Greenhouse is the same as the type on Site5. Full engineered plans available upon payment of greenhouse.

5. BUSINESS PLAN

Snapshot

The Product:

The primary product and revenue streams for Clearlake Harvest Company is high quality, cleanly grown cannabis for the legal regulated cannabis market in California.

Clearlake Harvest Company will also have a nursery to provide the plants for the cultivation onsite. This nursery will also produce a secondary revenue stream providing unique strains to local cultivators.

The Customer:

Wholesale cannabis buyers – identified.

Sales:

Clearlake Harvest Company has relationships with local distribution companies and wholesale cannabis buyers to purchase bulk flower.

Anticipated Revenue:

More detailed financials available upon request.

10,000 square foot greenhouse revenue:

- Expected yield: A 10,000 square-foot greenhouse can average 40 grams/square foot of canopy, totaling 880 pounds/10,000 square feet of canopy. Our estimates are conservative, forecasting 850 pounds/10,000 square feet.
- Expected revenue: As of May 7, 2021, the U.S. Cannabis Spot Index had the average price of cannabis at \$1565/pound. We are taking a very conservative estimate of \$850/pound yielding \$748,000 per cycle. Clearlake Harvest Company intends on cultivating three cycles/year resulting in yearly revenues of \$2,244,000.

Two 2,500 square foot greenhouse revenue:

- Expected yield: This yield is dependent on the equity grower(s) that partners with Clearlake Harvest Company. These greenhouses will be a different variety than the 10,000 square-foot greenhouse and are intended for a standard growing cycle (May – October). The average yield of 40 grams/square foot of canopy can still be used resulting in 220 pounds/2,500 square feet of canopy.
- Expected revenue: Keeping the same conservative estimates of \$850/pound, it would result in \$187,000/greenhouse, \$374,000 total. However, as this is an equity project, there may be other variables to consider as the program is developed.

Nursery revenue:

- As this is not the primary source of revenue, the estimate is based on observational data of need in the community. The peak need for seeds and clones for outdoor season is January – June. The average price of a clone is \$10/clone. A modest goal of Clearlake Harvest Company is 5,000 clones/month. Monthly anticipated revenue is \$50,000/month for six months resulting in a yearly revenue of \$300,000.

Anticipated Return to Community:

In addition to the hiring of Clearlake Equity Candidates and local employees, Clearlake Harvest Company is committed to purchasing equipment and supplies locally and sourcing local contractors.

TIMELINE

2021

May – July/August

- Apply and go through licensing
- Identify equity partners
- Find contractor and supplier for 10,000 square foot greenhouse and processing building

July/August* – October

- Support equity growers in growing cycle
- Build out processing building
- Build out nursery
- Begin buildout of 10,000 square foot greenhouse

*If licenses are obtained

October – December**

- Process product from equity greenhouses
- Continue buildout of 10,000 square foot greenhouse
- Start propagating clones for 2022

**If licenses are obtained after a possible growing cycle (August/September) focus will be on prepping for first Greenhouse cycle in 2022

2022

March – May/ June – August/ September - November

- 10,000 sf Greenhouse cycle – giving time to ensure greenhouse is up and running

March – October

- 2500 sf Greenhouse cycle

Jan – June

- Sales of clones

6. OPERATIONS PLAN

- a. Security and Lighting Plan
- b. Odor Management Plan
- c. Parking Plan
- d. Employee Safety and Training Plan
- e. Waste Management Plan (both solid and liquid waste)
- f. Pest Management Plan
- g. Materials Plan
- h. SWIPP/Drainage, Erosion & Sediment Control Plan
- i. Grading Plan – if applicable
- j. Water Management Plan

General Operations:

The general operations of this commercial cannabis company include

1. Nursery
2. Greenhouse Cultivation
3. Processing Building

Hours of Operation

1. Nursery: 8am – 6pm
2. Greenhouse Cultivation: 7am – 4pm
3. Processing Building: 8am – 6pm

a. Security and Lighting Plan

- a. See Attachment III

b. Odor Management Plan

- a. When processing and during flowering in the greenhouses, we will use fans and carbon filters to control odor from our premises. The fans and filters will be placed in the corners of the processing facility and greenhouses. The nursery does not need filtration as the immature and non-flowering plants do not produce odor. We will use Phat Carbon filters with 8” fans.
<http://www.phatfilter.com/phat-filters>.

c. Parking Plan

- a. Per City of Clearlake Regulations, we will have four and one-half spaces for every 1,000 square feet of gross floor area that is open to the public. In the current plans, there is 1,440 square feet open to the public. Additionally, we will ensure there is adequate parking for the employees. The dimensions of the parking spots adhere to the minimum requirement of 8' for compact, 9' for standard, and 14' for ADA parking spaces.

Parking Sites 1 and 2 will each have one ADA parking spot and 4 standard parking spots.



d. Employee Safety and Training Plan

- a. Clearlake Harvest Company (CHC) will abide by all State, Local and Federal laws. CHC will ensure safety standards on the property adhere to OSHA and CalOSHA standards. CHC will stay apprised of all updates to safety standards, mandates, and guidance per OSHA, CalOSHA, State, Local and Federal, including COVID safety standards and operations. Once employees are hired, an IIPP will be created and employee training will be documented and kept on file.

e. Waste Management Plan

- a. Cannabis Waste - Attachment IV
 - i. See attached Waste Management Plan using the approved form by the California Department of Agriculture (CDFA) Cannabis Department.
 - ii. Additionally, see Water Management Plan for information about applicant's adherence to California State Water Resources Control Board Cannabis Policy and Cannabis Cultivation General Order.
- b. Solid Waste
 - i. Applicant has waste service through Lake County/Clearlake Waste Solutions.
- c. Other Waste
 - i. Standard and ADA Porto-potties will be provided and serviced through Action Sanitary when there are employees onsite. The office space has a restroom with a permitted septic system on the property.

f. Pest Management Plan

- a. See attached Pest Management Plan using the approved form by the California Department of Agriculture (CDFA) Cannabis Department. Attachment V.

g. Materials Plan

- a. This item requests a list of all pesticides, fertilizers, and any other hazardous materials that may be used and a storage plan for these materials.
 - i. Pesticides are listed in the Pest Management Plan
 - ii. There will be minimal fertilizers used. The soil will be above ground in pots inside the greenhouses. Potential fertilizers include Soil from a reputable company, cow manure (manure to be stored according to SWPPP) and various soil amendments to be listed and given to City of Clearlake once operations commence.
 - iii. There will be no volume of materials onsite that require a hazardous materials plan. Potential hazards include: gas cans to be stored according to SWPPP and in the largest volume of five-gallon containers; propane tanks in the largest volume of 7.5 gallon containers; and isopropyl alcohol in the largest volume of five-gallon containers. CHC will notify all state and local officials if anything changes.

h. SWPPP/Drainage, Erosion & Sediment Control Plan

- a. This total project does not disturb more than one acre of land and therefore does not call for a Storm Water Pollution Prevention Plan (SWPPP). The cannabis and water usage will be contained within a greenhouse and water will be minimal and recycled if possible resulting in minimal runoff.
- b. Additionally, every cannabis cultivation applicant must enroll and obtain coverage in the Cannabis Water Discharge Program with the State Water Resources Control Board (SWRCB) and obtain a Lake Streambed Alteration Agreement (LSAA) or obtain a waiver for it through the California Department of Fish and Wildlife (CDFW). The applicant has been determined low risk through both the SWRCB and the CDFW for this Commercial Cannabis Operation. Each State agency, SWRCB and CDFW, requires annual submittal and monitoring. CHC will submit these reports to the City of Clearlake as needed or if requested.
- c. CHC is committed to being proactive in environmental compliance and pollution prevention and has prepared attached SWPPP for any construction activity during the build out of this operation. Attachment VI.

i. Grading Plan

- a. The applicant does not see the need for a grading plan at this time as proposed location is flat and total project is under one acre.

j. Water Management Plan

Water management is extremely important to CHC, we will adhere to any regulations or recommendations for local and state officials and agencies. As noted below, the applicant is enrolled in the Cannabis Water Discharge Program and will abide by the monitoring required through compliance gages.

a. State Water Resources Control Board

Every cannabis cultivation applicant must enroll and obtain coverage in the Cannabis Water Discharge Program. Clearlake Harvest Company has enrolled in this Program and will adhere to the Cannabis Policy and Cannabis Cultivation General Order. Listed below is information and guidance from the SWRCB website. Clearlake Harvest Company intends to comply with these requirements and guidelines.

- i. SWRCB Cannabis Policy: The Cannabis Policy establishes principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy requirements are primarily implemented through the Water Boards Cannabis Cultivation General Order and Cannabis SIUR permits in addition to the California Department of Food and Agriculture's Cal Cannabis Cultivation Licensing Program.

- I. [Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation](#)

- ii. SWRCB Cannabis Cultivation General Order: The Cannabis Cultivation General Order is to ensure, to the greatest extent possible, that discharges to waters of the State do not adversely affect the quality and beneficial uses of such waters. The Cannabis Cultivation General Order is a simplified Waste Discharge Requirement (WDR) available to cannabis cultivators to regulate discharges of waste associated with cannabis cultivation. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, etc. The Cannabis Cultivation General Order WDRs may be referred to as a “Water Quality Permit” or a “Water Quality Protection Enrollment” by other agencies.

- I. [Cannabis Cultivation General Order](#)

b. Compliance Gages

CHC has received a quote for purchase and installation of a compliance gage (attached). Below is information regarding the compliance gages from the SWRCB.

- i. [Online Cannabis Compliance Gage Mapping Tool](#) - The Online Mapping Tool provides cannabis cultivators that divert surface water with a tool to check whether they may divert for cannabis cultivation on a given day.
- ii. [Cannabis Compliance Gages Website](#) (Cannabis Policy, Attachment A, Section 4)- Provides an overview of the Cannabis Policy's current list of active compliance gages and the associated Tessmann Instream Flow Requirements. Please use the online mapping tool above to determine whether water is available to divert at your point of diversion.

c. Well Capacity and General Water Conservation

- i. Applicant has obtained a well report that shows 35 gallons per minute and sufficient recovery. This gpm rate should be sufficient to irrigate 20,000 square feet of canopy. Additionally, applicant will avoid overwatering and utilize the technology available to greenhouse cultivation to monitor soil moisture levels and automate watering. This measure will support the efforts to avoid overwatering.

7. ARCHEOLOGICAL REPORT

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:
Consultation Code: 08ESMF00-2021-SLI-1551
Event Code: 08ESMF00-2021-E-04541
Project Name: McCarrick

April 15, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to

utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2021-SLI-1551

Event Code: 08ESMF00-2021-E-04541

Project Name: McCarrick

Project Type: AGRICULTURE

Project Description: 12.97 acres

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.97798515,-122.60636132630475,14z>



Counties: Lake County, California

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Flowering Plants

NAME	STATUS
Burke's Goldfields <i>Lasthenia burkei</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4338	Endangered
Few-flowered Navarretia <i>Navarretia leucocephala ssp. pauciflora</i> (=N. <i>pauciflora</i>) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8242	Endangered
Slender Orcutt Grass <i>Orcuttia tenuis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1063	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT I

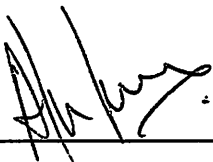
LANDLORD AUTHORIZATION

LANDLORD VERIFICATION

I, Anand Rajendraiah, on behalf of RSG Clearlake Vista, LLC, Landowner and Lessor of the property located at 2250 Ogulin Canyon Road, Clearlake, CA 95422 APN: 010-044-19 (the "Property"), do hereby acknowledge and verify that Clearlake Harvest Company, LLC (hereafter "Lessee") has my express authorization to use the Property for a commercial cannabis business, including but not limited to commercial cannabis cultivation, in accordance with the terms and conditions of the lease for the Property executed by and between myself, as Lessor, and the Lessee (the "Lease").

I can be reached at the contact information below further verification be deemed necessary.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.



Anand Rajendraiah

489 Forestridge Drive
Coppell, TX 75019
(916) 201-6078

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

File No: _____
APN No: _____

STATE OF California)SS
COUNTY OF LAKE)

On May 6, 2021 before me, SHARON BASSHAM, Notary Public, personally appeared Anand Katendraiah

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (he/she/they) executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sharon Bassham



This area for official notarial seal.

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- INDIVIDUAL
- CORPORATE OFFICER(S) TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT II

CITY OF CLEARLAKE REGULATORY COMPLIANCE REVIEW

City of Clearlake Regulatory Compliance Review
Clearlake Harvest Company

Applicant has provided answers to the City of Clearlake Regulatory Compliance Review as listed in the Cannabis Business Application.

- a. **Management and onsite community relations contacts:** Applicants shall provide the Community Development Department, Fire Department, and Police Department with full contact information for the Person or Persons having management and/or supervision of the cannabis business as well as an onsite community relations contact. Subsequently Cannabis Operators shall provide prompt written notice to the Planning Department, Fire Department, and Police Department of any changes to such contact information.

Applicant Comment:

The principals of Clearlake Ventures are
Kris Gretsinger: 510-381-8199, Onsite Community Relations Contact
Anand Rajendraiah: 616-634-2617
Erin McCarrick: 707-350-5052

Applicant will also provide an updated information/contact sheet to the Community Development Department, Fire Department, and Police Department within 30 days of change.

- b. **Security cameras.** Security surveillance cameras shall be installed to provide coverage on a twenty-four (24) hour basis of all areas where Cannabis is cultivated, weighed, manufactured, packaged, stored and dispensed in a manner that provides clear and certain identification of individuals. Cameras shall remain in active, operable condition and capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.

Applicant Comment:

See "Security and Lighting Plan" in applicant's Operations Plan addressing the requirements of the City of Clearlake and the State of California.

As required by the State of CA, the security camera system will provide twenty-four-hour coverage, maintained for ninety (90) days.

- c. **Alarm system.** A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall be installed in accordance with Article 5-13 of the Code and shall include sensors to detect entry and exit from all secure areas and windows. Cannabis Operators shall keep the name and contact information of the alarm system installation company as part of the business’s onsite books and records.

Applicant Comment:

See “Security and Lighting Plan” in applicant’s Operations Plan addressing the requirements of the City of Clearlake and the State of California.

Applicant will engage the services of a third-party security company to install, maintain, and monitor an alarm system that is activated at all times when the business is closed. The system will detect unauthorized entrance at all entry or exit points, and all exterior windows of the premises. It will also detect movement in the licensed premise when the premises is vacant of employees. This system will adhere to the requirements of Clearlake Municipal Code, Ch. V, Art. 5-13, Alarm Systems.

- d. **Limited Access Area:** A cannabis business shall establish limited access areas accessible only to authorized personnel and enforcement.

Applicant Comment:

Applicant will clearly label Limited Access Areas on site and protect with limited access protocols such as keypad entry and all employees’ badges, draft and implement standard operating procedures for entry and exit and establish Limited Access Area is identified in the Security Plan.

- e. **Storage:** All cannabis on the Permitted Premises shall be stored and secured in a store room, safe, or vault in a manner that prevents diversion, theft, and loss.

Applicant Comment:

All cannabis will be stored in locked and secure locations. Protocols will be put in place to ensure a checklist of putting away cannabis products and securing the location before the close of business each day.

Cannabis and cannabis products will be in the view of and monitored by the security cameras on premises.

- f. **Transportation:** Each cannabis business shall provide as a part of its security plan a description of its procedures for transportation delivery, and safely and securely transporting Cannabis Products and currency in accordance with state law.

Applicant Comment: Transportation of cannabis and cannabis products will be conducted by a Type II licensed cannabis distributor.

- g. **Locks:** All points of ingress and egress to a cannabis business shall ensure the use of commercial-grade, nonresidential door locks and window locks.

Applicant Comment:

Applicant will ensure all doors of the premises include commercial-grade door locks and that each interior and exterior door of the facility maintains an appropriate level of access control relative to the hierarchy of risk and access restrictions relative to each area of the facility.

- h. **Odor control:** All cannabis businesses in the City shall be required to incorporate and maintain adequate odor control measures incorporated and maintained such that the odors of cannabis cannot be readily detected from outside of the structure in which the Permitted Premises is located. The Cannabis Operator shall be solely responsible for taking any and all appropriate measures to meet this standard and to install, operate and maintain appropriate odor mitigation measures consistent with the manufacturer’s specifications and requirements.

Applicant Comment:

See Odor Control Plan in Operating Plan.

- i. **Lighting.** Exterior lighting shall be provided for security purposes in a manner that shall be sufficient to provide illumination and clear visibility to all outdoor areas, including all points of ingress and egress, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood, and in compliance with all illumination standards adopted by the City on a City-wide basis.

Applicant Comment:

See “Security and Lighting Plan” in applicant’s Operations Plan addressing all the requirements of the City of Clearlake and the State of California. All lights will comply with the City of Clearlake codes and regulations.

- j. Manufacturing – n/a
- k. Manufacturing – n/a
- l. Manufacturing – n/a
- m. Manufacturing – n/a
- n. Manufacturing – n/a
- o. Manufacturing – n/a

p. Storage:

Applicant Comment:
See Item “h” in this document.

q. Odor Control:

Applicant Comment:
See Item “h” in this document.

r. Trash Recycling: Provide details of a trash recycling enclosure

Applicant Comment:
See Waste Management Plan.
Applicant serviced by Lake County Waste Solutions for trash and recycling.

s. Signage: Other than address signs, no exterior signs would be used for the operation.

Applicant Comment:
Applicant will not display exterior signs.

t. Fencing, landscaping, and/or walls: Provide details of fencing, landscaping, and/or walls.

Applicant Comment:
See Security and Operations Plans.

u. Off-Street Parking: Provide details of off-street parking and access, including calculation of required parking in accordance with the Zoning Code.

Applicant Comment: See Parking Plan in Operations Plan.

v. Storage: Provide details for any outdoor storage.

Applicant Comment: See Item “e” in this document.

Additionally, any additional storage will be met via small storage sheds. Inventory will be given upon request to the Planning Department, Fire Department, and Police Department.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT III

SECURITY PLAN

SECURITY PLAN

Clearlake Harvest Company (CHC) understands the need to provide safety and security to all their employees. CHC intends to comply with all security requirement outlined in the Bureau of Cannabis Control regulations. CHC will also work to build trust and partnerships with all local law enforcement and City of Clearlake officials.

Applicant has previously engaged in conversation and collaboration with the City of Clearlake Police Department and Chief White to ensure cannabis facilities follow regulations and communication with the police department.

CHC commits to providing any necessary information to the City of Clearlake and the City of Clearlake Police Department as needed and whenever information changes. Currently, the Onsite Community Relations Contact is: Kris Gretsinger: 510-381-8199, Onsite Community Relations Contact.

This security plan addresses the inherent risks in cannabis operations, addresses them, finds solutions, provides lighting and camera information, and commits to adhere to the regulations set by the State of California.

Security Plan Contents:

- 1. Interior Site Construction Elements
- 2. Exterior Doors and Windows
- 3. Intrusion Detection System
- 4. Video Management System
- 5. Electronic Access Control System
- 6. Interior and Exterior Lighting
- 7. Employee Safety Elements
- 8. Cash Handling & Safe
- 9. Product Tracking
- 10. Fencing
- 11. State Regulations

1. Interior Site Construction Elements

Clearlake Harvest Company (CHC) will take the following measures to ensure cannabis products are locked and secured inside the premises, that only authorized employees can have access to limited access areas, and developments are up to code.

- Obtain clearance from the City of Clearlake Planning Department, Police Department and Lake County Fire before construction or alteration of existing/new buildings.
- Ensure Processing activities are secure
 - Create a locked and secure drying room
 - Store finished processed cannabis in locked and monitored building

2. Exterior Doors and Windows

- CHC is working with AES Lake County to install a sensor alarm system at all the exterior doors and windows.
- Keypad entry each door.
- Security camera at front door.
- Controlled automatic entry of roll-top door entrance.
- Adherence with all city, county, and state regulations and guidelines for security, lighting, parking, and storage. There will be no outside storage

3. Intrusion Detection System

- CHC is working with local security companies to install a sensor alarm system for any fully enclosed space.
- Authorized employees will undergo training through CHC and chosen security company to follow protocol if an intrusion occurs.

4. Video Management System

- Video management will be performed by a third party vendor for fully enclosed locations. Per CDFA regulations, there will be game cameras for cultivation while cannabis is present on the property.

- Initial Security Camera Placement below:

SECURITY – Camera Placement

- SITE 1**
Office Space
- SITE 2**
1600 sf Nursery
- SITE 3**
3000 SF Nursery
- SITE 4**
10,000 sf Cultivation
- SITE 5**
2500 sf Cultivation or processing building
- SITE 6**
2400 sf Processing
- SITE 7**
5,000 sf Cultivation area with Equity Partners



- Proposed Interior Camera Location: ●
- Proposed Exterior Camera Location: ●
- General Direction: ➔

5. Electronic Access Control System

- Keypad entry will be at all external doors and the internal door that leads into the fully enclosed cultivation and nursery areas.

6. Interior and Exterior Lighting

- CHC is working with local security companies to install a sensor lighting and ensure the building is up to code for all interior and exterior lighting.
- See diagram below for existing and proposed lighting.

SECURITY – Light Placement

- SITE 1**
Office Space
- SITE 2**
1600 sf Nursery
- SITE 3**
3000 SF Nursery
- SITE 4**
10,000 sf Cultivation
- SITE 5**
2500 sf Cultivation or processing building
- SITE 6**
2400 sf Processing
- SITE 7**
5,000 sf Cultivation area with Equity Partners



Proposed Exterior Sensor Light Location: 

Proposed Exterior Continual Light Location: 

7. Employee Safety Elements

- All full time employees will have a Live Scan security clearance through the City of Clearlake Police Department.
- All employees will have name badges
- Only certain employees will have access to the Limited Access Area, which will be accessible by keypad entry.
- All employees will receive training on all security and alarm systems
- All employees will risk mitigation training including the possibility of robbery, physical aggression, or vehicle break-ins.

8.Cash Handling & Safe

- When possible, all monetary transactions will be done digitally through a secure internet application focused on cannabis industry transactions.
- If the use of cash is needed, we will keep a safe onsite and secured to the property. All cash deposits will be deposited at the end of the day.

9.Product Tracking

- Adhere to State of California Track and Trace METRC program for all product. Have video in vehicles and on product storage.
- Daily inventory counts

10.Fencing

- We do not foresee needing any extra fencing unless further required by the City of Clearlake or the State of California.

11.State Regulations

§ 5044. Video Surveillance System.

- (a) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.
- (b)The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.
- (c) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection
- (d) of this section.
- (d) Areas that shall be recorded on the video surveillance system include the following:
 - (1) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
 - (2) Limited-access areas;
 - (3) Security rooms;
 - (4) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
 - (5) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(e) Licensed retailers and licensed microbusinesses authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. Bureau of Cannabis Control Order of Adoption - 40 of 138

(f) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(g) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(h) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(i) Surveillance recordings are subject to inspection by the Bureau, and shall be kept in a manner that allows the Bureau to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the Bureau upon request within the time specified by the Bureau.

(j) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(k) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(l) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.

(2) Each applicant or licensee shall include in their security operating procedures, submitted with the application pursuant to section 5002(c)(29)(D) of this division, an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.

(3) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection

(i) of this section.

(4) All licensees shall be held responsible and subject to discipline for any violations of the video surveillance requirements. Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§ 5046. Locks. A licensee shall ensure that the limited-access areas described in section 5042 of this division can be securely locked using commercial-grade, nonresidential door locks. A licensee shall also use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises. Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§ 5047. Alarm System.

(a) A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

(b) A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

(c) Upon request, a licensee shall make available to the Bureau all information related to the alarm system, monitoring, and alarm activity.

(d) If multiple licensed premises are contained within the same building, a single alarm system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each licensee shall include in their security operating procedures, submitted with the application pursuant to section 5002(c)(29)(D) of this division, an explanation of how the alarm system will be shared, including who is responsible for contracting with the alarm company.

(2) All licensees shall have access to and be able to provide the information under subsection (c) of this section.

(3) All licensees shall be held responsible and subject to discipline for any violations of the alarm system requirements. Authority: Section 26013, Business and Professions Code. Reference: Section 26070,

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT IV

WASTE MANAGEMENT PLAN

CalCannabis Cultivation Licensing Waste Management Plan

- On-site composting of waste
- Waste hauled by local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency

Name of local agency:

Company name (if applicable):

Company business address:

Primary contact person's name:

Primary contact person's phone number:

- Self-haul to one or more of the following:
- a manned fully permitted solid-waste landfill or transformation facility
 - a manned fully permitted composting facility or manned composting operation
 - a manned fully permitted in-vessel digestion facility or manned in-vessel digestion operation
 - a manned fully permitted transfer/processing facility or manned transfer/processing operation
 - a manned fully permitted chip-and-grind operation or facility

Clearlake Harvest Company
2250 Ogulin Canyon Rd
Clearlake, CA 95422

Waste Management Plan

Waste Management Methods

Self-haul to a manned fully permitted composting facility or manned composting operation

- Waste will be cut up and taken to the facility listed below.
- Any flowering cannabis or cannabis that may contain TCH will be mixed with a medium such as animal bedding or vinegar to render the product useless.

Quackenbush Mountain Resource

16520 Davis St, Clearlake, CA 95422

707- 995-0104

Monday – Saturday: 7:30am – 3pm

Sunday: Closed

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT V

PEST MANAGEMENT PLAN

CalCannabis Cultivation Licensing Pest Management Plan

Cultural Pest-Management Control Methods

- Engage with neighbors, the State of California, and Mendocino County Ag Department and Cannabis Program to stay up to date on any pesticide information.
- Cultivation area is enclosed in a greenhouse which prevents wildlife interference and reduces pests.
- Cultivation area will be graveled or have a smooth plywood ground cover to keep the area free of weeds and invasive species.
- Staggered planting to reduce plants in the same phase and attracting certain pests at the same time.

+

Biological Pest-Management Control Methods

- Determine if there are predatory insects on the cultivation site that will naturally take care of the pest.
- Introduce predatory insects if needed.
- Regularly trim plants of diseased leaves or plant parts.
- Maintain and encourage existing predatory insects such as the insidious flower bug.

Chemical Pest-Management Control Methods

- We will try to avoid this as much as possible.
 - Use bee friendly pesticides
 - All pesticide applications must fully comply with the California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations
- Chemical(s) to Be Applied at any Stage of Plant Growth**

+

Product Name	Active Ingredient(s)
Trifecta Crop Control	Thyme Oil 14%, Clove Oil 10%, Garlic Oil 9%, Peppermint Oil 4%, Corn Oil 3%, Geraniol 3%, Citric Acid 2%, Rosemary Oil 2%
Regalia CG	Extract of Reynoutria Sachalinensis

Attach additional sheets of paper as needed.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT VI

SWPPP

CLEARLAKE HARVEST COMPANY

STORM WATER POLLUTION PREVENTION PLAN

Prepared for

Commercial Cannabis Operations

Located at

**2250 Ogulin Canyon Rd
Clearlake, CA 95422**

1 INTRODUCTION

Clearlake Harvest Company (CHC) has developed this Storm Water Pollution Prevention Plan (SWPPP) for implementation during construction and operation of the above listed property. This project will involve minor grading, construction of hybrid greenhouses, construction of a processing building and slight modifications to existing structures.

1.1 OBJECTIVES

The objectives of this SWPPP are as follows: (1) identify and evaluate all pollutant sources associated with grading and construction activities that may affect the quality of storm water leaving the site; (2) identify potential non-storm water discharges; (3) identify and implement site-specific Best Management Practices (BMPs) in a timely fashion to reduce, eliminate, or prevent silt-laden stormwater associated with construction activities from leaving the site.

2 SITE DESCRIPTION

This site is located within the City of Clearlake at the above listed location. The climate in the vicinity of the sites is moderate and midrange, with mild, wet winters and warm, dry summers. The average rainfall is approximately 17 inches per year, as measured by the National Weather Service. On average, January is the wettest month.

2.1 CONSTRUCTION ACTIVITIES

The following activities are planned as part of this project:

- Site preparation/mobilization and demobilization
- Clearing and Grubbing
- Material demolition and stockpiling
- Material transportation and off-site disposal as required
- Protection and/or removal of all on-site utilities as specified in the project plans

3 BEST MANAGEMENT PRACTICES

3.1 SITE ESTIMATES

The potential grading zone is approximately 10,000 – 20,000 s.f.

3.2 POLLUTANT SOURCES

The Construction Storm Water General Permit (CSWGP) requires identification of all pollutant sources and material/sediment disturbing activities that may affect the quality of storm water leaving the site (including sediment). This section identifies the potential pollutant sources and describes the specific BMPs chosen to control the pollutant sources listed. Potential storm water pollutant sources from the site include the following:

- Storm water in contact with exposed soil or stockpiles
- Storm water with excessive sediment from wind or water eroded removal surfaces
- Personnel and equipment leaving the site
- Oils, grease and coolants from equipment
- Releases of gasoline/diesel fuel during refueling operations
- Vehicle maintenance and parking area
- Material stored in the equipment storage area

3.3 TOXIC MATERIALS

No toxic and/or hazardous materials are anticipated to be stored at the site. Fuel for heavy equipment will be brought on as needed and not to exceed 10 gallon containers. The fuel tank will remain on the service vehicle during fueling operations or in a secure location.

3.4 EROSION AND SEDIMENT CONTROL

This section describes the minimum Best Management Practices to be implemented to control erosion and sediment at the site.

3.4.1 General Practice

The greatest potential source for introducing sediment load into the storm water discharge at the site is soil or stockpiles exposed to wind or water erosion. BMPs to reduce this potential include:

- Staging and Loading/Unloading Area.
 - The trucks will enter the staging area will be free of debris as will the path. The truck drivers will follow a direct route to the loading/unloading area, load/unload the truck and continue to exit the site as needed.
- The use of silt fences along the site perimeter to protect offsite properties
- Spraying water on areas being graded, staging and loading area, and active areas of the stockpiles if stockpiling is needed.

Details of BMPs including implementation and maintenance are described below.

3.4.1.1 BMPs for Water Erosion

Silt fences, on an as-needed basis, will be installed to minimize sediment from storm water discharge from the site. Silt fences will be constructed of geotextile fabric shall be keyed into the ground and backfilled with gravel. Silt fences will be repaired or replaced when split, torn, slumping or weathered fabric is observed.

3.4.1.2 BMPs for Wind Erosion

Water will be sprayed to suppress dust, when needed, during the removal, treatment, placement, or movement of materials into stockpiles. On days of truck movement water will be supplied each day. Dust control measures will be recorded daily on the field log forms. Over-watering, which could result in excessive runoff will be avoided. While stockpiles are in place, wind erosion and dust generation will be controlled as needed through the use of a cover consisting of Visqueen™.

The removal areas, roadways and operation area will be watered as needed to control dust generation during the dry months. This practice will be continued during the wet season if long-range forecasts indicate extended periods of dry weather.

3.4.1.3 BMPs for Tracking Sediment

No truck will leave the job site when the job site is muddy. Trucks will be dry brushed when needed.

3.4.2 BMPs to Minimize Contact With Storm Water

3.4.2.1 Vehicles and Equipment

Obvious leaks observed coming from equipment will be reported to the CHC management personnel. Absorbent pads will be readily available in the spill kit located at the equipment staging area. On-site equipment will be inspected daily for leaking oil and fluids.

Minor repairs (<1 hour) will be conducted at the site. Major repairs (>1 hour) will be taken out of service and repaired off-site.

Equipment fueling operations will be conducted on-site in the equipment staging area and closely monitored to reduce the potential for a spill. Fuel storage is described in Section 3.3.

To the extent possible, vehicle/equipment cleaning will not be performed on-site.

3.4.2.2 Construction Materials

A supply of materials for construction and maintenance of storm water controls will be delivered and stored at the project site. Materials will be replenished on an as needed basis to minimize the amount of material stored on-site. These materials, including silt fencing, berms, filter fabric, sand bags, lumber, and building materials will be staged in a designated area.

3.4.3 Waste Management and Disposal

BMPs employed to minimize exposure to storm water and wind erosion are described in Section 3.4.1.

Trash will be placed in an on-site receptacle, (such as dumpster or trash can) which will be routinely removed for off-site disposal. Miscellaneous trash and debris around the construction site will be cleared weekly.

During rain events, on-site waste receptacles will be covered.

3.4.4 Pre-construction Control Practices

Pre-construction BMPs will be employed during the site preparation phase to reduce sediment and other pollutants in storm water discharges. Pre-construction BMPs will include the following controls:

- Watering for dust control during site preparation operations will be employed to minimize dust generation.
- Equipment and vehicles entering and exiting the site will be inspected for sediment that may be tracked onto roadways. Observed sediment will be swept from the roadways and placed onsite.
- If needed, chain link fences with lockable gates that limit unauthorized access to the site will control access to the active areas during all phases of construction activities.

Additionally, “no trespassing” signs will be posted on the fences near access points to inform visitors that access is prohibited.

3.5 NON-STORM WATER MANAGEMENT

This SWPPP describes BMPs that reduce or eliminate pollutants in storm water leaving the site.

3.6 MAINTENANCE, INSPECTION, AND REPAIR OF STRUCTURAL CONTROLS

Throughout the active construction activities, daily inspections will be conducted to ensure that the BMPs are in place and are effective. Routine inspection and maintenance procedures will be conducted, and documented on a Construction Site Inspection Form, by a CHC representative to ensure the following:

- Erosion and excessive material/sediment displacement has not occurred.
- Erosion has not damaged silt fences or containment berm, or other equivalent containment devices.
- Erosion has not damaged open exposed removal surfaces.
- Sediment has not blocked silt fences or containment berm, or other equivalent containment devices.
- Surface water is not significantly ponding on the site.
- Site access is secure.
- Site entrance and exit routes are clean and free of sediment.
- BMPs are adequate and maintained to minimize/eliminate polluted storm water from leaving the site.

A log documenting the SWPPP measures inspected and implemented will be prepared when stormwater is encountered onsite. During periods of non-active construction, weekly inspections of the site will be

conducted and recorded. These records will be kept at the field office and will be provided if requested. Detailed inspections will be conducted prior to anticipated storm events of 0.25 inches or greater, and as soon as possible following significant storm events and every 24 hours during extended storm events. An extended storm event is any precipitation last more than 24 hours. Detailed inspections of the material/sediment stockpiles and site will ensure the integrity of stockpile covers, berms, silt fences, to verify that the site fencing is in place, that gates are locked, and that warning signs are visible. A sample Construction Site Inspection Form is included in Attachment 1. The inspection checklist can be modified, as needed to ensure effective implementation of the SWPPP.

In case of washouts, the washout materials will be collected and placed back onsite and the area will be covered appropriately. In cases where Visqueen™ or cover materials has visible rips longer than six inches and wider than ¼-inch will be sealed with membrane patches, covered with sand bags or replaced.

Additional materials and equipment to replace or repair structural controls will be stored in a designated material storage area.

3.7 SWPPP AMENDMENT PROCEDURE

Amendment of the SWPPP is required “whenever there is a change in construction or operations which may affect the discharge of pollutants to surface water, groundwater, or municipal separate storm sewer systems.” Additionally, if notified by the RWQCB to amend this SWPPP as a result of violation of the General Permit of insufficient reduction of sediment-laden storm water runoff leaving the site, CHC will make the necessary amendment within a timely manner.

All amendments to the SWPPP must be documented. An amendment form (Attachment 1) provides space to document the specific amendment, describe the purpose of the amendment, which was responsible for the amendment and their contact information. All amendments shall be dated and attached directly to the SWPPP.

3.8 SPILL PREVENTION AND CONTROL

CHC officers are trained to contain and control minor spills. A hazardous materials spill kit including a polyethylene overpack, clay absorbent, spill booms, absorbent pads and shovels will be kept readily available at the project site. Cleanup of minor spills will be initiated immediately following the occurrence of a spill event. Emergency contact numbers in the event of a spill are presented below:

COMPANY TELEPHONE CONTACT PERSON

Kris Gretsinger-510-381-8199

Erin McCarrick-707-350-5052

3.8.1 Minor Spills

The main goal of a minor spill kit at the site is to contain the spread of the spill. The following procedures will be implemented by on-site CHC personnel in the event of a minor spill:

- If the spill occurs on paved or impermeable surfaces, clean up using “dry” methods (i.e. absorbent pads, cat litter, and/or rags).
- If the spill occurs in dirt area, contain the spill by constructing an earthen dike, dig up the impacted soil and place in material stockpile for disposal.
- If the spill occurs during rain, cover the impacted area to avoid runoff.
- Record all steps taken to report and contain the spill.

3.8.2 Major spills

Major spills are not anticipated to occur at the site. However in the event of a major spill, CHC personnel will notify emergency response authorities of the incident. Emergency response telephone numbers are provided in the following table.

ORGANIZATION PHONE NUMBER

- National Response Center (800) 424-8802
- Office of Emergency Services (800) 852-7550
- United States Environmental Protection Agency-Region IX spill phone (415) 744-2000
- Hazardous Material Response 911
- Clearlake Police Department 911

ORGANIZATION PHONE NUMBER

Emergency Number = 911

For Non-Emergency Contacts at the site use the following information:

CalFire/Clearlake Fire Department: (707) 994-0733

Lake County Office of Environmental Health : (707) 263-1164

3.9 POST-CONSTRUCTION STORM WATER MANAGEMENT

Post-construction storm water control practices consistent with Conceptual Storm Water Pollution Prevention Plan for the site will be initiated by CHC and owners of the land.

3.10 EMPLOYEE TRAINING

SWPPP training, provided to employee and contractor personnel, is conducted prior to the personnel commencing the site work or whenever the plan is significantly revised. This training provides an overview of the SWPPP and includes detailed discussions of (1) the potential sources of storm water pollution at the site; (2) the management practices employed to reduce pollutants in storm water; and (3) storm water inspection requirements.

SWPPP training is provided to all site personnel who are responsible for implementing this plan and conducting storm water inspections. Training is commensurate with job responsibilities and includes informal and formal training, as necessary. All training, field-related and administrative, will be documented.

3.11

3.12 MONITORING

3.12.1 General Plan Summary

CHC will maintain daily on-site presence during active construction activities to ensure compliance with this SWPPP. Compliance with the SWPPP will include implementing the BMPs, visual inspections,

3.12.2 Site Inspections

Daily inspection documenting that the SWPPP measures have been inspected and implemented will be prepared as needed. The following areas will be inspected: material/sediment stockpiles, site entrance/exit points for sediment tracking, erosion and sediment BMPs, and site access controls. Detailed inspections of

material/sediment stockpiles and the site will ensure the integrity of stockpile covers, berms, silt fences, to verify that the site fencing is in place, that gates are locked and warning signs are visible. Copies of the inspection forms are presented in Attachment B-1.

**ATTACHMENT 1
SWPPP FORMS
STORM WATER POLLUTION PREVENTION PLAN AMENDMENTS**

Amendment 1

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

Amendment 2

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

Amendment 3

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

CONSTRUCTION SITE INSPECTION FORM

Inspected by: Project:

Date: Address:

Inspection: Dry Weather

Before Storm Event

After Storm Event

Extended Storm Period – Once each 24 hrs.

Weather Information (Best guess estimate)

(a). Beginning of storm event:

(b). Duration of event:

(c). Time elapsed since last storm:

(d). Approximate amount of rainfall:

Description of storm water characteristics (color, smell, visible debris, etc.):

ACTIONS RECOMMENDED OR REQUIRED, IF APPLICABLE.

Corrective Maintenance Required? Yes No

Summary (Identify inadequate BMPs and related repair(s)/corrective action(s) recommended, if applicable):

Date Corrective Maintenance Completed?

Are any changes to SWPPP necessary? Yes No

If Yes: SWPPP Amendment Number:

Date Amended:

Inspector's Signature Title

CONSTRUCTION SITE INSPECTION FORM

Identify any critical areas, inadequate BMPs, required repairs, etc. on attached figures.

EROSION AND SEDIMENT CONTROLS YES NO COMMENTS N/A

Are the control measures called for on grading and erosion control plans installed on the site in the proper locations?

Are all on-site operational storm drain inlets protected from sediment inflow?

Are sediment control measures (traps, filters, barriers, etc.) being maintained effectively?

Are temporary soil stockpiles covered to prevent erosion?

Are stockpiles of other granular materials covered, contained or bermed to prevent erosion?

Is there any evidence of erosion (rills, gullies, etc.) on cut or fill slopes or at the outlets of drains or swales?

Is there any evidence of sediment or sediment-laden runoff leaving the site?

Is there evidence of dewatering effluent leaving the site (other than permitted discharges)?

Is there any evidence of sediment, debris or mud deposits on public roads or rights-of-way near the site access points?

Are there any areas of bare, unprotected soil that require stabilization to prevent erosion?

Do any seeded or landscaped areas require maintenance, irrigation or fertilization to provide more effective cover?

CONSTRUCTION SITE INSPECTION FORM

CHEMICAL AND WASTE CONTROLS YES NO COMMENTS N/A

Are chemicals (paints, fuels, concrete mix, fertilizers, etc.) being stored properly and prevented from contacting storm water?

Are waste products (building materials, wood, sheet metal, broken concrete or paving, paints, etc.) being disposed of properly or recycled?

Are storm drain inlets in the vicinity of the site protected from inflow during saw cutting, sealing and paving, and building washing operations? Is all heavy equipment parked in a designated area, well away from storm drain inlets?

If equipment must be repaired or maintained on site, are drip pans, absorbent pads, berms, or other methods used to prevent contamination of soil or runoff?

Are spill cleanup materials stockpiled close to hazardous material storage areas?

Are spills being cleaned up properly and promptly (using dry cleaning methods, as appropriate)?

Are there adequate trash receptacles for containing solid wastes generated on site, and are they covered during the rainy season?

Are toxic materials being stored on site? If yes, are all materials properly listed in SWPPP Appendix?

Is there any evidence of chemical spills or leaks (stains, sludge, etc.) on site?

Is there any evidence of chemicals, contaminated runoff, litter, or blowing debris or dust leaving the site?

CONSTRUCTION SITE INSPECTION FORM

CHEMICAL AND WASTE CONTROLS YES NO COMMENTS N/A

Is there any evidence of chemical wastes, slurries, wash waters, vehicles, fluids, or other discharges entering storm drain inlets?

Is there any evidence of lawn clippings, pruning waste or yard waste being disposed of in the street, gutters or storm drain inlets?

OTHER COMMENTS:

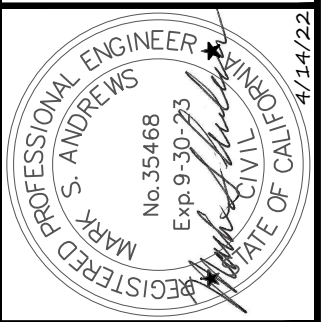
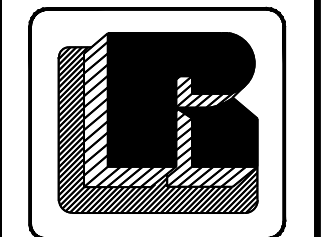
I hereby certify that the (equipment) (material) (article) shown and marked in this submittal is that proposed to be incorporated into Specification Number 1926A, is in compliance with the Contract drawings and specifications, can be installed in the allocated spaces, and is submitted for District (record/approval)

Certified by: _____

Date: _____

RUZICKA ASSOCIATES
CONSULTING ENGINEERS

P.O. BOX 1189
2495 PARALLEL DRIVE
LAKEPORT, CA 95453
CIVIL ENGINEERING
PLANNING • SURVEYING
PH. (707) 263-6155
FAX (707) 263-0768



CLEARLAKE HARVEST COMPANY
2250 OGULIN CANYON ROAD
CLEARLAKE, CALIFORNIA

TITLE SHEET
SITE GRADING AND DRAINAGE
2250 OGULIN CANYON ROAD
CLEARLAKE, CALIFORNIA 95422

CONSTRUCTION PLANS

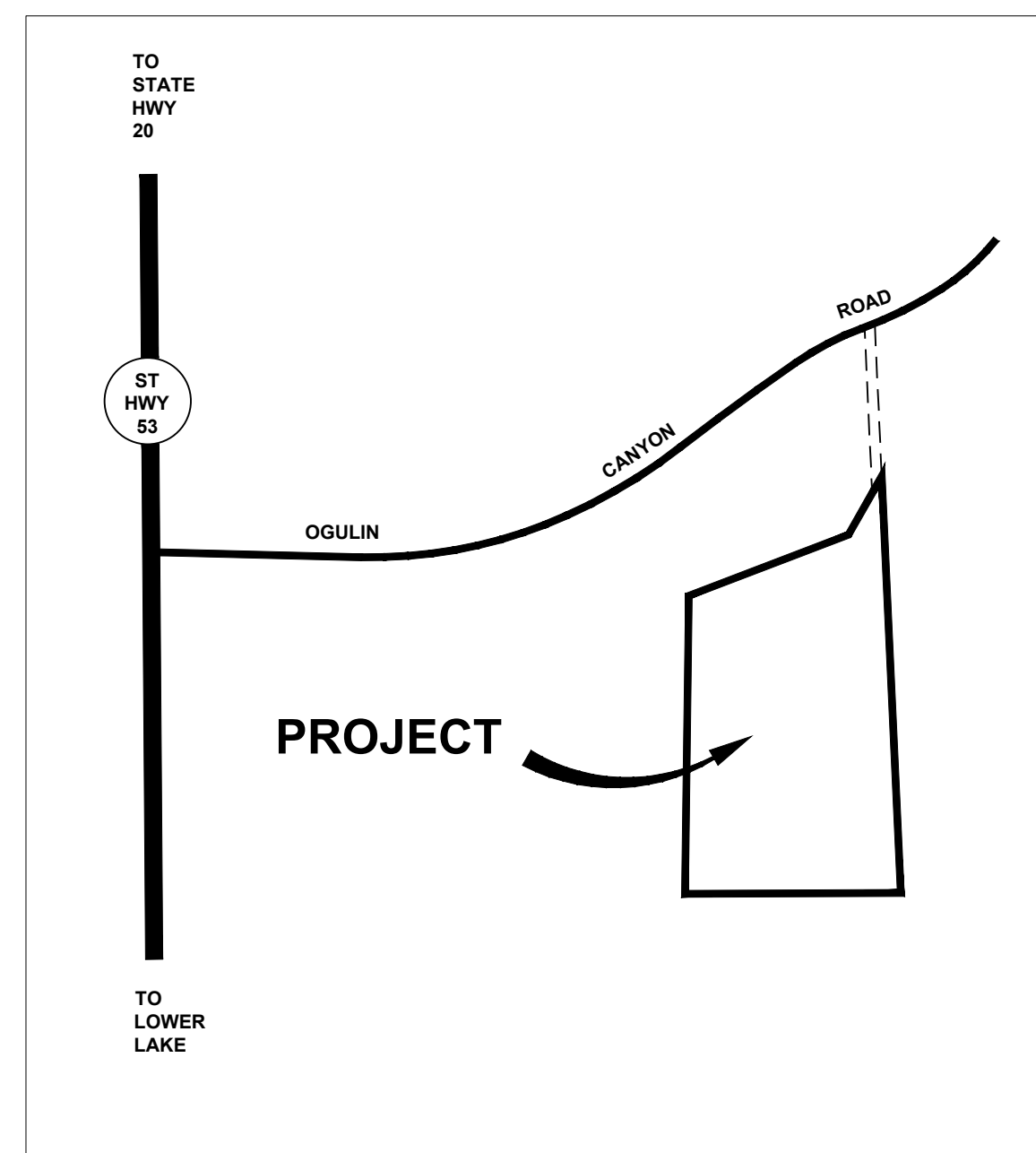
for

SITE GRADING and DRAINAGE

for

CLEARLAKE HARVEST COMPANY, LLC

APRIL 2022



VICINITY MAP
(NTS)

PROJECT INFORMATION

ASSESSORS PARCEL NUMBER: 010-044-19

PROPERTY ADDRESS:
2250 OGULIN CANYON ROAD
CLEARLAKE, CA 95422-8289

APPLICANT AND PROPERTY LESSEE:
CLEARLAKE HARVEST COMPANY, LLC
PHONE: (605) 393-7658

RUZICKA ASSOCIATES CONSULTING ENGINEERS
2495 PARALLEL DRIVE (P.O. BOX 1189)
MARK ANDREWS, PE
PHONE: (707) 263-6155

DRAWINGS INDEX

1. TITLE SHEET
2. GENERAL NOTES & SPECIFICATIONS
3. PLOT PLAN
4. OVERALL SITE IMPROVEMENT PLAN
5. GRADING PLAN 1
6. GRADING PLAN 2
7. CROSS SECTIONS & ROAD PROFILE
8. NORTH STORM DRAIN SYSTEM
9. SOUTH STORM DRAIN SYSTEM
10. GENERAL DETAILS
11. BIO-RETENTION NOTES & SPECIFICATIONS
12. EROSION CONTROL PLAN

DEFERRED SUBMITTAL

METAL BUILDING STRUCTURAL

APPROVED:

BY: _____ **DATE** _____
MARK S ANDREWS, PE

BY: _____ **DATE** _____
DAVID SWARTZ, CITY ENGINEER
RCE 52840, LS 8401

DRAFT

REVISION BLOCK			
REV	DATE	DESCRIPTION	BY
1	4/14/22	PERMIT SUBMITTAL	MSA

DRN BY: MSA-J-AG
JOB NO.: 21-8530
CHK'D BY: MSA 36468
DATE: 04/14/22
SHEET: - 1 - OF - 12

GENERAL SPECIFICATIONS

- ALL MATERIAL WORKMANSHIP AND CONSTRUCTION SHALL CONFORM TO THE CITY OF CLEARLAKE STANDARD SPECIFICATIONS AND STANDARD PLANS, THE STATE OF CALIFORNIA STANDARD PLANS AND SPECIFICATIONS, LATEST ENGLISH UNIT EDITION.
- CONTRACTOR SHALL OBTAIN REQUIRED PERMITS FROM ALL AGENCIES AND PAY ALL AGENCY FEES PRIOR TO COMMENCEMENT OF ANY WORK. CONTRACTOR SHALL CONFORM WITH ZONING CODE, BUILDING CODE, AND ALL OTHER REQUIREMENTS ADMINISTERED BY THE CITY OF CLEARLAKE.
- ANY DISCREPANCY DISCOVERED BY CONTRACTOR IN THESE PLANS OR ANY FIELD CONDITIONS DISCOVERED BY CONTRACTOR THAT MAY DELAY OR OBSTRUCT THE PROPER COMPLETION OF THE WORK PER THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER IMMEDIATELY UPON DISCOVERY. SAID NOTIFICATION SHALL BE IN WRITING.
- ITEMS SPECIFIED ON THE STANDARD PLANS ARE APPROVED FOR USE. ALL SUBSTITUTES OR ALTERATIONS SHALL BE SUBMITTED TO THE ENGINEER IN WRITING FOR APPROVAL.
- CONTRACTOR SHALL IMMEDIATELY HALT ALL GRADING/LAND-CLEARING ACTIVITIES AND CONTACT THE CITY OF CLEARLAKE IMMEDIATELY IF ARCHAEOLOGICAL, HISTORICAL OR PALEONTOLOGICAL RESOURCES ARE ENCOUNTERED, OR IN THE EVENT OF THE ACCIDENTAL DISCOVERY OF HUMAN REMAINS.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO PLACE 6" STRAW WATTLES AROUND ALL EXISTING STORM WATER INLETS AND SURFACE DRAINAGE BETWEEN THE CONSTRUCTION AREA AND ANY DRAINAGE COURSE DURING CONSTRUCTION TO ENSURE THAT NO CONSTRUCTION DEBRIS OR RUNOFF PASSES THROUGH. CONTRACTOR IS RESPONSIBLE FOR CLEANING AND REPLACING STRAW WATTLES AS NEEDED. IF AN EVENT OCCURS WHERE CONSTRUCTION RUNOFF IS NOT BEING CONTAINED, IT IS THE CONTRACTORS RESPONSIBILITY TO STOP WORK TO CONTAIN THE RUNOFF.
- OWNER SHALL PROVIDE COMPACTION, GRADATION, SAND EQUIVALENT AND ALL OTHER SOILS TESTS AS REQUIRED. CONTRACTOR IS LIABLE FOR ANY NON-APPROVED PLAN CHANGES. ALL DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER, IN WRITING FOR REVIEW AND APPROVAL. CONTRACTOR SHALL, AT THEIR OWN EXPENSE, REMOVE AND RECONSTRUCT ANY WORK NOT IN ACCORDANCE WITH THESE PLANS.
- IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORK HOURS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN AND CONSTRUCTION OF PROPER SHORING OF TRENCHES IN ACCORDANCE WITH THE LATEST OCCUPATIONAL SAFETY LAWS. THE DUTIES OF THE ENGINEER DO NOT INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY, IN, ON, OR NEAR THE CONSTRUCTION SITE.
- CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING STRUCTURES AND/OR UTILITIES DURING CONSTRUCTION. PROPER REPAIR SHALL BE DONE TO THE SATISFACTION OF THE ENGINEER AND THE OWNER.
- SLOPES OF ALL EMBANKMENT FILL SHALL BE NO STEEPER THAN 2:1 (HORIZONTAL:VERTICAL) UNLESS OTHERWISE NOTED ON PLANS OR AS DIRECTED BY THE ENGINEER. ATTENTION IS DIRECTED TO CALTRANS STANDARD SPECIFICATIONS, SECTION 19, FOR EMBANKMENT CONSTRUCTION WHERE APPLICABLE.
- DUST CONTROL MEASURES, AS APPROVED BY THE ENGINEER, SHALL BE FOLLOWED AS NEEDED AT ALL TIMES DURING CONSTRUCTION OPERATIONS. ENGINEER, AT THEIR DISCRETION, SHALL APPLY MANDATORY DUST CONTROL MEASURES IF NECESSARY.
- EROSION CONTROL SHALL BE PERFORMED ON ALL DISTURBED AREAS AND ON ALL EMBANKMENT CONSTRUCTION.
- ALL ELEVATIONS SHOWN ARE FINISHED ELEVATIONS UNLESS STATED OTHERWISE.

NOTIFICATION FOR INSPECTIONS

- APPROVAL OF ALL WORK SHALL BE NECESSARY AT THE COMPLETION OF EACH THE FOLLOWING STAGES OF WORK AND SUCH APPROVAL MUST BE OBTAINED BEFORE SUBSEQUENT STAGES OF WORK MAY BE COMMENCED.
- ADDITIONALLY, THE ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF ANY OF THE FOLLOWING STAGES OF WORK:
 - COMPACTION AND PREPARATION OF EMBANKMENTS, EXCAVATIONS, AND SUBGRADES.
 - CONSTRUCTION OF FORMS FOR ALL CONCRETE STRUCTURES.
 - EXCAVATION FOR STORM DRAINS AND CULVERTS.
 - PLACING OF CONCRETE IN STRUCTURES, INCLUDING CURBS, GUTTERS AND SIDEWALKS.
 - PLACING OF STORM DRAINS AND CULVERT PIPES. EXCAVATION AND BACKFILL FOR STRUCTURES AND PIPES.
 - PLACING AND COMPACTING OF BASE MATERIAL.
 - FINAL CLEAN-UP.
- ANY CONSTRUCTION OR EXCAVATION REQUIRING INSPECTION THAT IS UNDERTAKEN WITHOUT INSPECTION IS SUBJECT TO RECONSTRUCTION AND RE-EXCAVATION AT THE CONTRACTORS EXPENSE.

STANDARD GRADING NOTES

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK WITH THE ENGINEER. ALL GRADING SHALL BE PERFORMED TO THE SATISFACTION OF THE ENGINEER.
- ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEEDED AND COVERED BY A BIODEGRADABLE COCONUT FIBER MESH BLANKETS AFTER WATTLES HAVE BEEN INSTALLED ON CONTOUR PER PLAN. A SILT FENCE SHALL BE MAINTAINED ALONG THE TOE OF THE SLOPE AND UPSLOPE OF THE EXISTING DRAINAGE CULVERTS. A SEDIMENT BARRIER SHALL BE CONSTRUCTED AROUND EACH CULVERT INLET (REFER TO SEDIMENT AND EROSION CONTROL PLAN).
- THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE DUST CONTROL MEASURES FOR THE ENTIRE CONSTRUCTION PERIOD OF THIS PROJECT TO THE SATISFACTION OF THE CITY OF CLEARLAKE AND AIR QUALITY MANAGEMENT DISTRICT AS APPLICABLE.
- EXCAVATED MATERIALS IN EXCESS OF WHAT IS REQUIRED FOR FILL MATERIAL SHALL BE HAULED OFF-SITE TO AN APPROVED CLEAN SOIL DISPOSAL SITE OR POSSIBLY AS FILL MATERIAL NEEDED BY A DIFFERENT PROJECT.
- THE CONTRACTOR SHALL NOTIFY THE LAKE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT AT 707-263-1164 IMMEDIATELY IF HAZARDOUS WASTE OR HAZARDOUS MATERIAL IS ENCOUNTERED DURING EXCAVATION OR GRADING OPERATIONS.
- CONTRACTOR SHALL ALSO COMPLY WITH ANY AND ALL GRADING PERMIT REQUIREMENTS ADMINISTERED BY THE CITY OF CLEARLAKE PLANNING AND BUILDING SERVICES DEPARTMENT.
- ROAD AND PARKING LOT SUBGRADE SHALL BE COMPACTED TO 95% RELATIVE COMPACTION TO A DEPTH OF NO LESS THAN 6 INCHES.
- AS A MINIMUM, ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEEDED FOR EROSION CONTROL BY THE CONTRACTOR. SEED AND MULCH WILL BE APPLIED BY OCTOBER 1ST TO ALL CUT AND FILL SLOPES WITHIN OR ADJACENT TO PROJECT ROADS. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED. ON SLOPES, STRAW WILL BE APPLIED BY BLOWER OR BY HAND AND ANCHORED IN PLACE BY PUNCHING. ALL CRITICAL EARTHWORK OPERATIONS SHALL BE PERFORMED DURING THE DRY WEATHER SEASON, FROM MAY 1ST TO OCTOBER 1ST OR AS OTHERWISE APPROVED BY THE CITY OF CLEARLAKE. THE CLEARING OF EXISTING VEGETATION SHALL BE CONFINED WITHIN THE LIMITS OF ACTUAL EARTHWORK. STAGING OF THE WORK SHALL BE REQUIRED TO ENSURE THAT THE AMOUNT OF LAND CLEARED AT ANY TIME IS LIMITED TO THE AREA THAT CAN BE DEVELOPED DURING THE CONSTRUCTION PERIOD. STORM WATER SHALL NOT BE ALLOWED TO FLOW DIRECTLY DOWN UNPROTECTED SLOPES. ENERGY DISSIPATING STRUCTURES AND EROSION CONTROL DEVICES SHALL BE PLACED AT ALL DRAINAGE OUTLETS WHICH DISCHARGE TO NATURAL CHANNELS AS SHOWN ON THESE PLANS. ALL SEDIMENT TRAPS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME THAT THE OWNER AND CITY OF CLEARLAKE ACCEPTS MAINTENANCE RESPONSIBILITY.

ADDITIONAL GRADING AND EARTHWORK SPECIFICATIONS

- ALL SITE PREPARATION WORK, OVER-EXCAVATION AND RECOMPACTION OF ON-SITE SOILS, FOUNDATION EXCAVATION, AND FILL COMPACTION SHALL BE DONE UNDER THE DIRECTION OF THE ENGINEER. CONTRACTOR SHALL PROVIDE 48 HOURS ADVANCE NOTICE.
- SITE PREPARATION:
 - AREAS TO BE DEVELOPED SHALL BE CLEARED OF VEGETATION AND DEBRIS.
 - CLEARED AND GRUBBED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH CITY OF CLEARLAKE GUIDELINES.
 - STRIPPING:
 - AREAS TO BE GRADED SHALL BE STRIPPED OF ALL ORGANIC MATTER.
 - SOIL CONTAINING MORE THAN TWO PERCENT BY WEIGHT OF ORGANIC MATTER SHOULD BE CONSIDERED ORGANIC.
 - THE STRIPPING SHALL BE STOCKPILED FOR RE-USE AS TOPSOIL IN LANDSCAPING AREAS.
 - COMPACTION TESTING:
 - THE OWNER REQUIRES THAT COMPACTION TESTING IS PERFORMED ON THE SUBGRADE, TRENCH BACKFILL, ENGINEERED FILL AND AGGREGATE BASE ROCK. RETESTING OF FAILED TESTS SHALL BE AT THE CONTRACTORS EXPENSE.
 - THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH 48-HOUR NOTICE PRIOR TO STARTING FILL CONSTRUCTION.

EXCAVATIONS

- FOLLOWING INITIAL SITE PREPARATIONS, EXCAVATION SHOULD BE PERFORMED AS RECOMMENDED HEREIN. EXCAVATIONS EXTENDING BELOW THE PROPOSED FINISHED GRADE SHOULD BE BACKFILLED WITH SUITABLE MATERIALS COMPACTED TO THE REQUIREMENTS AS SET FORTH IN FILL AND PLACEMENT AND IN THE SUMMARY OF COMPACTION REQUIREMENTS.
- WITHIN PAVEMENT AND SIDEWALK AREAS, WEAK SOIL AND OLD FILL, IF PRESENT, SHOULD BE EXCAVATED IN ITS ENTIRETY. THE EXCAVATION OF THESE SOILS SHOULD EXTEND AT LEAST 3 FEET BEYOND THE EDGE OF THE SIDEWALK AND PAVEMENTS. THE EXCAVATED MATERIALS SHOULD BE STOCKPILED FOR LATER USE AS COMPACTED FILL.

FILL QUALITY

- ALL FILL MATERIALS SHOULD BE FREE OF DELIRIOUS AND AND PERISHABLE MATTER AND ROCKS OR LUMPS OVER 4 INCHES IN DIAMETER AND MEET THE CRITERIA AS SET FORTH HEREIN FOR SELECT FILL. THE SUITABILITY OF THE ON-SITE SOIL FOR USE AS SELECT FILL SHOULD BE VERIFIED BY THE ENGINNER DURING GRADING OPERATIONS.

FILL PLACEMENT

- DEPOSIT FILL AND BACKFILL MATERIALS IN HORIZONTAL LAYERS OF MAXIMUM 8 INCHES LOOSE DEPTH, AND COMPACT EACH LAYER AFTER UNIFORMLY MOISTURE-CONDITIONING THE LAYER TO NEAR OPTIMUM. COMPACT EACH LAYER TO AT LEAST 90 PERCENT OF THE MAXIMUM DRY DENSITY OF THE MATERIALS AS VERIFIED BY FIELD TESTING USING ASTM TEST METHOD D6938-17ae01. EXCEPT THE UPPER 6 INCHES OF FILL FOR BUILDINGS OR ROADWAY AREAS SHALL BE COMPACTED TO 95%.
- ALL FILLS SHALL BE TRIMMED AND TRACK-WALKED AFTER COMPLETION TO PROVIDE A UNIFORM, FIRM TOP SURFACE.

AGGREGATE BASE AND ASPHALTIC CONCRETE SPECIFICATIONS

- AGGREGATE BASE SHALL BE CLASS 2, 3/4" MAXIMUM. MATERIALS AND PLACEMENTS SHALL CONFORM TO THE REQUIREMENTS OF SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS, 2018 EDITION.
- AGGREGATE BASE SHALL BE PLACED AND COMPACTED TO 95% RELATIVE COMPACTION. COMPACTION REQUIREMENTS SHALL BE BASED ON ASTM TEST D1557-12R21 AND FIELD TESTING OF IN-PLACE MATERIALS USING ASTM TEST METHOD D6938-17ae01.
- ASPHALTIC CONCRETE PAVEMENT MATERIALS AND PLACEMENT SHALL CONFORM TO SECTION 39 OF THE CALTRANS STANDARD SPECIFICATIONS, 2018. ASPHALT CONCRETE SHALL BE TYPE B.

STANDARD UNDERGROUND CONSTRUCTION NOTES

- CONTRACTOR SHALL NOTIFY 811 DIG PRIOR TO ANY EXCAVATION. CALL TOLL FREE (811) 642-4188 AT LEAST 48 HOURS PRIOR TO EXCAVATION.
- CONTRACTOR SHALL NOT BEGIN EXCAVATION UNTIL ALL EXISTING UTILITIES HAVE BEEN MARKED IN THE FIELD BY THE APPLICABLE ENTITY RESPONSIBLE FOR THAT PARTICULAR UTILITY. THE CONTRACTOR SHALL NOTIFY EACH APPLICABLE ENTITY AT LEAST 72 HOURS BEFORE STARTING WORK.
- CONTRACTOR SHALL UNCOVER EXISTING BURIED UTILITIES WITH UTILITY OWNER TO VERIFY LOCATIONS AND ELEVATIONS OF UTILITIES. BURIED UTILITIES INCLUDE BUT ARE NOT LIMITED TO WATER MAINS AND LATERALS, SEWER MAINS, STORM DRAINS, ELECTRICAL DISTRIBUTION LINES, TELEPHONE, CATV, AND FIBER OPTIC LINES. ALL UTILITIES CONFLICTING WITH THE PROPOSED CONSTRUCTION SHALL BE RELOCATED PRIOR TO THE START OF CONSTRUCTION.
- ALL UNDERGROUND IMPROVEMENTS SHALL BE INSTALLED, TESTED AND APPROVED PRIOR TO PAVING.

STORM DRAINAGE SPECIFICATIONS

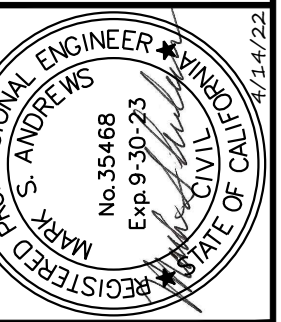
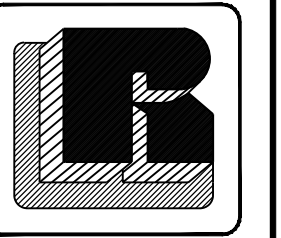
- STORM DRAIN PIPES AND FITTINGS SHALL BE CORRUGATED HIGH-DENSITY POLYETHYLENE PIPE (HDPE) WITH AN INTEGRALLY FORMED SMOOTH INTERIOR AS MANUFACTURED BY ADVANCED DRAINAGE SYSTEMS, TYPE N-12, OR APPROVED EQUAL.
- ALL DRAIN INLETS SHALL BE PRECAST CONCRETE AS MANUFACTURED BY SANTA ROSA CAST PRODUCTS, OR EQUAL, WITH STANDARD GRATES AS NOTED ON THE PLANS.

SUMMARY OF COMPACTION RECOMMENDATIONS	
AREA	COMPACTION RECOMMENDATIONS
GENERAL FILL	COMPACT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION.
TRENCHES	COMPACT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION. COMPACT THE TOP 6 INCHES BELOW VEHICLE PAVEMENT SUBGRADE TO A MINIMUM OF 95 PERCENT RELATIVE COMPACTION.
PAVEMENTS, EXTENDING OUTWARD TO 3' BEYOND EDGE OF PAVEMENT	COMPACT UPPER 6 INCHES OF SUBGRADE (WHERE BEDROCK IS NOT EXPOSED) TO A MINIMUM OF 95 PERCENT RELATIVE COMPACTION.
CONCRETE FLATWORK AND EXTERIOR SLABS, EXTENDING OUTWARD TO 3' BEYOND EDGE OF SLAB	COMPACT SUBGRADE (WHERE BEDROCK IS NOT EXPOSED) TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION. WHERE SUBJECT TO VEHICLE TRAFFIC, COMPACT UPPER 6 INCHES OF SUBGRADE (WHERE BEDROCK IS NOT EXPOSED) TO AT LEAST 95 PERCENT RELATIVE COMPACTION.
AGGREGATE BASE	COMPACT AGGREGATE BASE TO AT LEAST 95 PERCENT RELATIVE COMPACTION.

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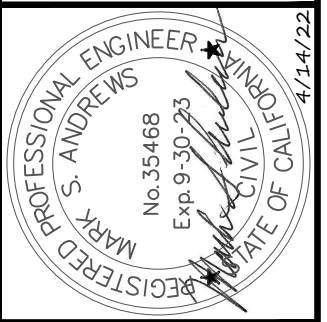
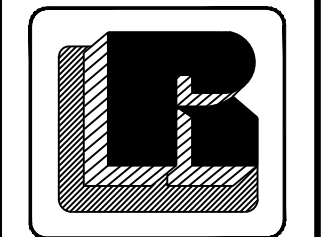


CLEARLAKE HARVEST COMPANY, LLC
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA

GENERAL NOTES & SPECIFICATIONS
SITE GRADING AND DRAINAGE
2250 OGULIN CANYON ROAD
CLEARLAKE, CALIFORNIA 95422

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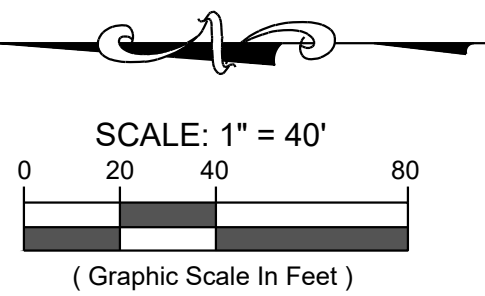
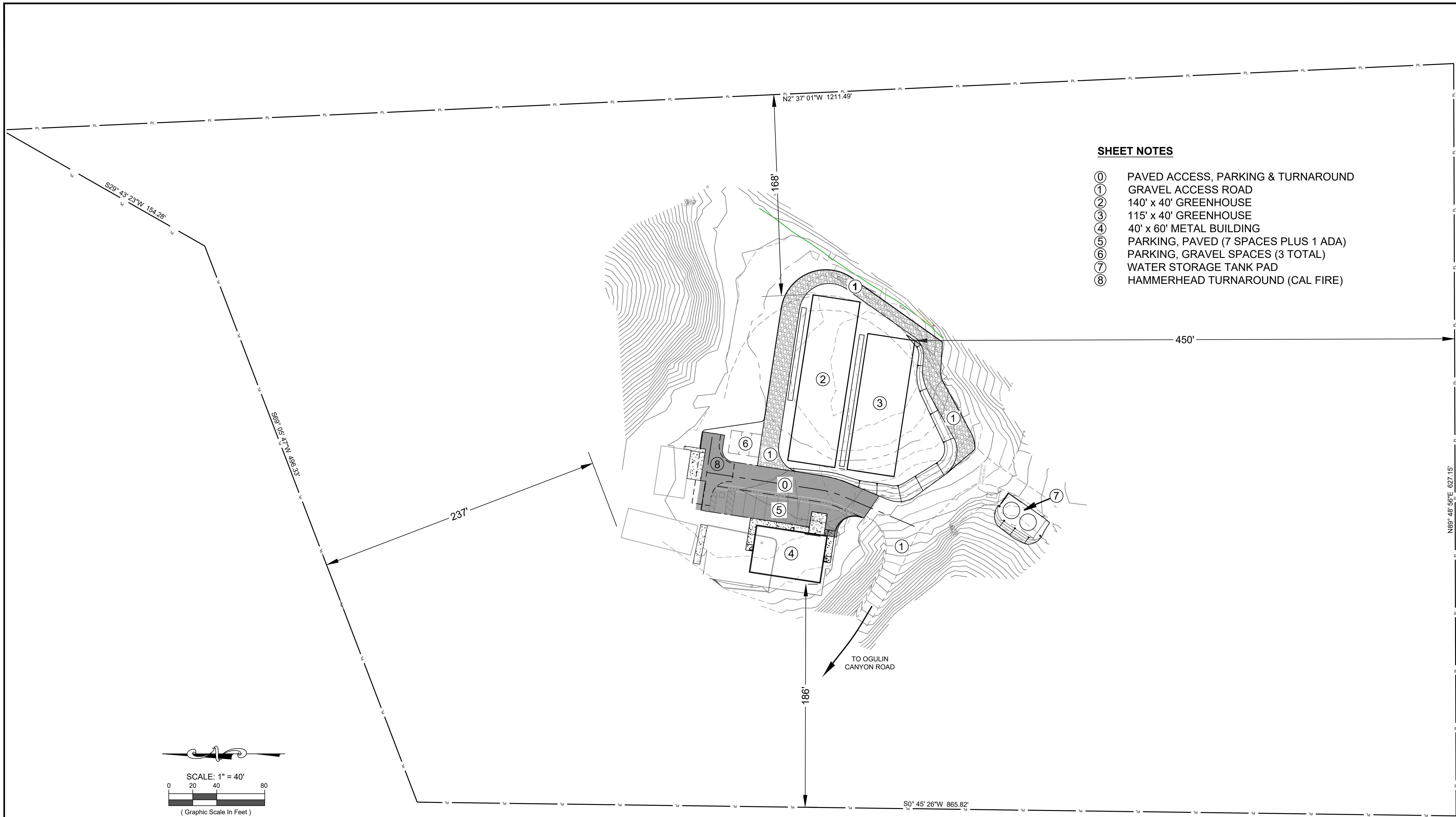
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2250 OGULIN CANYON ROAD
CLEARLAKE, CALIFORNIA

PLOT PLAN
SITE GRADING AND DRAINAGE
2250 OGULIN CANYON ROAD
CLEARLAKE, CALIFORNIA 95422

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SHEET NOTES

- ① PAVED ACCESS, PARKING & TURNAROUND
- ② GRAVEL ACCESS ROAD
- ③ 140' x 40' GREENHOUSE
- ④ 115' x 40' GREENHOUSE
- ⑤ 40' x 60' METAL BUILDING
- ⑥ PARKING, PAVED (7 SPACES PLUS 1 ADA)
- ⑦ PARKING, GRAVEL SPACES (3 TOTAL)
- ⑧ WATER STORAGE TANK PAD
- ⑨ HAMMERHEAD TURNAROUND (CAL FIRE)



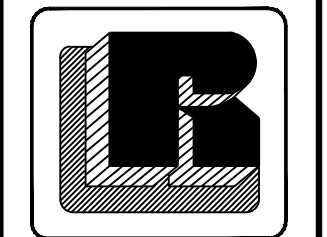
PLOT PLAN
SCALE: 1" = 40'

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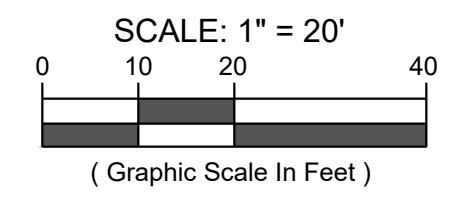
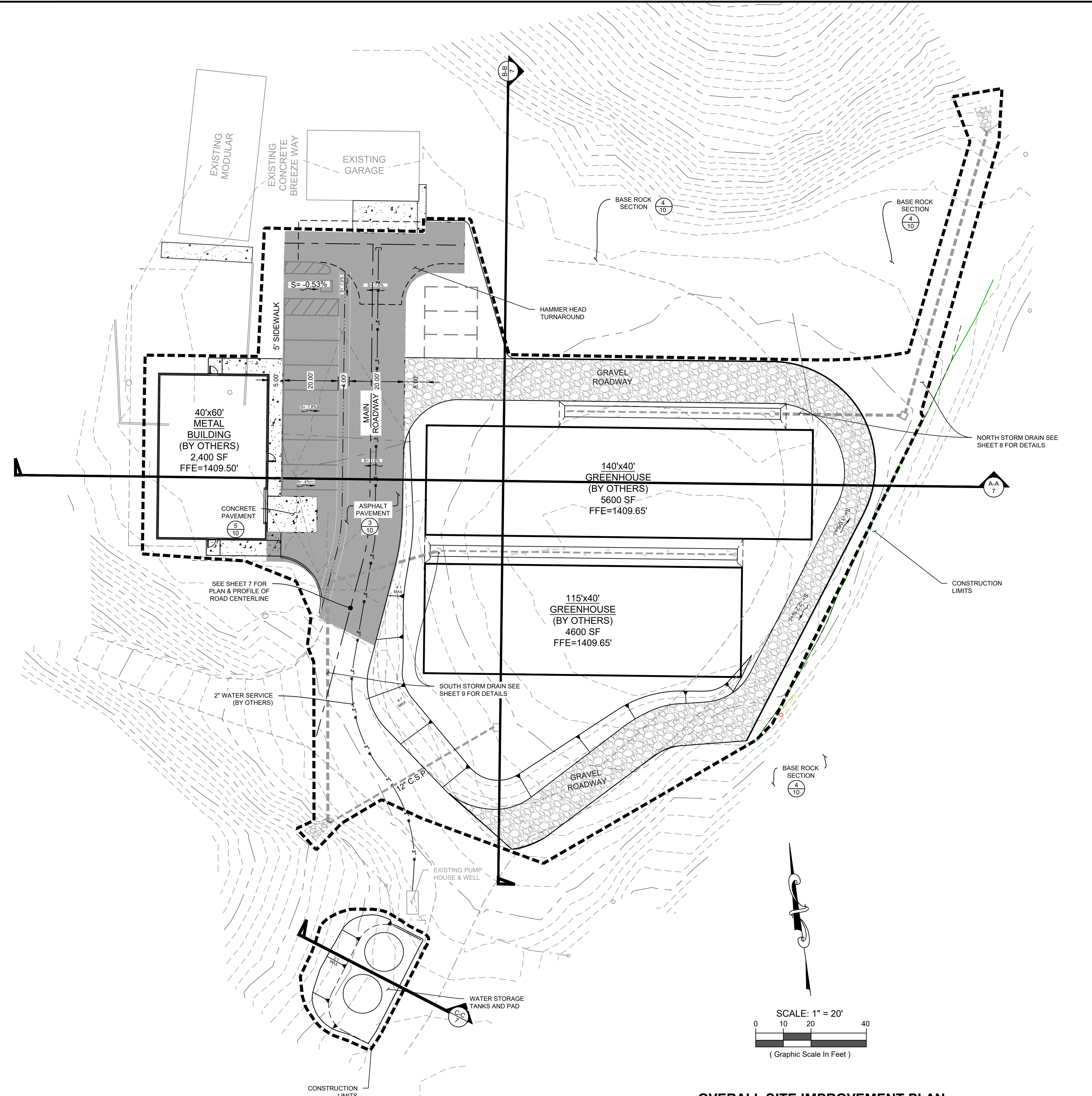
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CLEARLAKE HARVEST COMPANY, LLC
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA

OVERALL SITE IMPROVEMENT PLAN
SITE GRADING AND DRAINAGE
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA 95422

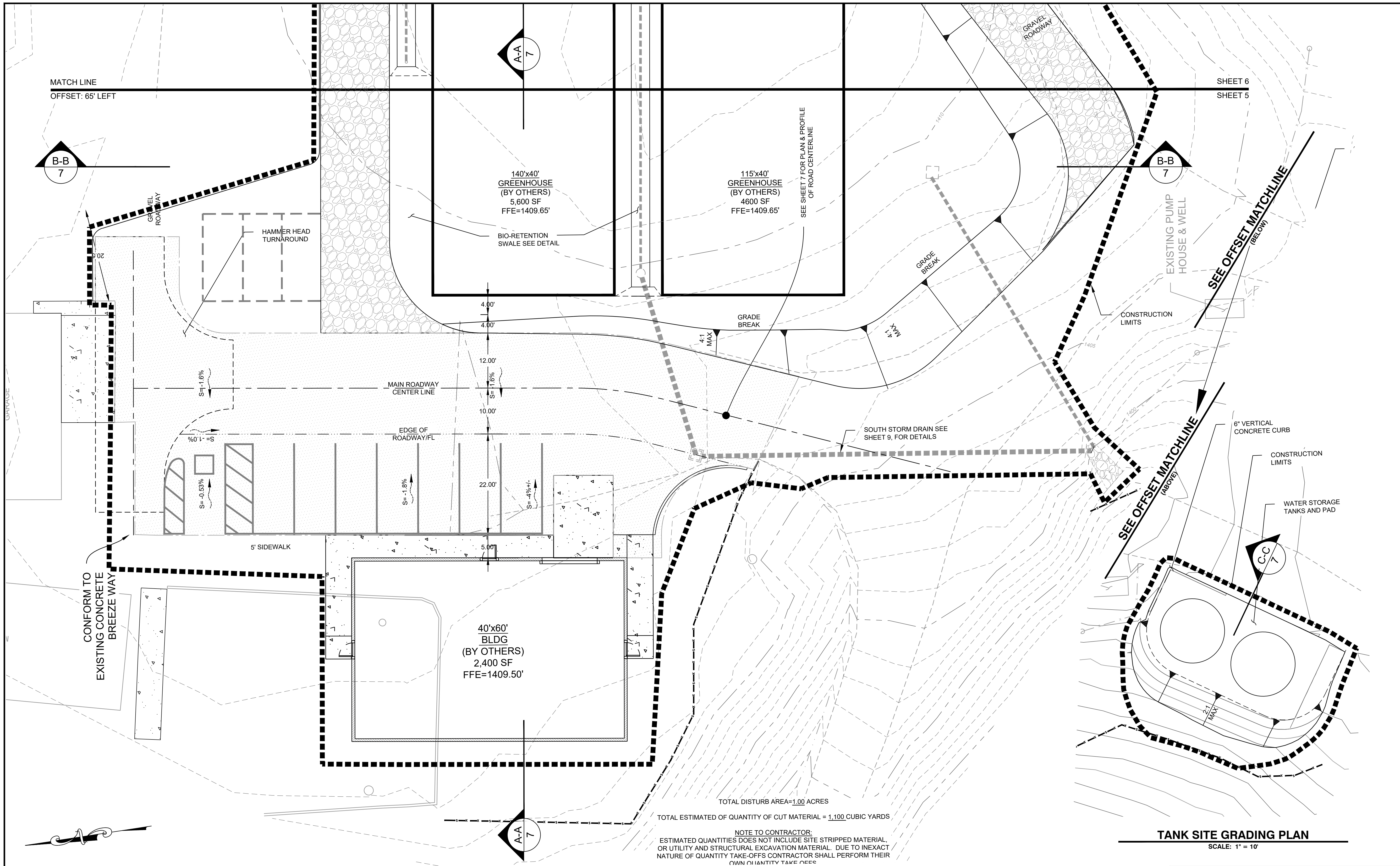
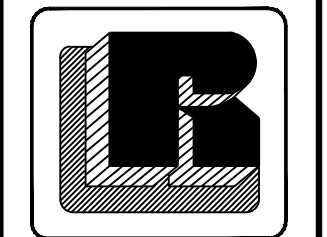


OVERALL SITE IMPROVEMENT PLAN
SCALE: 1" = 20'

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TOTAL DISTURB AREA=1.00 ACRES
TOTAL ESTIMATED QUANTITY OF CUT MATERIAL = 1,100 CUBIC YARDS
NOTE TO CONTRACTOR:
ESTIMATED QUANTITIES DOES NOT INCLUDE SITE STRIPPED MATERIAL,
OR UTILITY AND STRUCTURAL EXCAVATION MATERIAL. DUE TO INEXACT
NATURE OF QUANTITY TAKE-OFFS CONTRACTOR SHALL PERFORM THEIR
OWN QUANTITY TAKE-OFFS.

TANK SITE GRADING PLAN

SCALE: 1" = 10'

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MATCH LINE
OFFSET: 65' LEFT

SHEET 6
SHEET 5

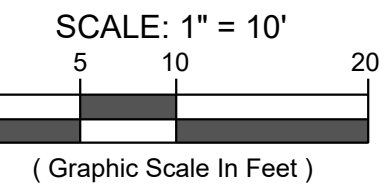
B-B
7

B-B
7

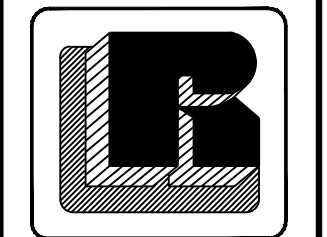
AA
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AA
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C-C
7

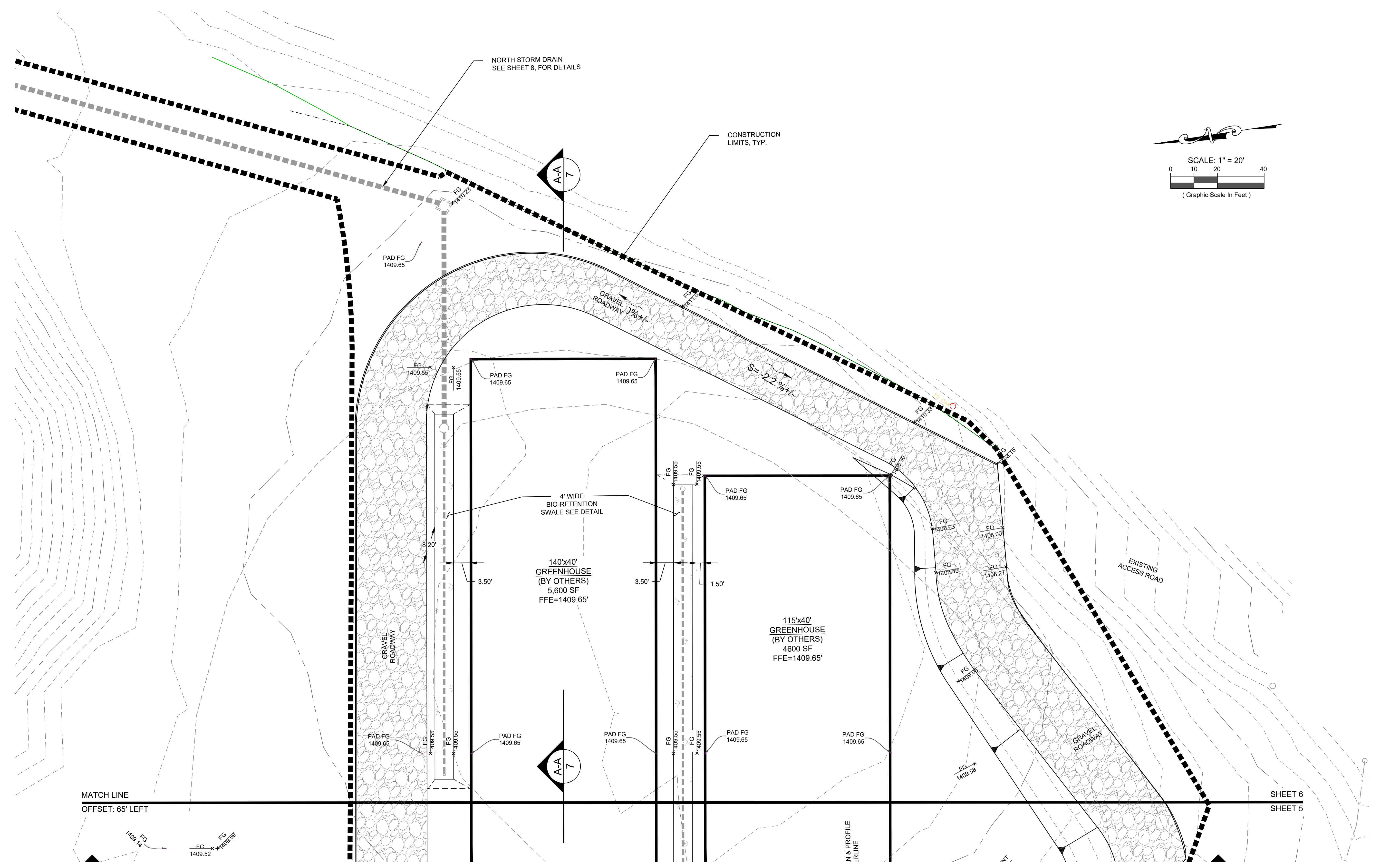
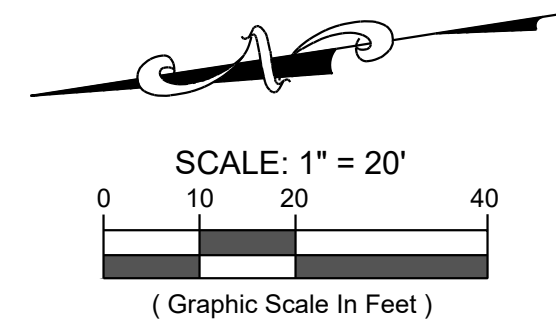


GRADING PLAN 1
SCALE: 1" = 10'



CLEARLAKE HARVEST COMPANY, LLC
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA

GRADING PLAN 2
SITE GRADING AND DRAINAGE
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA 95422



MATCH LINE
OFFSET: 65' LEFT

SHEET 6
SHEET 5

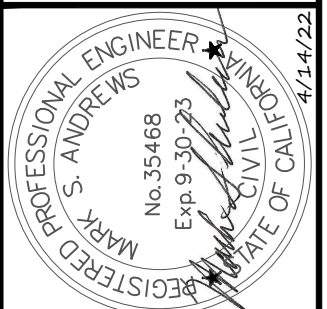
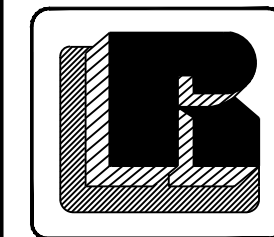
GRADING PLAN 2
SCALE: 1" = 10'

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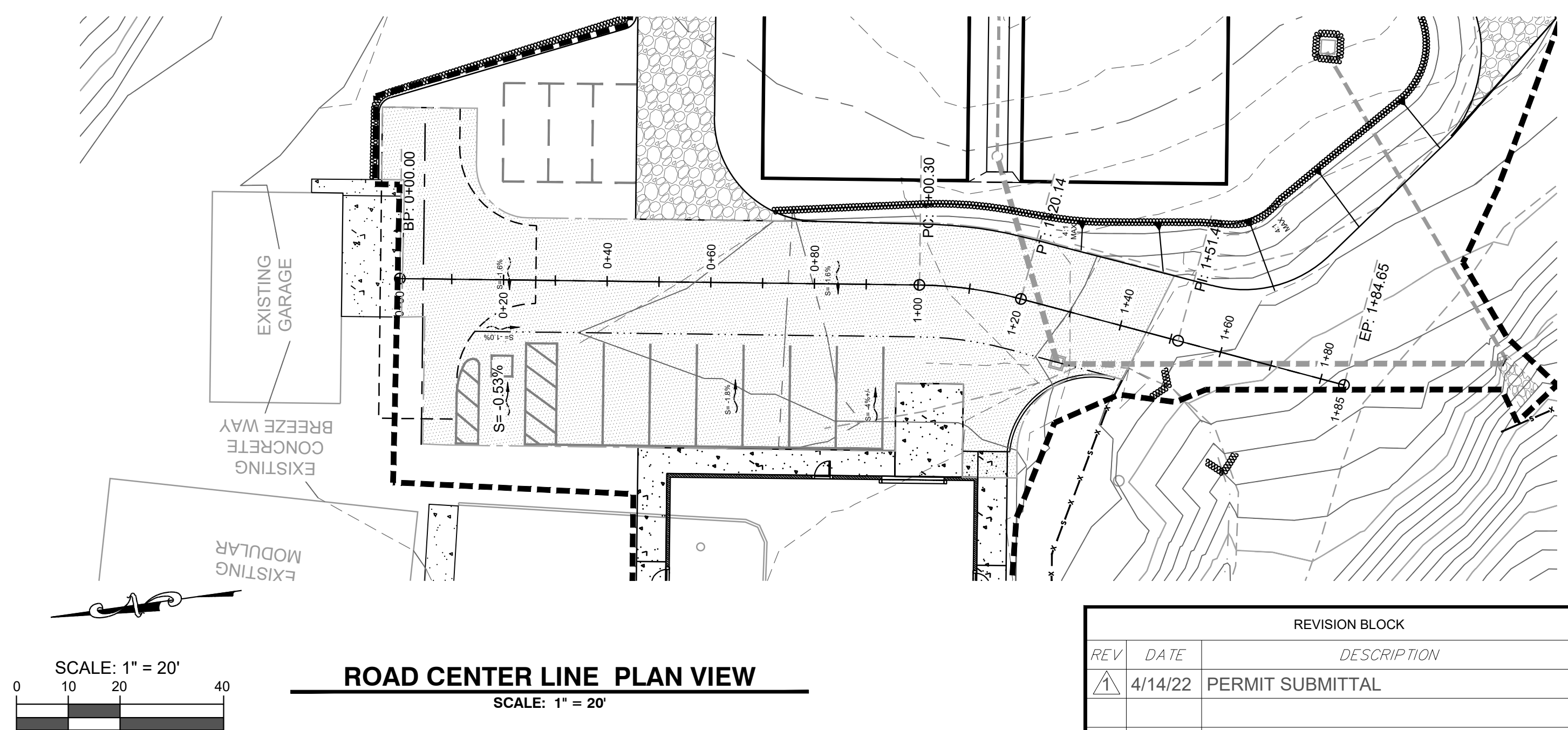
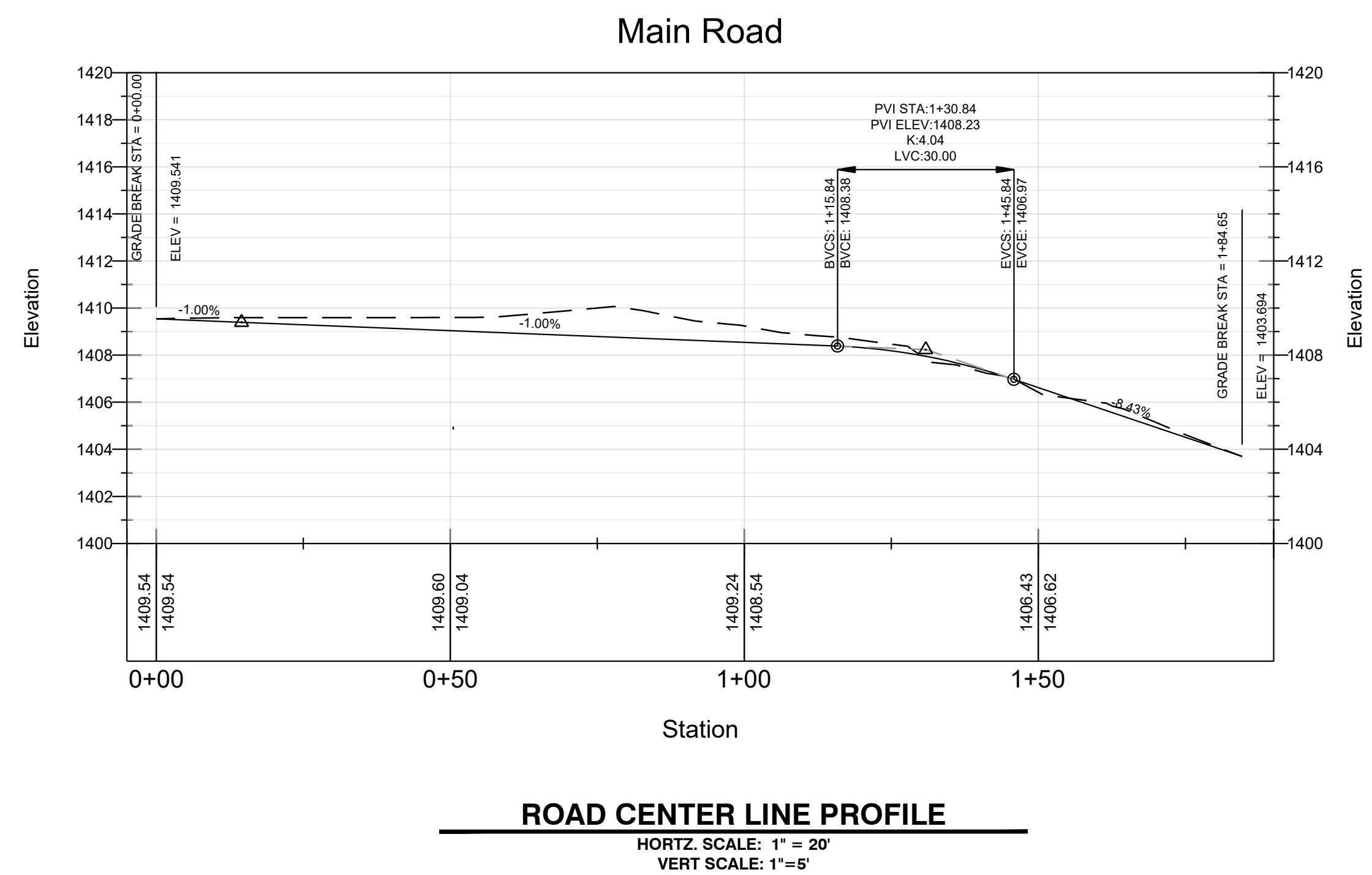
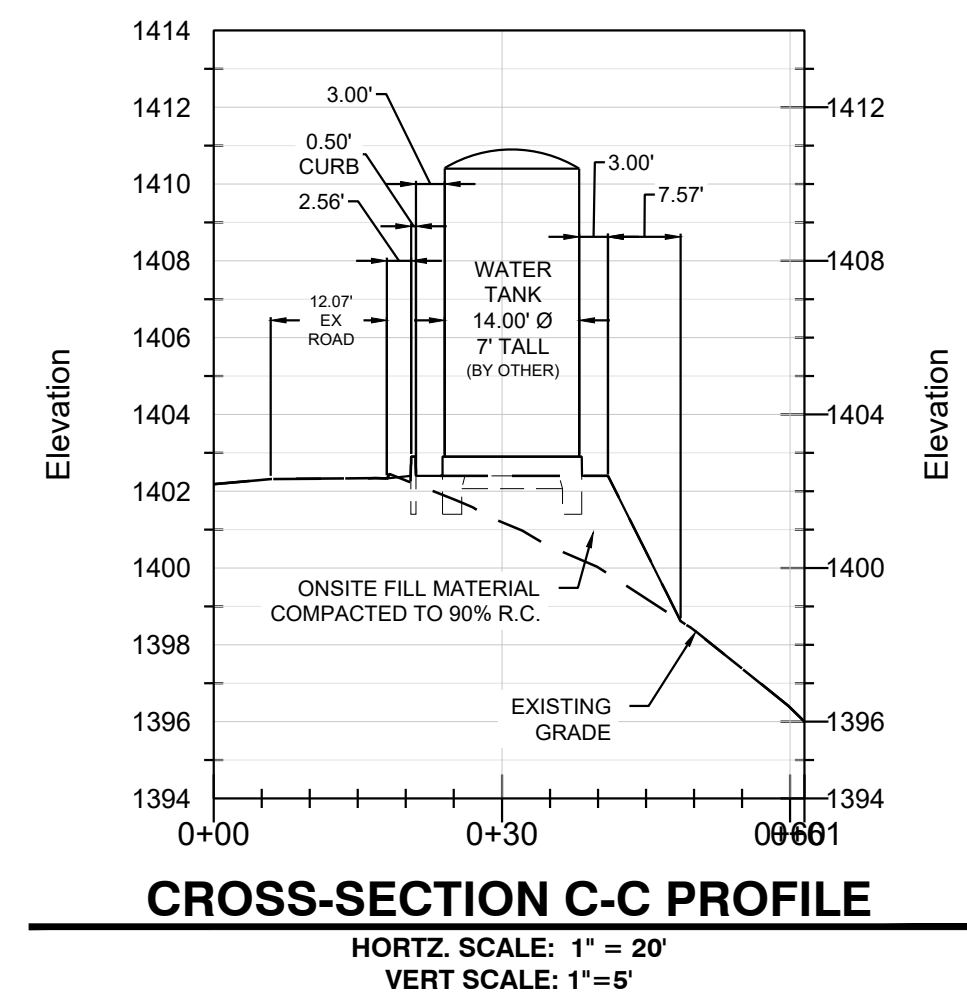
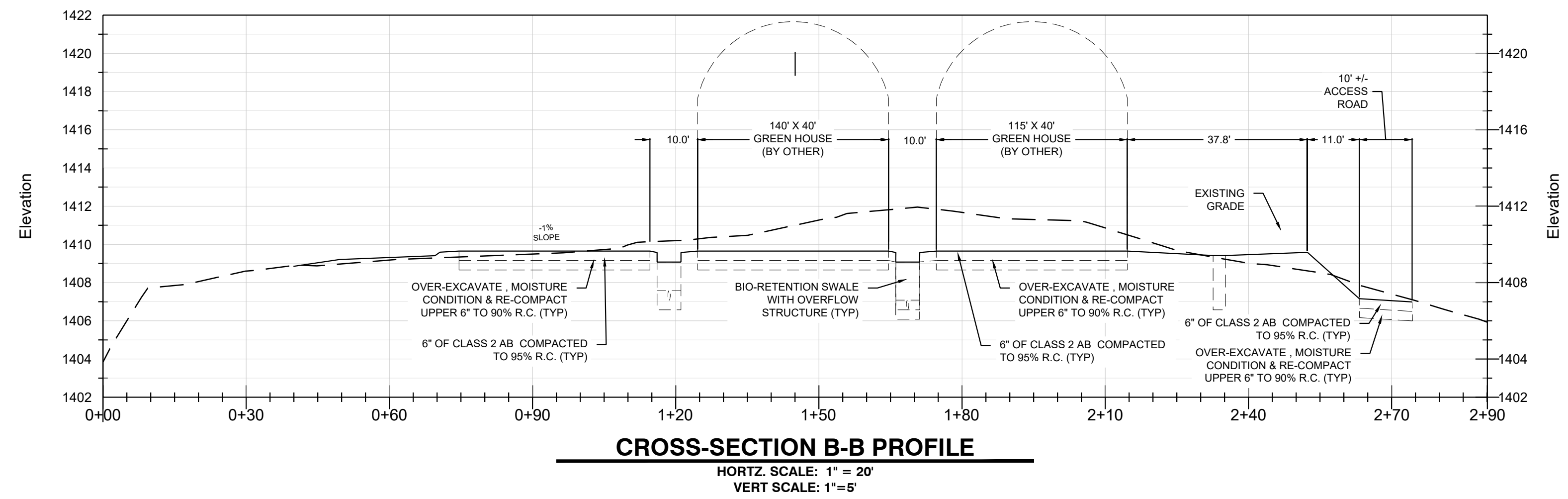
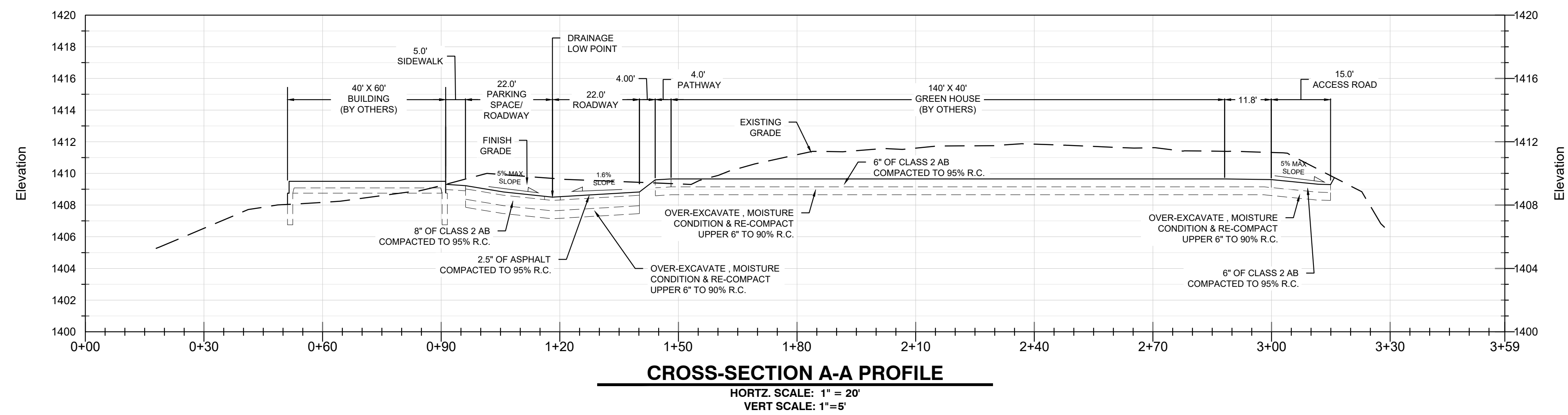
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 2250 OGULIN CANYON ROAD
 CLEARLAKE, CALIFORNIA

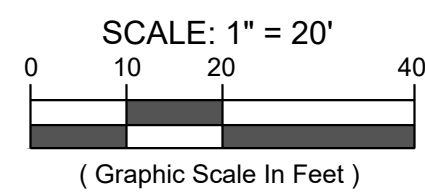
CROSS SECTIONS AND ROAD PROFILE
SITE GRADING AND DRAINAGE
 2250 OGULIN CANYON ROAD
 CLEARLAKE, CALIFORNIA 95422

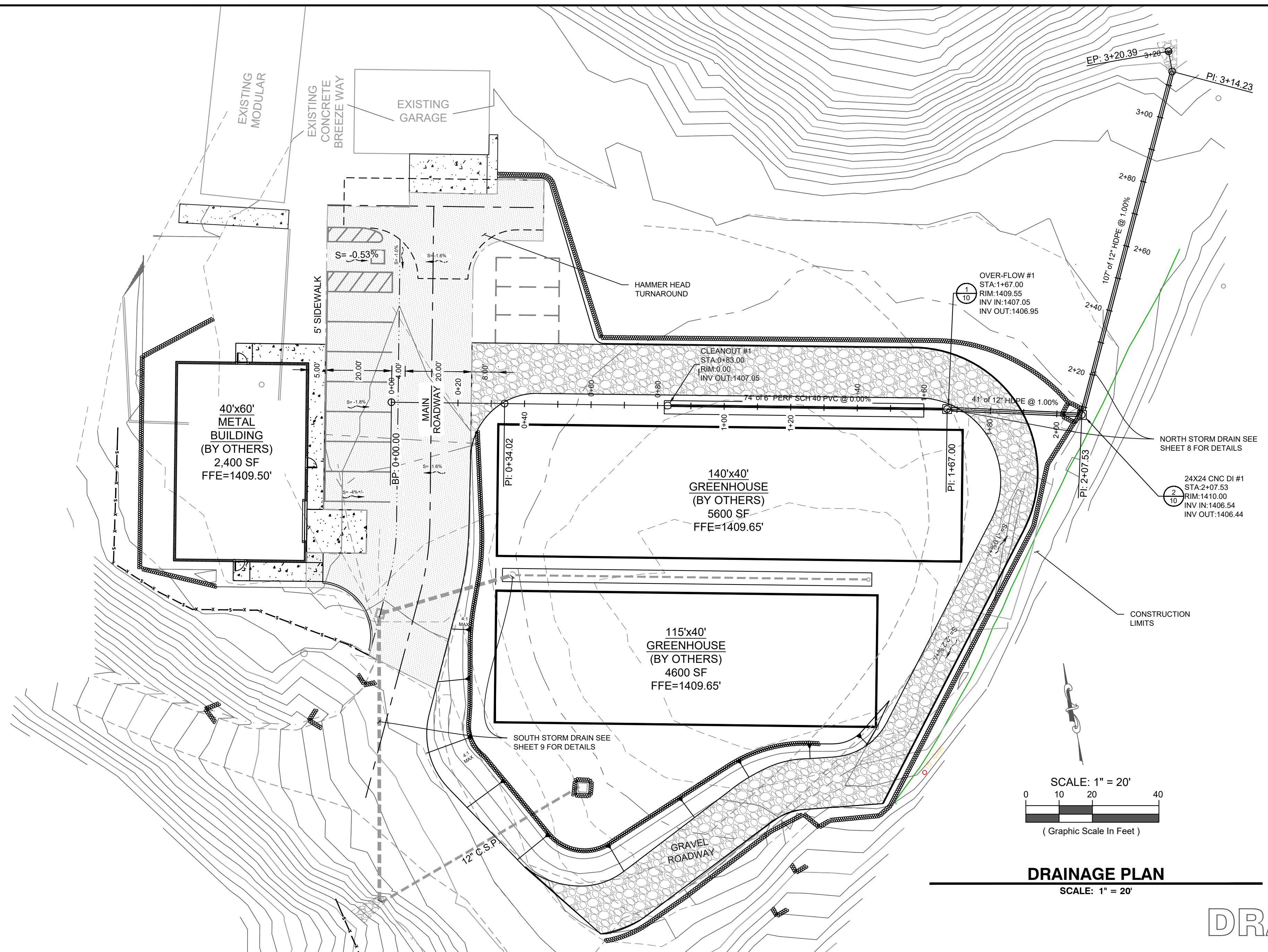
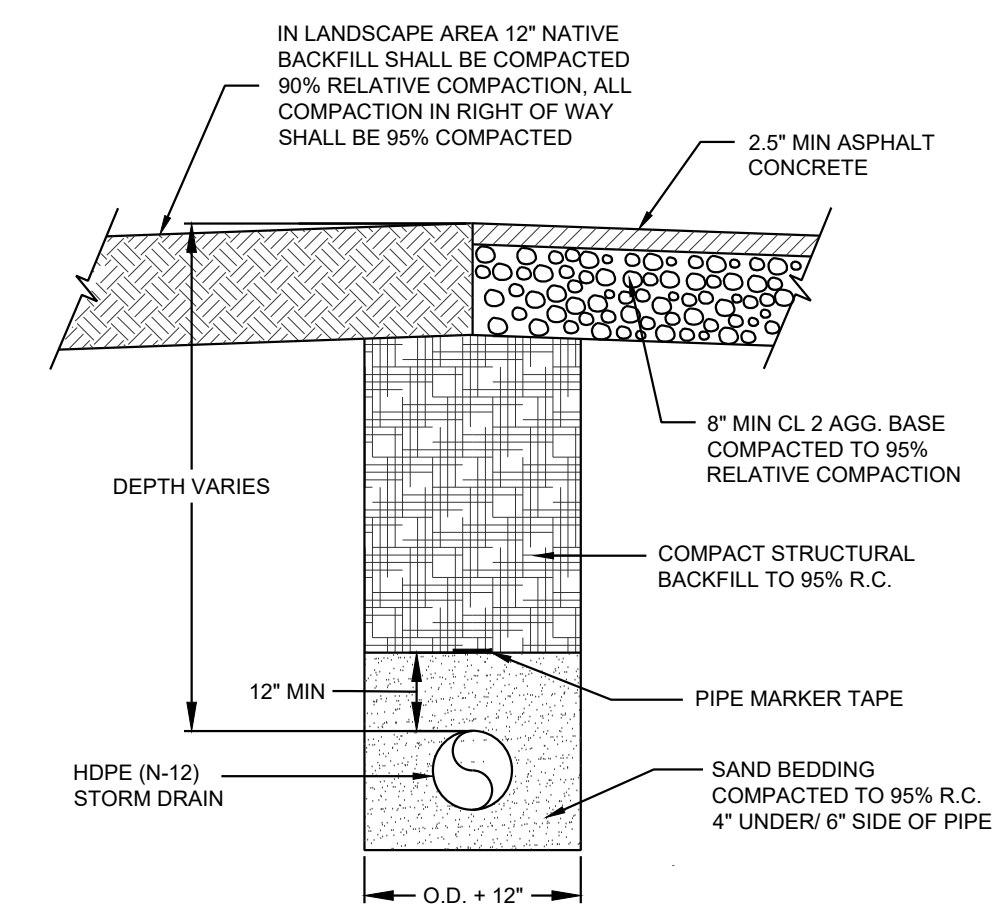
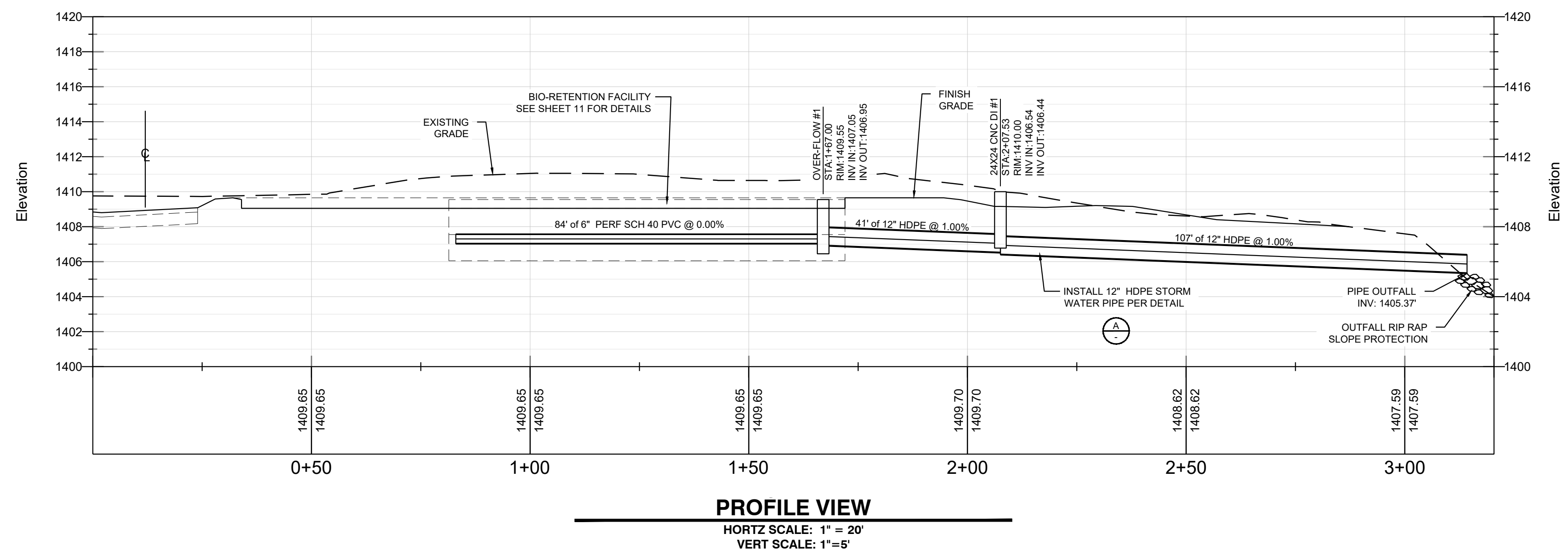
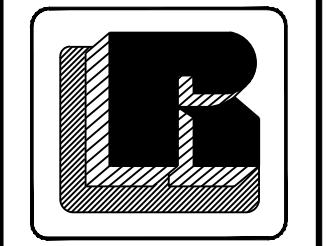


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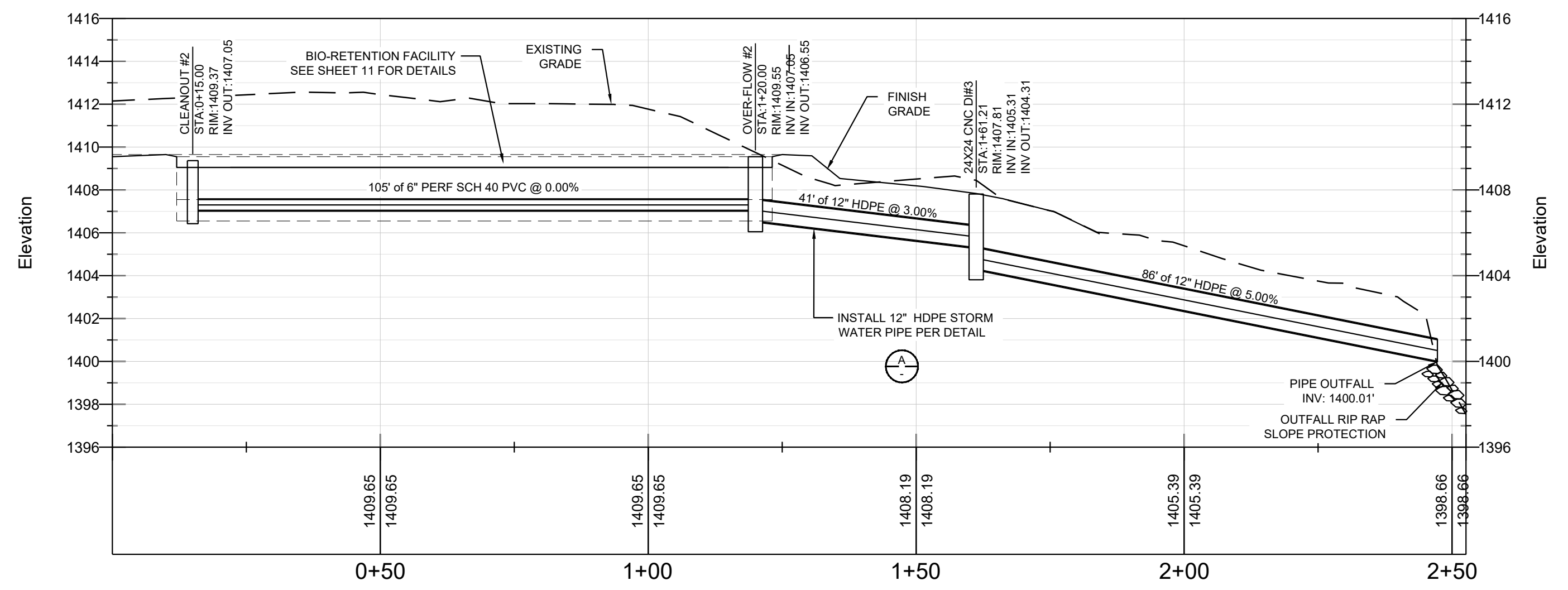
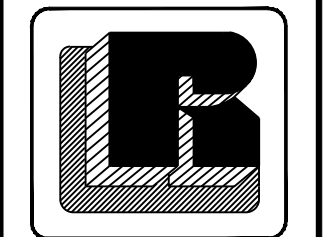




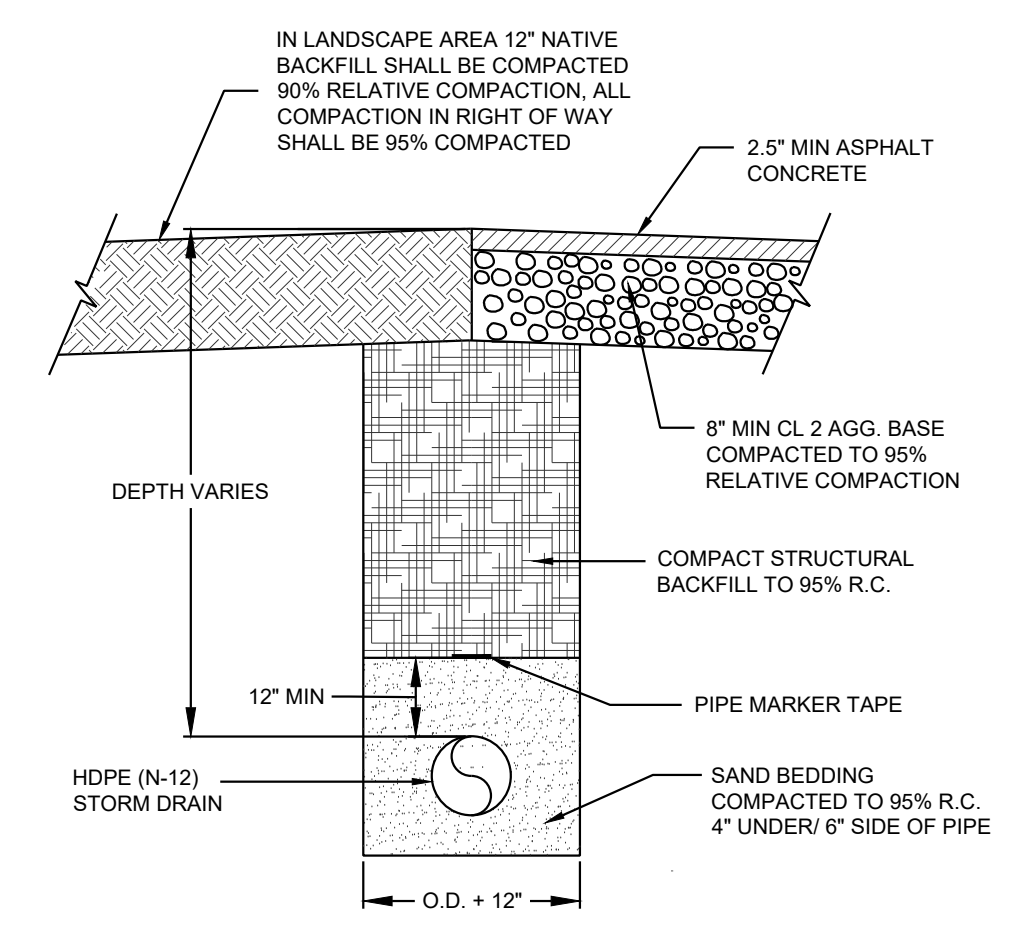
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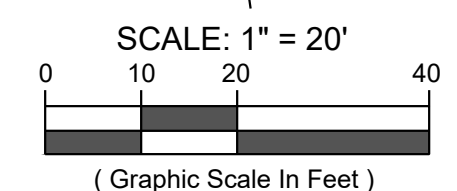
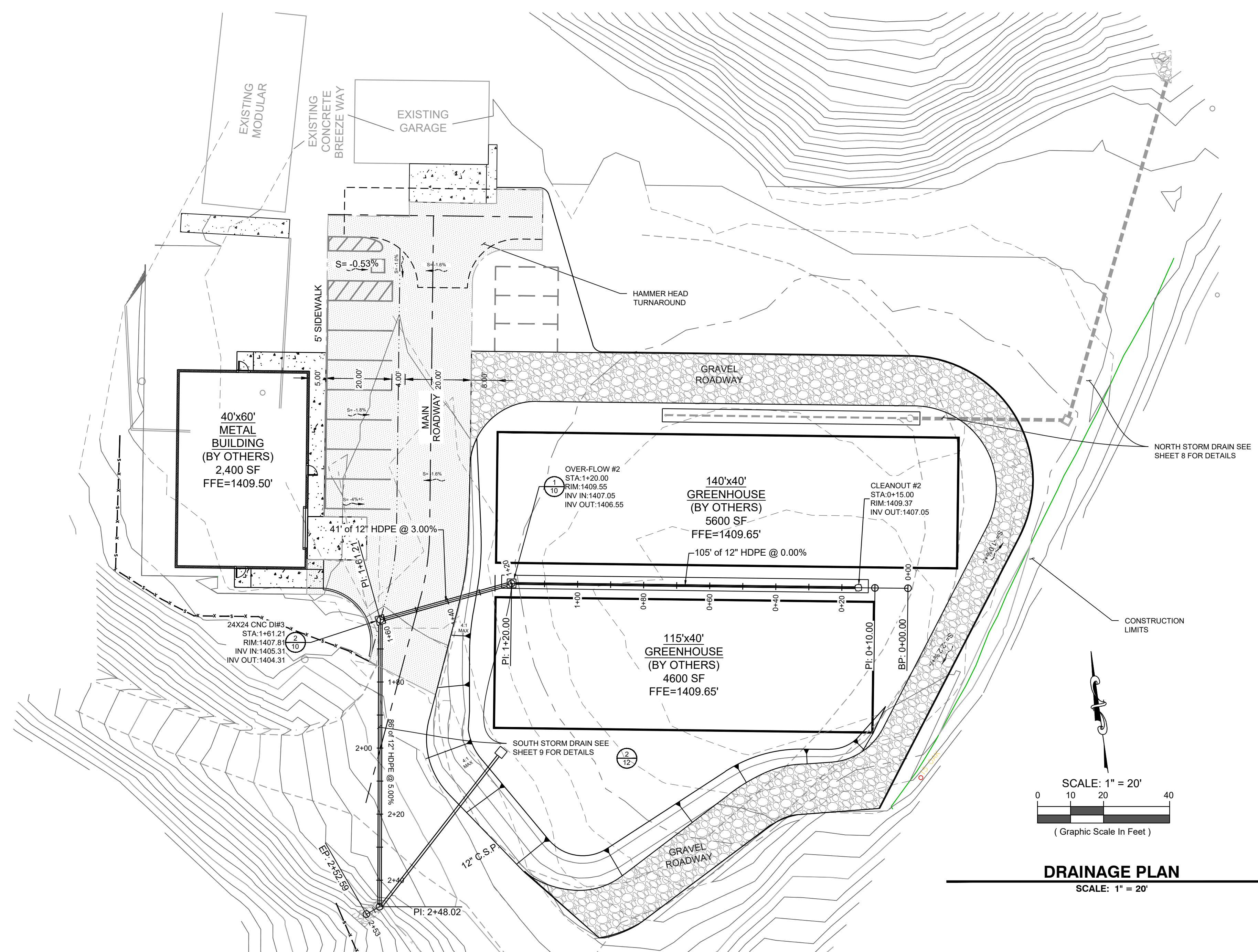
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PROFILE VIEW
HORIZ SCALE: 1" = 20'
VERT SCALE: 1" = 5'



STORM DRAIN TRENCH SECTION DETAIL
SCALE: N.T.S.



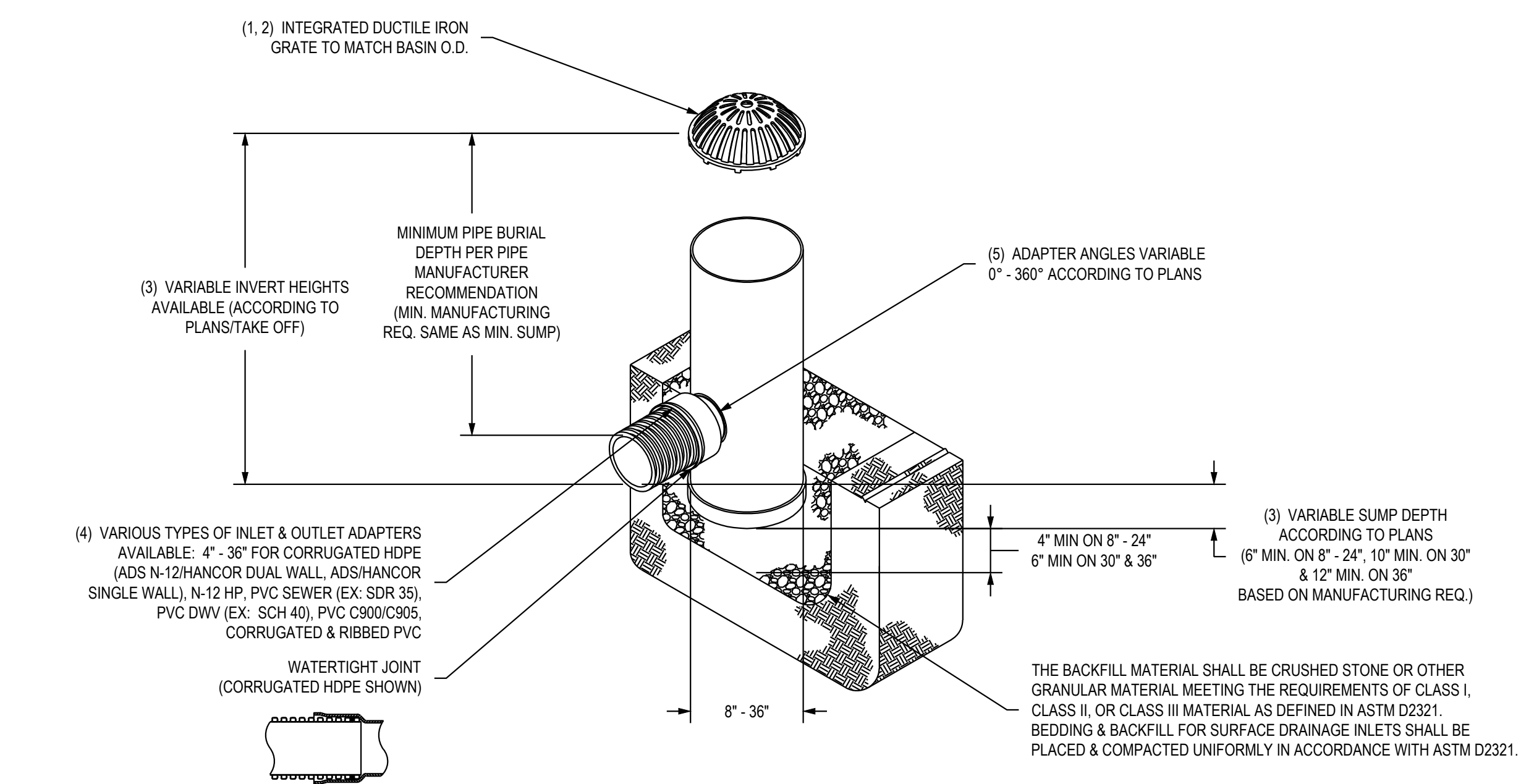
DRAINAGE PLAN
SCALE: 1" = 20'

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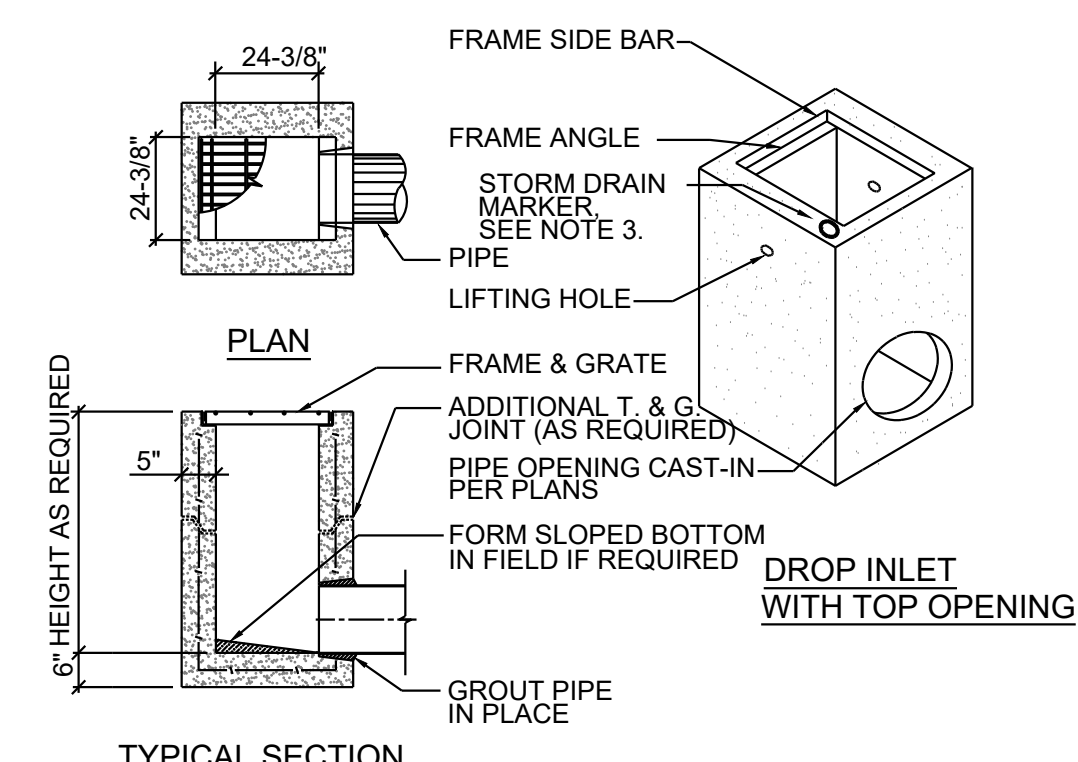
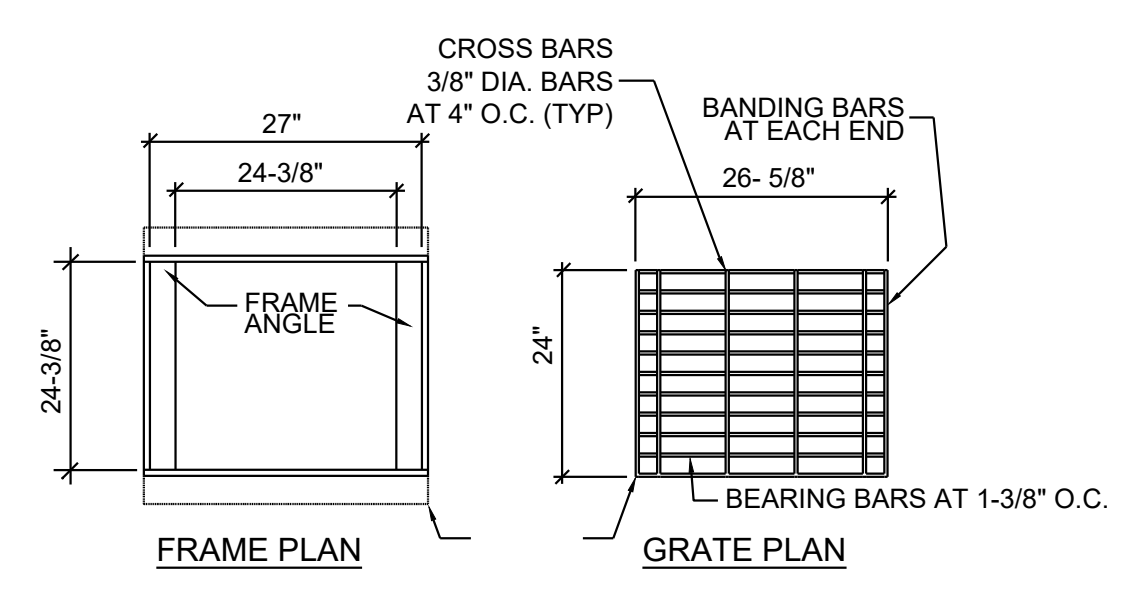
NYLOPLAST DRAIN BASIN WITH DOME GRATE



- 8" - 30" DOME GRATES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
- 8" & 10" DOME GRATES FIT ONTO THE DRAIN BASINS WITH THE USE OF A PVC BODY TOP. SEE DRAWING NO. 7001-110-045.
- DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS. RISERS ARE NEEDED FOR BASINS OVER 84" DUE TO SHIPPING RESTRICTIONS. SEE DRAWING NO. 7001-110-065.
- DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS N-12/HANCOR DUAL WALL), N-12 HP, & PVC SEWER (4" - 36").
- ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°. TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-012.
- 8" - 30" DOME GRATES HAVE NO LOAD RATING.

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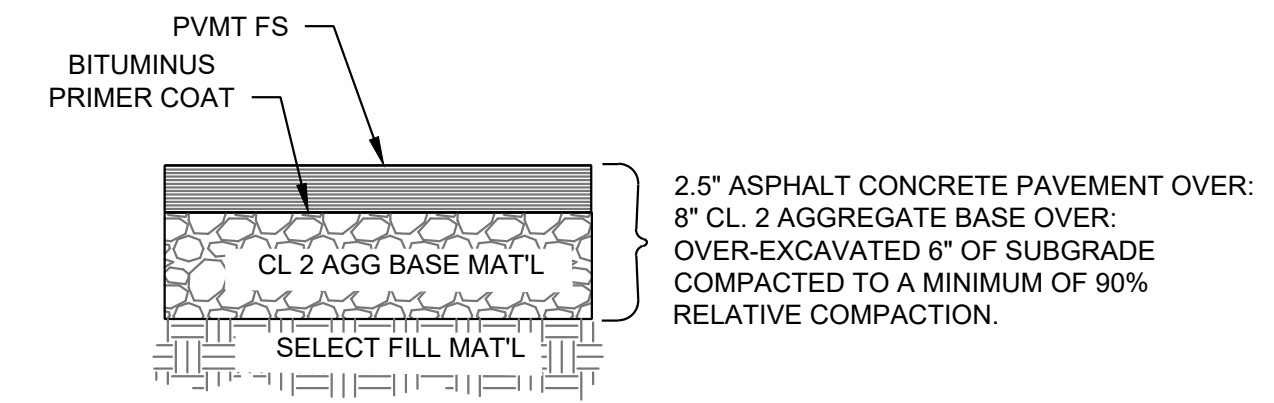
DRAWN BY EBC	MATERIAL	<p>3130 VERONA AVE BUFORD, GA 30518 PHN (770) 932-2443 FAX (770) 932-2490 www.nyloplast-us.com</p>
DATE 03-25-10		
REVISED BY NMH	PROJECT NO./NAME	
DATE 06-12-18		
DWG SIZE A	SCALE 1:40	SHEET 1 OF 1
DWG NO. 7001-110-397	REV E	



NOTES:

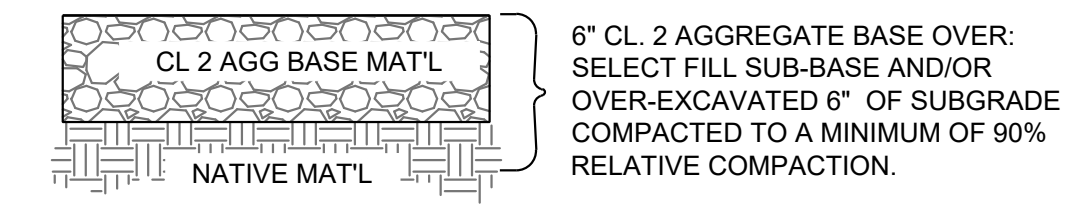
- FRAMES AND GRATES SHALL BE TRAFFIC RATED AND GALVANIZED. FRAMES SHALL BE US CONCRETE PRECAST MODEL CB2424TF GRATES SHALL BE MODEL CB2424TG OR AS APPROVED BY CITY ENGINEER.
- DROP INLET SHALL BE US CONCRETE PRECAST MODEL CB2424 OR APPROVED BY CITY ENGINEER.
- ATTACHED "DRAINS TO LAKE" MARKER PER CITY STD 313. TO THE FRONT RIGHT CORNER ON THE TOP OF DROP INLET ALIGNED TO BE READ FROM STREET.

APPROVED STORM DRAIN MARKER:
ALMETEX 4" ROUND PAINTED ALUMINUM.



- AGGREGATE BASE AND ASPHALTIC CONCRETE SPECIFICATIONS**
- AGGREGATE BASE SHALL BE CLASS 2, 3/4" MAXIMUM. MATERIALS AND PLACEMENT SHALL CONFORM TO THE REQUIREMENTS OF SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS, 2010 OR NEWEST EDITION.
 - AGGREGATE BASE SHALL BE PLACED AND COMPACTED TO 95% RELATIVE COMPACTION. COMPACTION REQUIREMENTS SHALL BE BASED ON ASTM TEST D 1557-91.
 - ASPHALTIC CONCRETE PAVEMENT MATERIALS AND PLACEMENT SHALL CONFORM TO SECTION 39 OF THE CALTRANS STANDARD SPECIFICATIONS, 2010. ASPHALT CONCRETE SHALL BE TYPE B.

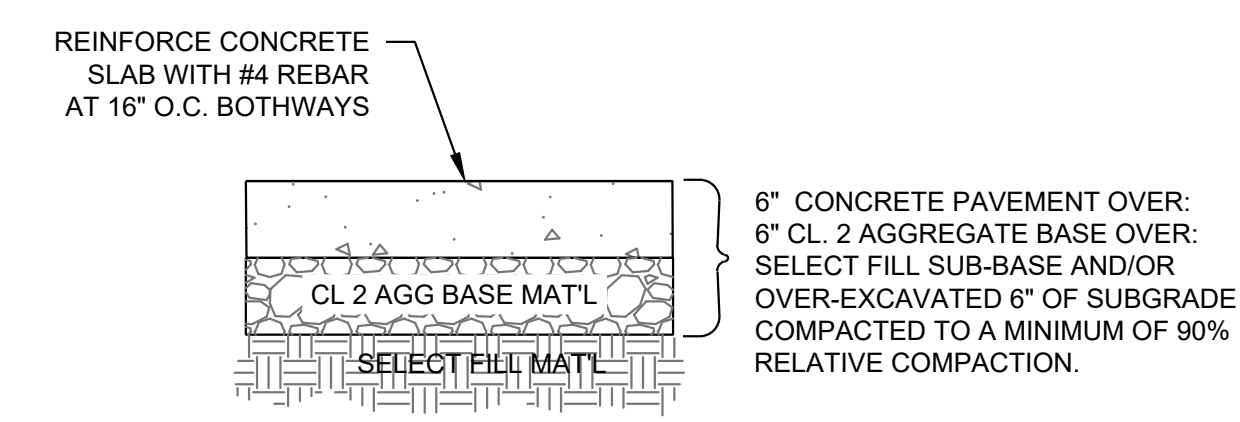
3 ASPHALT CONCRETE PAVEMENT SECTION
NTS



- AGGREGATE BASE SPECIFICATIONS**
- AGGREGATE BASE SHALL BE CLASS 2, 3/4" MAXIMUM. MATERIALS AND PLACEMENT SHALL CONFORM TO THE REQUIREMENTS OF SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS, 2010 OR NEWEST EDITION.
 - AGGREGATE BASE SHALL BE PLACED AND COMPACTED TO 95% RELATIVE COMPACTION. COMPACTION REQUIREMENTS SHALL BE BASED ON ASTM TEST D 1557-91.

2 AREA DRAIN DROP INLET FLUSH OPENING
(NTS)

4 AGGREGATE BASE ROCK PAVEMENT SECTION
NTS



- AGGREGATE BASE AND CONCRETE AND REINFORCING STEEL SPECIFICATIONS**
- AGGREGATE BASE SHALL BE CLASS 2, 3/4" MAXIMUM. MATERIALS AND PLACEMENT SHALL CONFORM TO THE REQUIREMENTS OF SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS, 2010 OR NEWEST EDITION.
 - AGGREGATE BASE SHALL BE PLACED AND COMPACTED TO 95% RELATIVE COMPACTION. COMPACTION REQUIREMENTS SHALL BE BASED ON ASTM TEST D 1557-91.
 - CONCRETE SHALL OBTAIN 3,000 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS. MAXIMUM SLUMP DURING CONCRETE POUR SHALL BE 4 INCHES.
 - CONCRETE SUPPLIER SHALL PROVIDE A 3,000 PSI CONCRETE MIX DESIGN PREPARED BY A LICENSED CIVIL ENGINEER AND SIGNED CERTIFICATION THAT THE 3,000 PSI CONCRETE MIX DESIGN WAS FURNISHED FOR THIS PROJECT. THE MIX DESIGN AND CERTIFICATION SHALL BE FURNISHED TO THE OWNER AND ENGINEER.
 - CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH SECTION 73 OF THE CALTRANS STANDARD SPECIFICATIONS, DATED 2010.

5 PORTLAND CEMENT CONC PAVEMENT SECTION
NTS

1 24" NYLOPLAST DRAIN BASIN WITH DOME GRATE
NTS

REVISION BLOCK			
REV	DATE	DESCRIPTION	BY
1	4/14/22	PERMIT SUBMITTAL	MSA

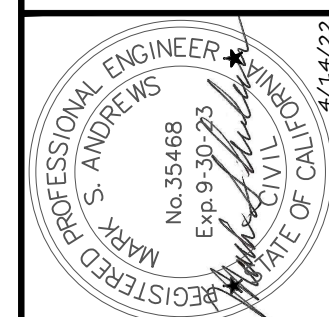
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JOB NO.: 21-8530
CHK'D BY: MSA 35468
DATE: 04/14/22
SHEET: 10 OF 12

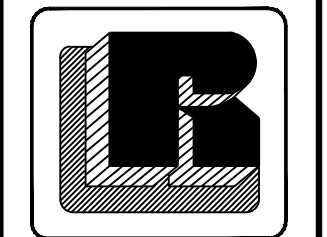
DRAFT

CLEARLAKE HARVEST COMPANY, LLC
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA

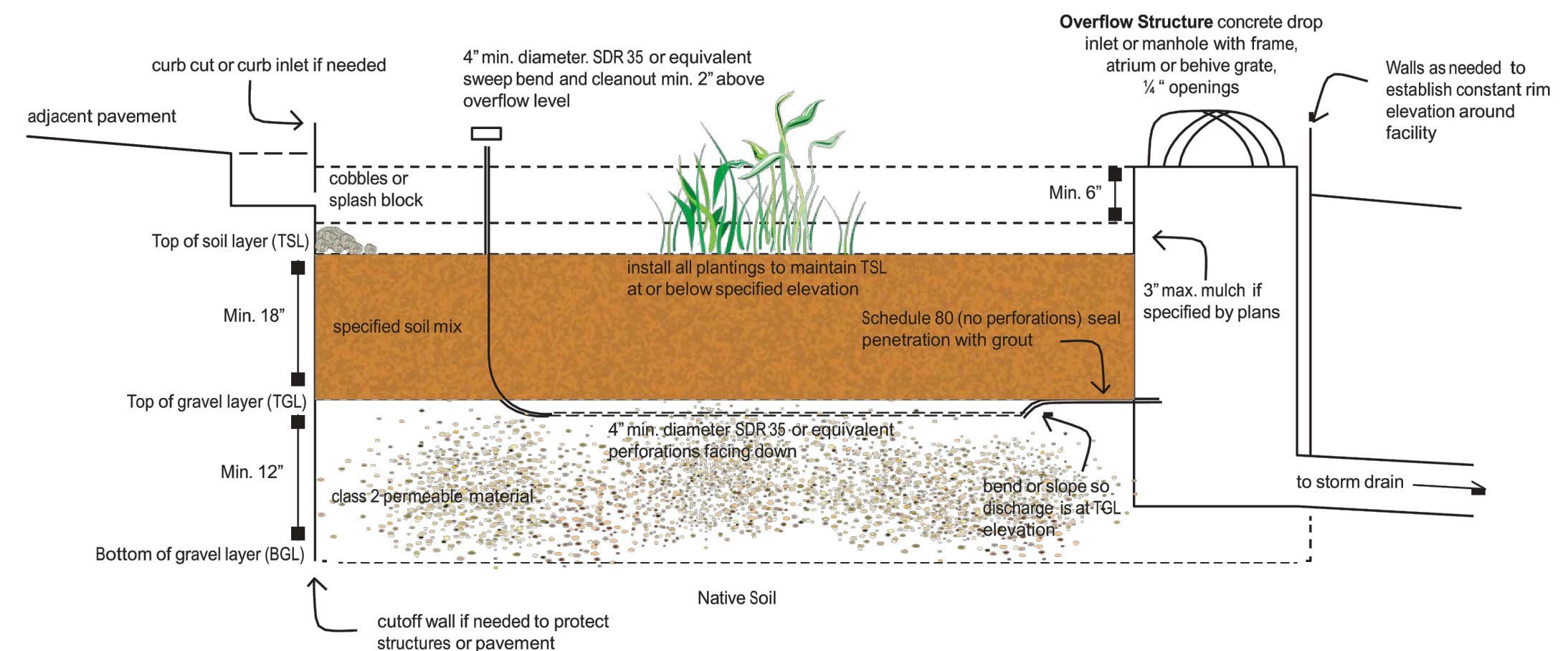
GENERAL DETAILS
SITE GRADING AND DRAINAGE
2250 OGULION CANYON ROAD
CLEARLAKE, CALIFORNIA 95422

RUZICKA ASSOCIATES
CONSULTING ENGINEERS
P.O. BOX 1189
2465 PARALLEL DRIVE
LAKEPORT, CA 95453
CIVIL ENGINEERING
PLANNING * SURVEYING
PH. (707) 263-6155
FAX (707) 263-0788





Bioretention Facility
not to scale



Allowed variations for special site conditions:

- Facilities located within 10 feet of structures or other potential geotechnical hazards may incorporate an impervious cutoff wall
- Facilities with documented high concentrations of pollutants in underlying soil or groundwater, facilities where infiltration could contribute to a geotechnical hazard, and facilities located on elevated plazas or other structures may incorporate an impervious liner between the native soil and the BGL and locate the underdrain discharge at the BGL (flow-through planter configuration)
- Facilities located in areas of high groundwater, highly infiltrative soils, or where connection of the underdrain to a surface drain or subsurface storm drain are infeasible may omit the underdrain

Notes:

- No liner, no filter fabric, no landscape cloth.
- Maintain BGL, TGL, TSL throughout facility area at elevations to be specified in plan.
- Class 2 permeable layer may extend below and underneath drop inlet.
- Elevation or underdrain discharge is at top of gravel layer.
- See Chapter X for instructions on facility sizing and additional specifications

Soil/Compost and Gravel Specifications for Bioretention Facility

Gravel Layer

The gravel layer used in the bioretention facility must consist of *Class 2 Permeable Material* as specified in the State of California's Business, Transportation and Housing Agency, Department of Transportation, Standard Specifications 2010, manual (http://www.dot.ca.gov/hq/esc/oe/construction_contract_standards/std_specs/2010_StdSpecs/2010_StdSpecs.pdf).

The specific section, Subsurface Drains, Sec. 68, of the manual is used because it offers specific specifications for subsurface drains. In addition to the standardized permeable layer, a membrane layer of pea gravel or other intermediate-sized material is recommended at the top of the gravel layer to prevent fines from the soil/compost layer from moving downward into the gravel layer.

68-2.02F(1) General

Permeable material for use in backfilling trenches under, around, and over underdrains must consist of hard, durable, clean sand, gravel, or crushed stone and must be free from organic material, clay balls, or other deleterious substances.

Permeable material must have a durability index of not less than 40.

68-2.02F(3) Class 2 Permeable Material

The percentage composition by weight of Class 2 permeable material in place must comply with the grading requirements shown in the following table:

Class 2 Permeable Material Grading Requirements

Sieve sizes	Percentage passing
1"	100
3/4"	90-100
3/8"	40-100
No. 4	25-40
No. 8	18-33
No. 30	5-15
No. 50	0-7
No. 200	0-3

Class 2 permeable material must have a sand equivalent value of not less than 75.

Soil/Compost and Gravel Specifications for Bioretention Facility

BIORETENTION SOIL SHALL BE SANDY LOAM SOIL MIX WITH COMPOST AS PROVIDE BY SOILAND COMPANY, CONTACT FOR MORE INFORMATION AT 707-795-1775. PROVIDE CUT SHEET OF SOIL MIX FOR APPROVAL

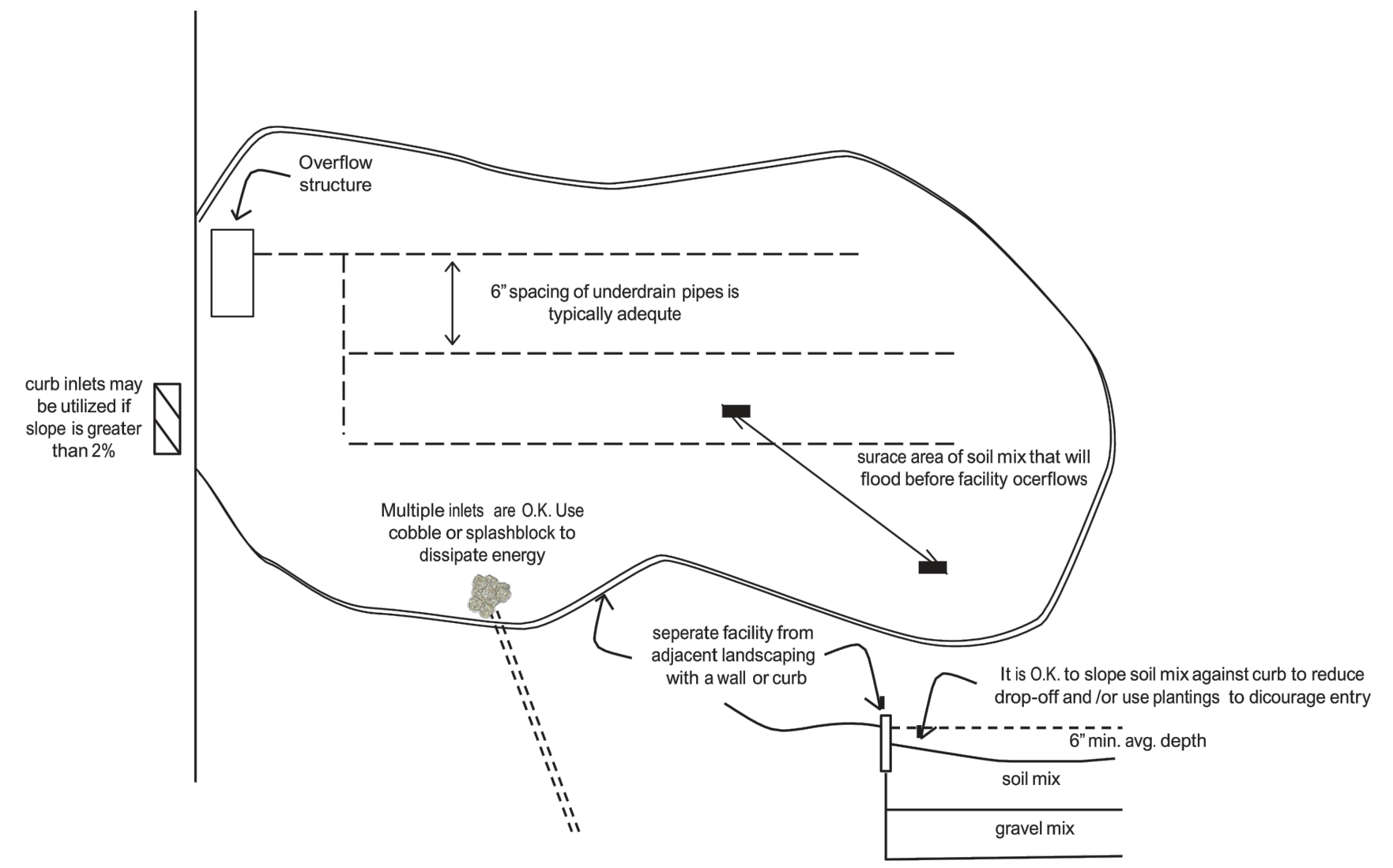
Compost shall be a well-decomposed, stable, weed-free organic matter source derived from waste materials including yard debris, wood wastes or other organic materials not including manure or biosolids, and shall meet the standards developed by the US Composting Council (USCC). The product shall be certified through the USCC Seal of Testing Assurance (STA) Program (a compost testing and information disclosure program).

Compost Quality Analysis:

Before delivery of the soil, the supplier shall submit a copy of the lab analysis performed by a laboratory that is enrolled in the USCC's Compost Analysis Proficiency (CAP) program and using approved Test Methods for the Evaluation of Composting and Compost (IMECC). The lab report shall verify that the compost parameters are within the limits specified below.

Parameter	Range	Reported as (units)
Organic Matter Content	35-75	%, dry weight basis
Carbon to Nitrogen Ratio	15:1 to 25:1	ratio
Maturity (Seed Emergence and Seedling Vigor)	>80	average % of control
Stability (CO ₂ Evolution Rate)	<8	mg CO ₂ -C/g unit OM/day
Soluble Salts (Salinity)	<6.0	mmhos/cm
pH	6.5 - 8.0 May vary with plant species	units
Heavy Metals Content	PASS	PASS/FAIL: US EPA Class A standard, 40 CFR § 503.13, tables 1 and 3.
Pathogens		
Fecal coliform	PASS	PASS/FAIL: US EPA Class A standard, 40 CFR § 503.32(a) levels
Salmonella	PASS	PASS/FAIL: US EPA Class A standard, 40 CFR § 503.32(a) levels
Nutrient Content (provide analysis, including):		
Total Nitrogen (N)	≥0.9	%
Boron (Total B)	<80	ppm
Calcium (Ca)	For information only	%
Sodium (Na)	For information only	%
Magnesium (Mg)	For information only	%
Sulfur (S)	For information only	%

Bioretention Facility - Overview
not to scale



Note:

Show all elevations of curb, pavement, inlet, top of soil layer (TSL), top of gravel layer (TGL), and bottom of gravel layer (BGL) at all inlets and outlets and at key points along edge of facility.

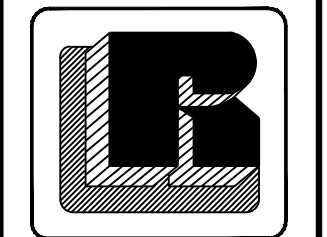


**County of Lake
City of Lakeport
City of Clearlake**

REVISION BLOCK			
REV	DATE	DESCRIPTION	BY
1	4/14/22	PERMIT SUBMITTAL	MSA

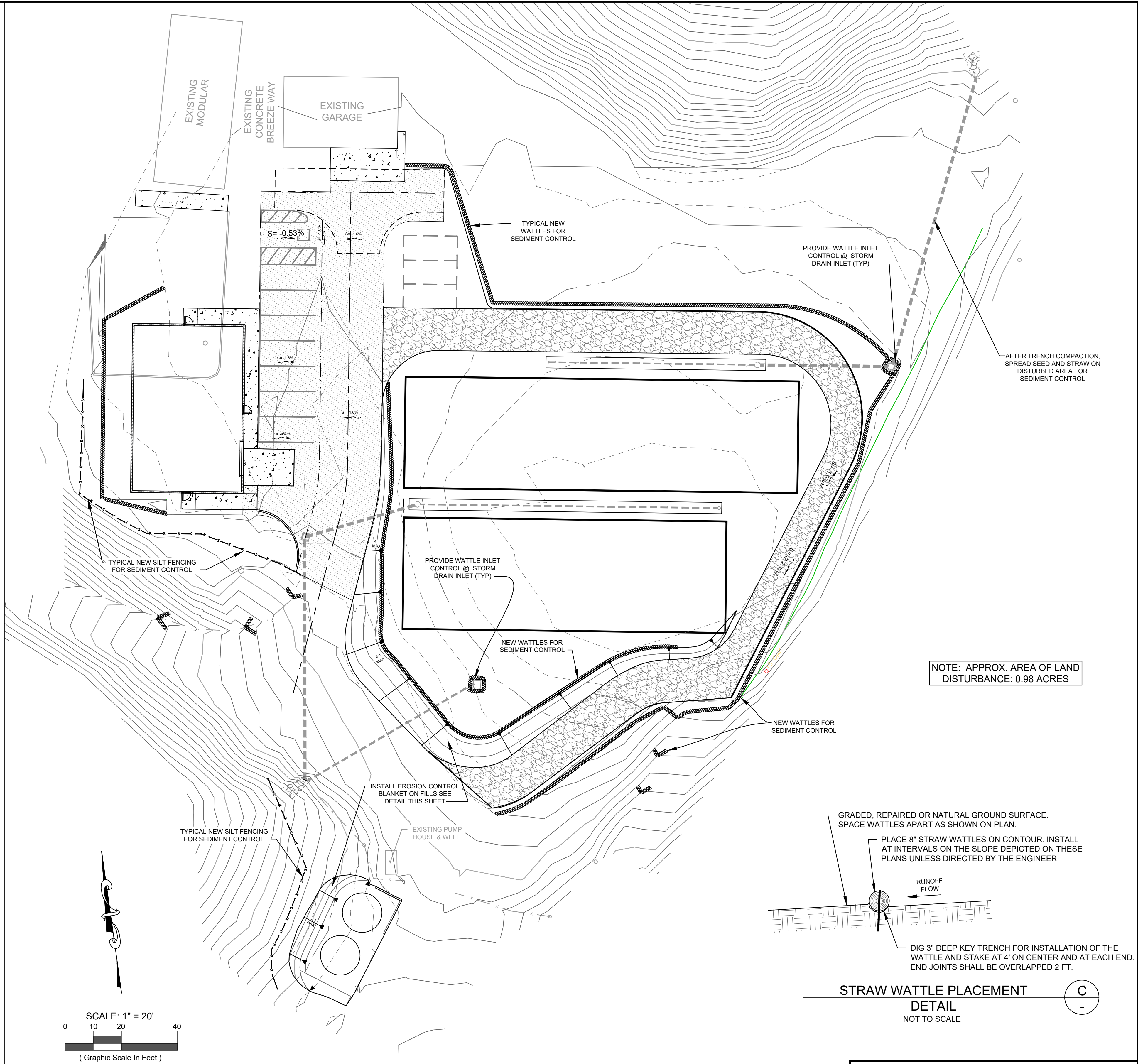
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JOB NO.: 21-8530
CHK'D BY: MSA 35468
DATE: 04/14/22
SHEET: 11 OF 12

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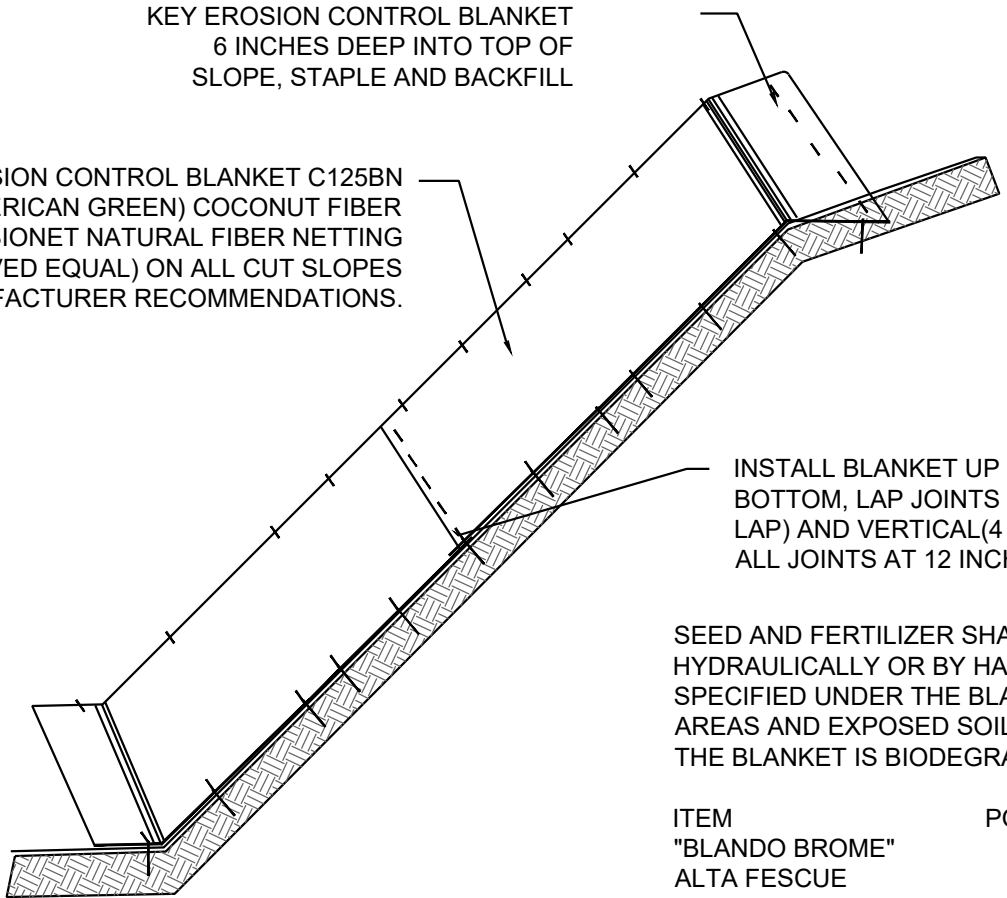
EROSION CONTROL NOTES:

1. THE CONTRACTOR SHALL INSTALL EROSION CONTROL BARRIER AROUND THE IMMEDIATE PERIMETER OF THE LIMITS OF DISTURBED AREA AND SAID PROVISIONS SHALL BE MAINTAINED AND UPGRADED OR MODIFIED AS REQUIRED DURING THE CONSTRUCTION PERIOD.
2. THE CONTRACTOR SHALL INSTALL AND MAINTAIN AN APPROVED CONCRETE WASH-OUT FACILITY ON THE PROJECT SITE IN CONFORMANCE WITH THE STATE STANDARD SPECIFICATIONS IN SECTION 12-3.06B. THE CONTRACTOR SHALL DISPOSE OF THE WASTE AT AN APPROVED FACILITY.
3. THE CONTRACTOR SHALL FOLLOW STANDARD PROCEDURES FOR SPILL AND LEAK PREVENTION, AND CLEAN-UP PROCEDURES FOR CHEMICALS AND HAZARDOUS SUBSTANCES, PETROLEUM PRODUCTS, SANITARY AND SEPTIC WASTE SUBSTANCES.
4. EROSION CONTROL MATERIAL SHALL BE INSTALLED AROUND EXCAVATION SPOILS.
5. AIR BORNE DUST FROM CONCRETE SAWING PROCEDURES SHALL BE MINIMIZED USING WATER MIST AND CONCRETE RESIDUE SHALL BE COLLECTED WHEN POSSIBLE.
6. DO NOT OVERSPRAY CONCRETE CURING COMPOUND. MINIMIZE THE DRIFT BY SPRAYING AS CLOSE TO THE CONCRETE AS POSSIBLE.
7. USE 8 INCH STRAW WATTLES AS AN EROSION CONTROL BARRIER AS REQUIRED IN NOTE 1.



KEY EROSION CONTROL BLANKET
6 INCHES DEEP INTO TOP OF
SLOPE, STAPLE AND BACKFILL

INSTALL EROSION CONTROL BLANKET C125BN
(NORTH AMERICAN GREEN) COCONUT FIBER
BLANKET WITH BIONET NATURAL FIBER NETTING
(OR APPROVED EQUAL) ON ALL CUT SLOPES
PER MANUFACTURER RECOMMENDATIONS.

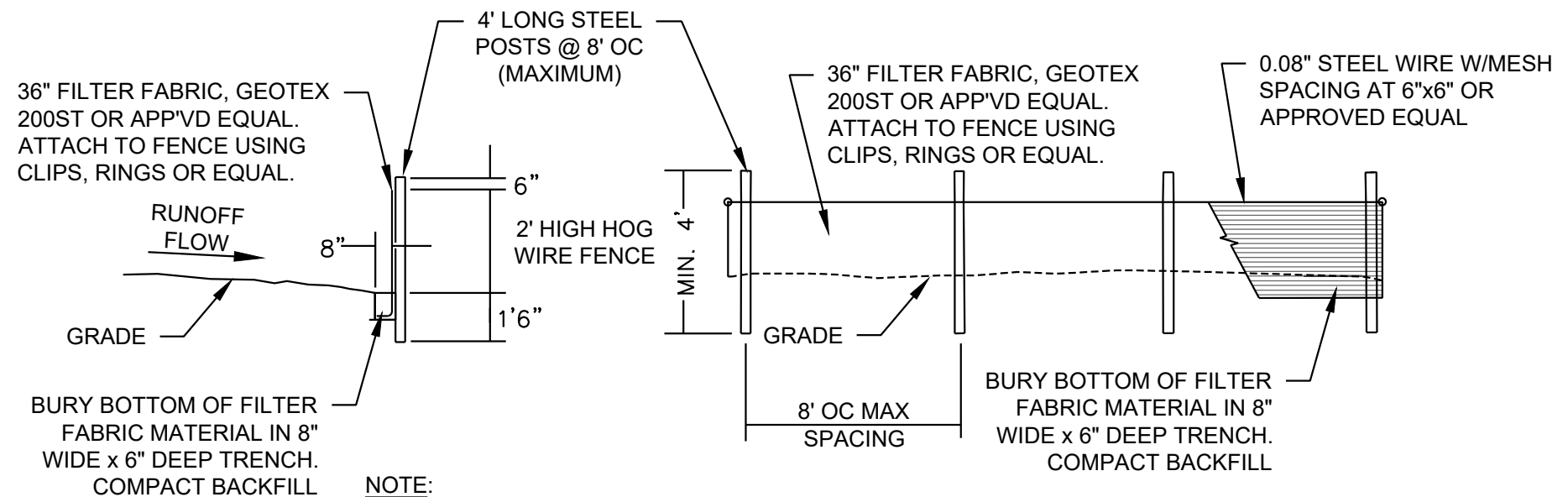
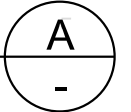


INSTALL BLANKET UP SLOPE, STARTING AT
BOTTOM, LAP JOINTS HORIZONTALLY (2 INCH
LAP) AND VERTICAL (4 INCH LAP) AND STAPLE
ALL JOINTS AT 12 INCHES ON CENTER.

SEED AND FERTILIZER SHALL BE APPLIED
HYDRAULICALLY OR BY HAND AT THE RATES
SPECIFIED UNDER THE BLANKET AND AT ALL GRADED
AREAS AND EXPOSED SOILS.
THE BLANKET IS BIODEGRADABLE.

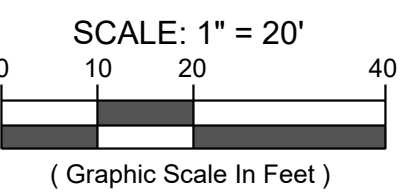
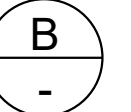
ITEM	POUNDS PER ACRE
"BLANDO BROME"	30
ALTA FESCUE	20
CRINSON CLOVER	20
FERTILIZER	
(16-20-0 & 15% SULPHUR)	20
STRAW MULCH	4000 OR 3500 LBS OF WOOD CELLULOSE

**EROSION CONTROL BLANKET
INSTALLATION - SECTION VIEW**
NOT TO SCALE

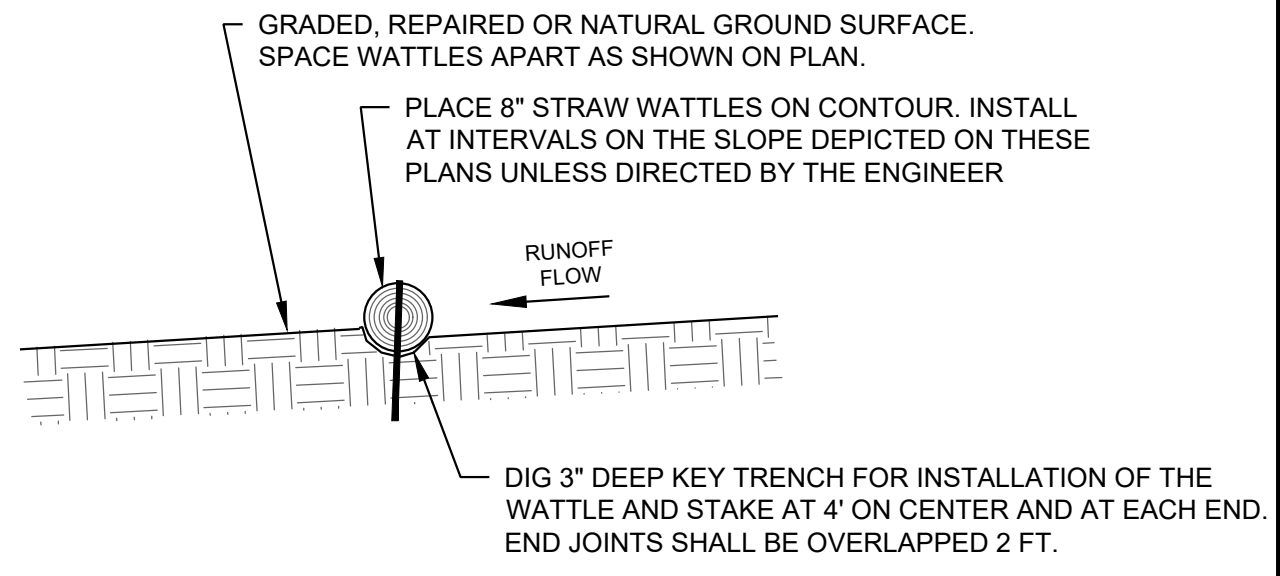


- NOTE:**
1. CONTRACTOR TO GET ENGINEER'S WRITTEN APPROVAL BEFORE SUBSTITUTING MATERIALS CALLED OUT WITH THOSE OF EQUAL QUALITY.
 2. MIRAFI ENVIROFENCE HAS A BUILT IN NET BACKING INSTALLED - USE OF STEEL WIRE MESH OR HOG WIRE BACKING CAN BE OMITTED WITH USE OF THIS PRODUCT

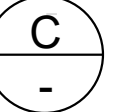
SILT FENCE DETAIL
NOT TO SCALE



EROSION CONTROL PLAN
SCALE: 1" = 20'



**STRAW WATTLE PLACEMENT
DETAIL**
NOT TO SCALE



DRAFT

REVISION BLOCK			
REV	DATE	DESCRIPTION	BY
1	4/14/22	DRAFT PERMIT SUBMITTAL	MSA



REPORT OF FINDINGS - HYDROLOGY ANALYSIS

Site Information:

2250 Ogulin Canyon
Clearlake, CA 95422
APNs: 010-044-19

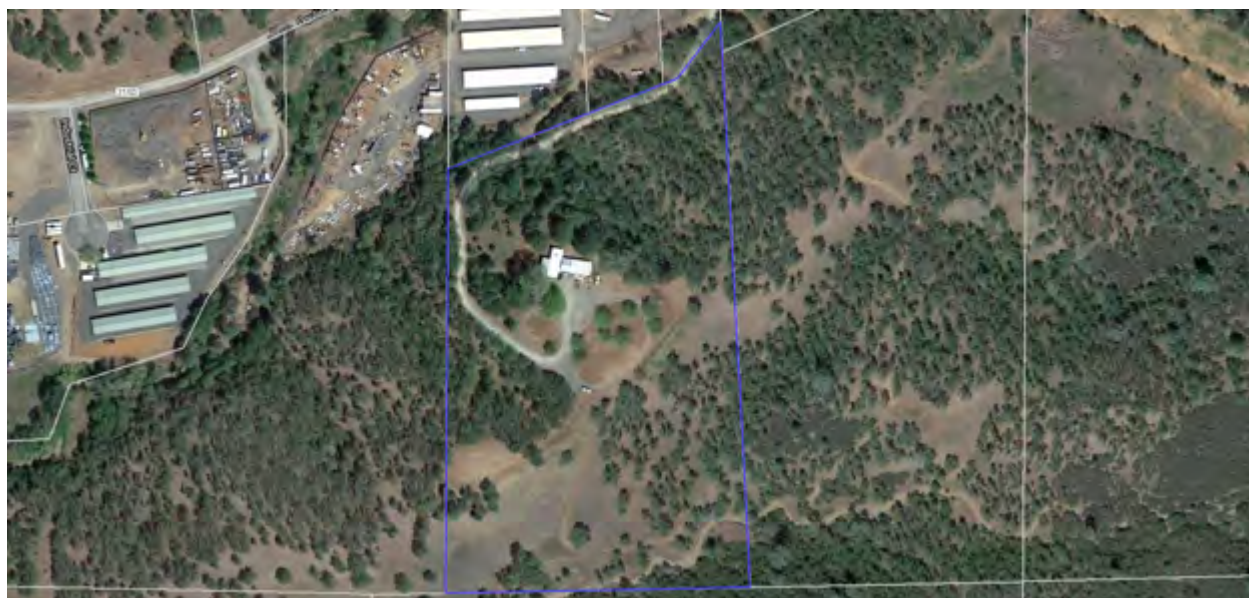
Prepared for:

Clearlake Harvest Company

Prepared by:

Chico Environmental Science & Planning
333 Main Street, Suite 260
Chico, CA 95928
(530) 899-2900

Prepared: August 4, 2021



1.0 INTRODUCTION

Chico Environmental prepared this Report of Findings to determine groundwater availability at 2250 Ogulin Canyon in Clearlake, CA (“subject property” or “site”). The approximately 12.95-acre site is situated in Burns Valley Groundwater Basin, a rural portion of southeastern Lake County, California (**Figure 1**). One 200 feet below ground surface (bgs), 4 ½ inch casing diameter domestic groundwater well is located on APN 010-044-19. The well was installed on December 12, 2005. A well test and system equipment evaluation were conducted on March 31, 2021. The purpose of this investigation is to determine if the aquifer has sufficient quantity to support outdoor cannabis cultivation for 17,500 square-feet of the 12.95-acre property.

2.0 BACKGROUND

Chico Environmental conducted a site visit to the site on July 28, 2021 (**Appendix A**). Chico Environmental reviewed Well Completion Reports within Lake County from DWR (**Appendix B**). Chico Environmental also reviewed Lake County groundwater ordinances, the California State Sustainable Groundwater Management Act (SGMA), geology maps (**Figure 2**), topography maps (**Figure 3**) and groundwater well locations (**Figure 4**).

3.0 GEOLOGY

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

Faulting occurred in Mendocino County, lowering an area in the Coast Ranges. This area became filled with gravels and sands from creeks in the mountains and became the Cache Formation. Toward the end of the Cache Formation’s deposition, faulting created a depression that combined with lava flows created the basin that contains Clear Lake. Volcanic activity occurred intermittently through the Pleistocene with the extrusion of a number of separate lava flows, beginning the deposition of the Clear Lake Pleistocene Volcanics,

including Mount Konocti and the surrounding area. Other depressions and valleys in the Coast Ranges began to be filled with sands, silts and gravels carried by streams, resulting in the deposition of alluvial basins.

The Burns Valley Basin is in the southeastern portion of Lake County and is the Shoreline Inventory Unit. It is bordered by the Franciscan Formation to the north, Clear Lake to the west and the Cache Formation to the south and east. There are three water-bearing formations in the Burns Valley Basin, including Quaternary Alluvium, Quaternary Terrace Deposits and Lower Lake Formation. Quaternary alluvium occurs in the valley lowlands and consist of silt, sand and gravel. This layer is thickest in the southern portion of the basin at approximately 50 feet. Groundwater from this layer is used for domestic use and is unconfined.

Quaternary Terrace Deposits occur on the sides of the alluvial plain at approximately 15 feet above the valley floor. Further research is necessary to qualify groundwater in this formation. The Lower Lake Formation consists of lake deposits underlying the alluvial and terrace deposits. It mainly consists of fine sands, silts and thick interbeds of marl and limestone. The maximum thickness is 200 feet and has low permeability. Groundwater from this layer can be pumped at a few hundred gallons per minute.

4.0 Hydrology

The average annual precipitation ranges from 25 inches to 35 inches per year and the average annual air temperature ranges between 55 to 59 °F in the project area. Surface water is limited to ephemeral drainages within the project area.

Groundwater Hydrogeology

Groundwater typically fluctuates between 2-10 feet below ground surface (bgs) from spring to fall. The DWR estimates the usable storage capacity to be 4,000 acre-feet (DWR 1960). Agricultural demand is typically around 14 acre-feet per year. As of 2006, there were 86 domestic wells and 13 irrigation wells in the Burn Valley Basin, with half of the domestic wells measuring less than 75 feet bgs and half of the irrigation wells measuring less than 250 feet bgs.

Groundwater Wells

As of March 2006, there are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately half of these domestic wells are shallower than 75 feet deep, and approximately half of the irrigation wells are shallower than 250 feet deep.

On December 11, 2005 a domestic well was completed at the subject site. The 200 feet bgs well was drilled with first water encountered at 120 feet bgs and a completed static water level of 125 feet bgs. The estimated yield for the well was 30 gallons per minute.

A well performance report from March 2021 shows the static water level of the well is 113.5 feet bgs. After pumping at a rate of 23 gallons per minute for 1.5 hours, the pumping level decreased from 133.5 feet bgs to 143.2 feet bgs. The well returned to 121 feet bgs after 5 minutes of recovery.



5.0 FINDINGS

2250 Ogulin Canyon has approximately 12.95 acres of surface land that is located over loosely consolidated gravel deposits in the Burns Valley (Figure 3).

The 2019 SGMA report rates Burns Valley as a Very Low Priority groundwater basin. Current groundwater data suggests that the Burns Valley Groundwater Basin fully recharges annually.

Section 28.1 of the lake County, California – Code of Ordinances - Regulation of the Extraction and Exportation of Groundwater from Lake County. Section 1.11 States:

“The County seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the County's important groundwater resources that the County requires a Permit to extract or otherwise capture groundwater for any use outside the County. This chapter requires a Permit for the export and use of groundwater outside the County and is not intended to regulate groundwater in any other way.”

Groundwater pumped for irrigation on 2250 Ogulin Canyon will not be used for export out of the County.

The expected annual water use for the cannabis cultivation project would be 511,400 gallons per square foot (gsf) per year with usage including cultivation (455,000 gsf per year), processing (24,000 gsf), and a nursery (32,400 gsf per year). The well yields 30 gallons per minute (15,768,000 gallons per year) and is monitored by a flow through meter (**Appendix C**).

There are no additional impacts on the Burns Valley Basin from the project, nor impacts of water use for this project to the surrounding areas.

6.0 CONCLUSIONS AND RECOMMENDATIONS

It is Chico Environmental’s opinion that the completed well is of sufficient yield to irrigate 17,500 square-feet of cannabis at 2250 Ogulin Canyon. Additionally, it appears that the overlying property possesses a sufficient quantity of groundwater for seasonal irrigation that would not adversely overdraft the Burns Valley Groundwater Basin, affect downgradient groundwater users or other well users in the vicinity.



7.0 QUALIFICATIONS AND SIGNATURE

I am a Professional Geologist with the State of California. Chico Environmental has performed this assessment under my supervision in accordance with generally accepted environmental practices and procedures, as of the date of this report. I have employed the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental professionals practicing in this area. The conclusions contained within this assessment are based upon site conditions readily observed or were reasonably ascertainable and present at the time of the site inspection.

The conclusions and recommendations stated in this report are based upon personal observations made by employees of Chico Environmental and upon information provided by others. I have no reason to suspect or believe that information provided is inaccurate.



John Lane, P.G. No. 7717
Chico Environmental Science & Planning
jlane@chicoenvironmental.com
(530) 899-2900



8.0 REFERENCES

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Camp Dresser and McKee, In Cooperation with the California Department of Water Resources, Northern District, Lake County Watershed Protection District Lake County Groundwater Management Plan March 31th, 2006.

Jennings, C.W., Strand, R.G., and Rogers, T.H., 1977, Geologic map of California: California Division of Mines and Geology, scale 1:750,000

Monitoring Plan Lake County, California by Lake County Watershed Protection District California Statewide Groundwater Elevation Monitoring System, March 20, 2012.

United States Geological Survey, 2018. Lower Lake Quadrangle, Calif., 1:24,000 Scale Topographic Map.



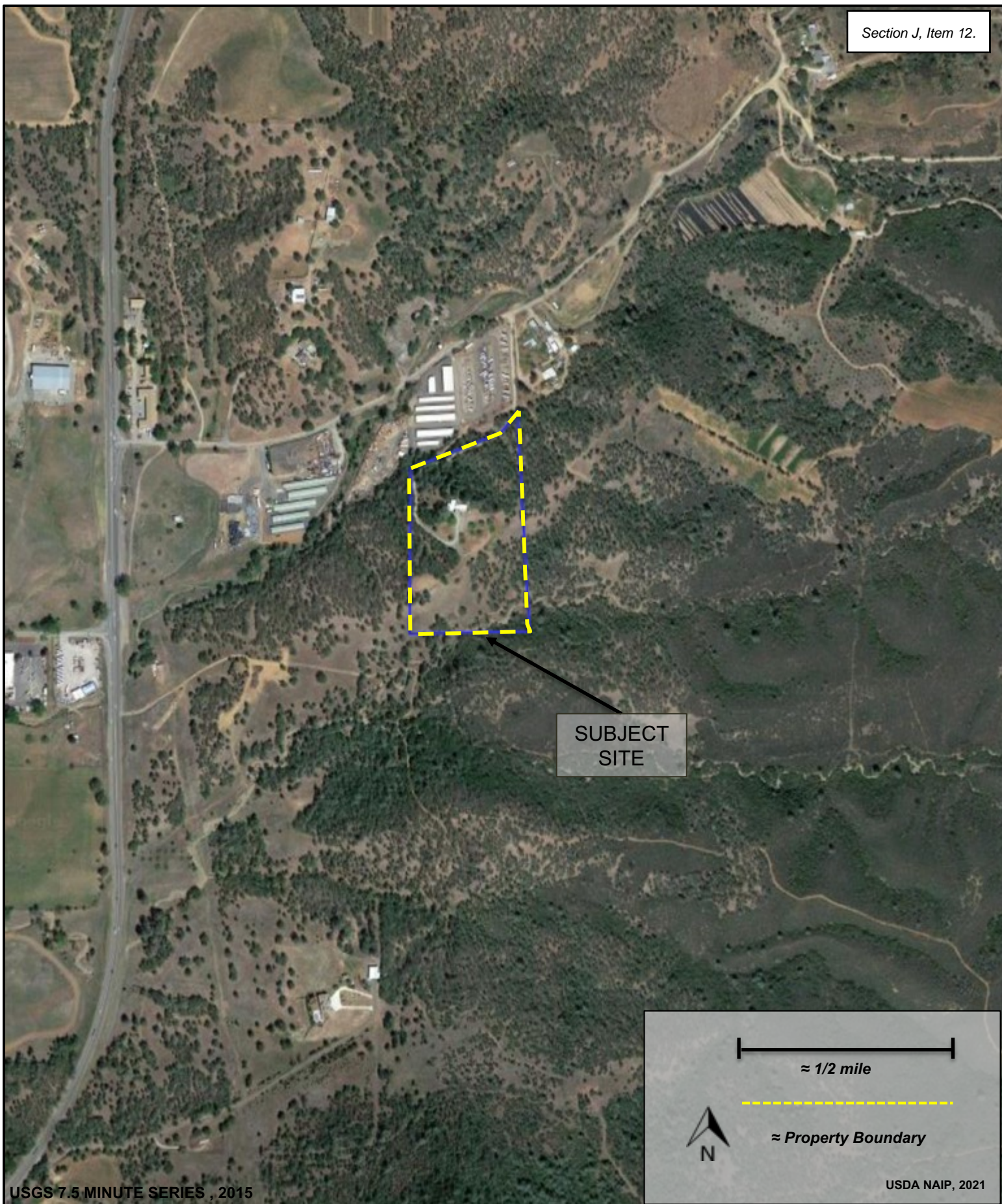
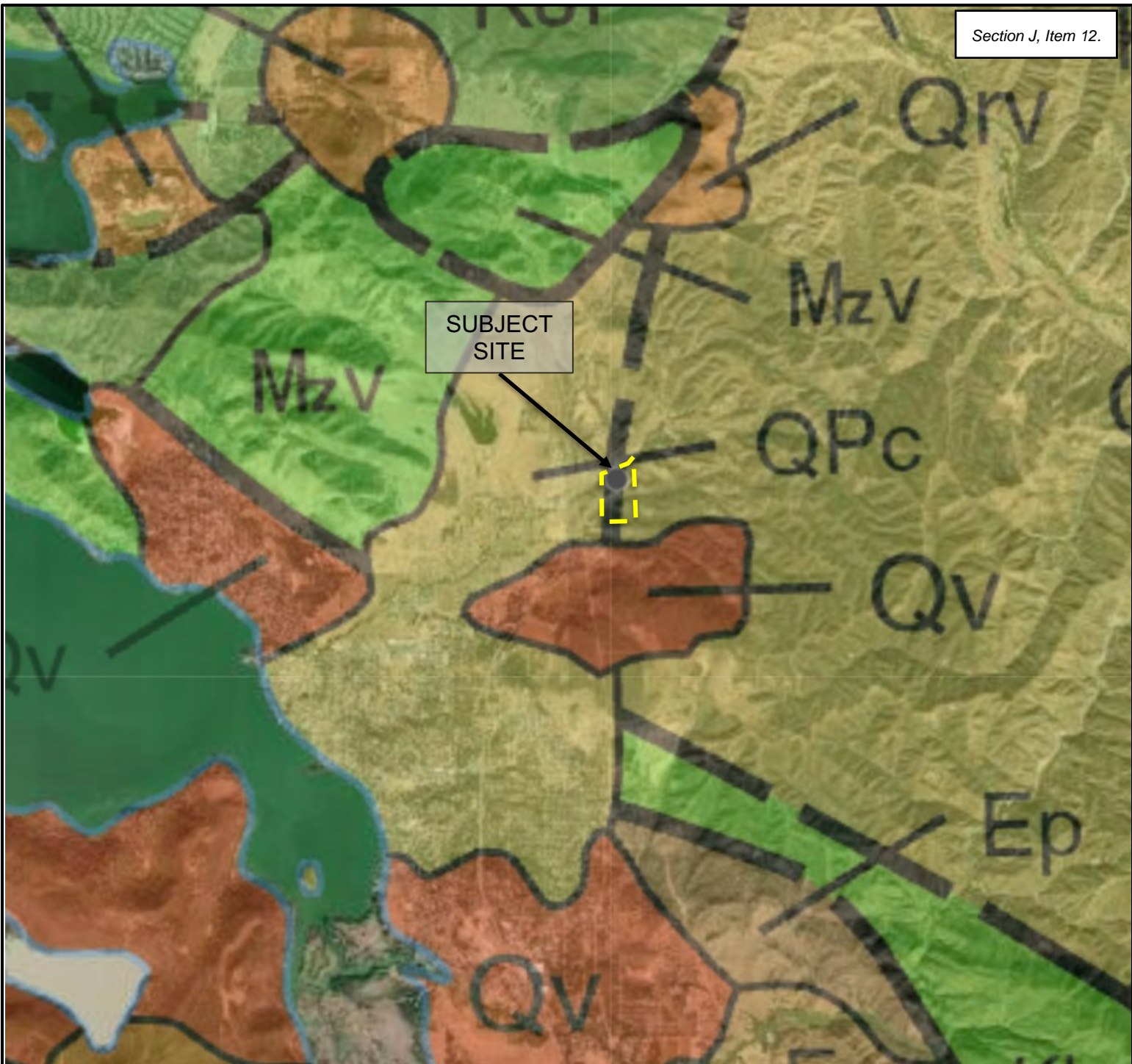


FIGURE 1: GENERAL LOCATION MAP
2250 Ogulin Canyon
Clearlake, CA 95422



SUBJECT SITE

- Qv Quaternary volcanic flow rocks; minor pyroclastic deposits
- Q Alluvium, lake, playa, and terrace deposits; unconsolidated and semi-consolidated
- QPc Pleistocene and/or Pliocene sandstone, shale, and gravels deposits; mostly loosely consolidated
- Mzv Undivided Mesozoic volcanic and metavolcanic rocks. Andesite and rhyolite flow rocks, greenstone, volcanic breccia and other pyroclastic rocks; in part strongly metamorphosed. Includes volcanic rocks of Franciscan Complex: basaltic pillow lava, diabase, greenstone, and minor pyroclastic rocks


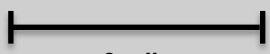
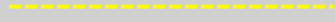

 N

 ≈ 2 miles

 ≈ Property Boundary

FIGURE 2: SITE GEOLOGY
 2250 Ogulin Canyon
 Clearlake, CA 95422

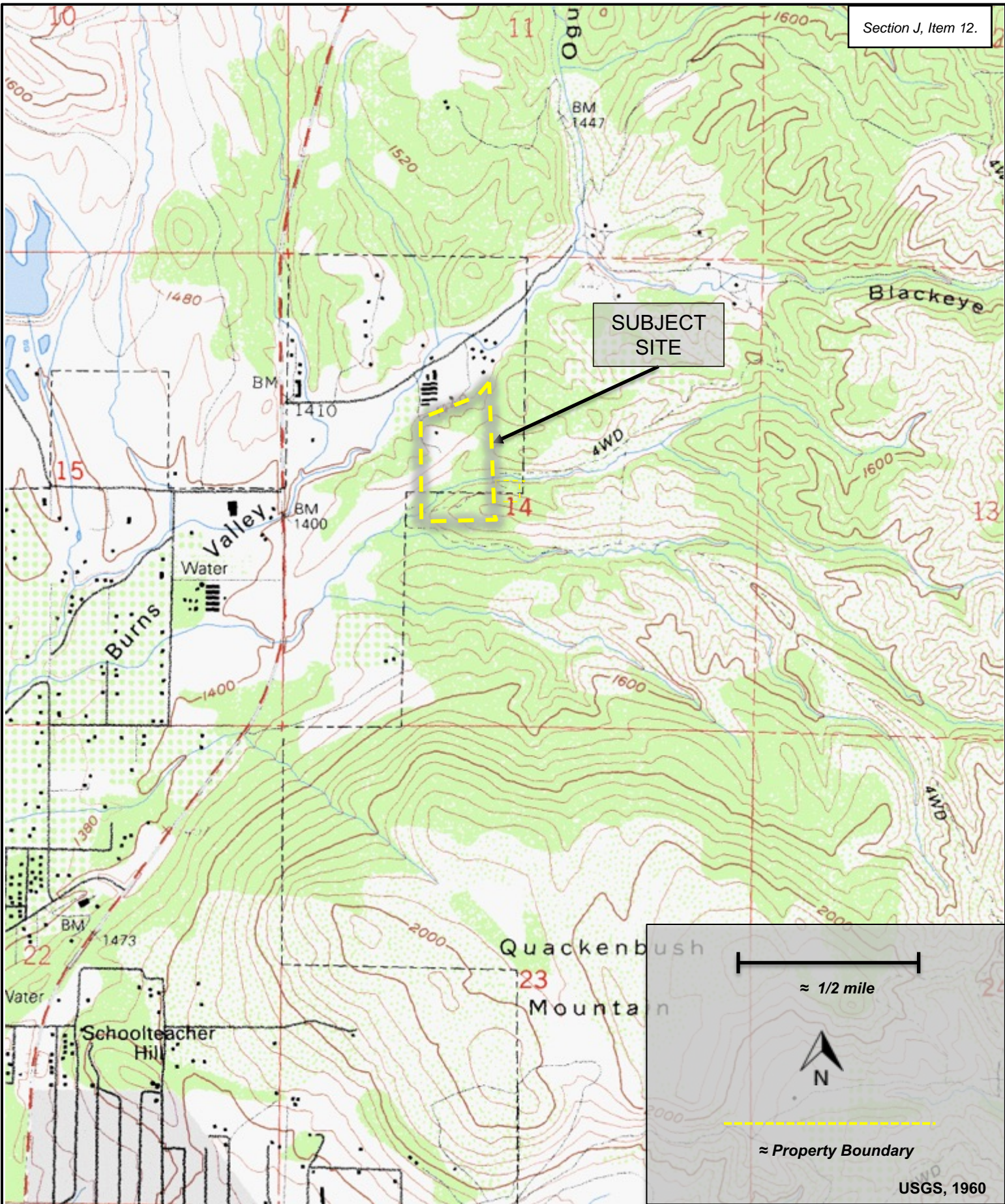




FIGURE 3: TOPOGRAPHIC MAP
2250 Ogulin Canyon
Clearlake, CA 95422



 *≈ Property Boundary*

 *≈ 1/2 mile*



USDA NAIP, 2021

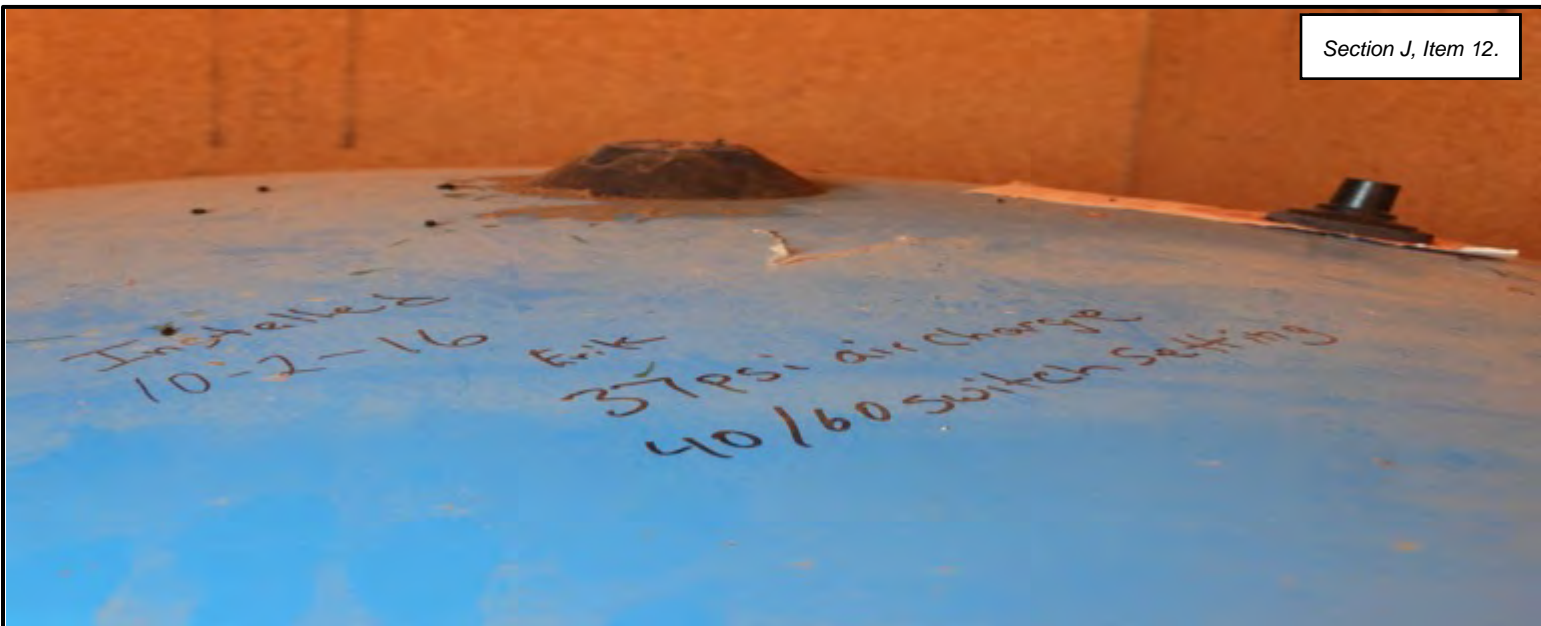
	WCR1980-006392	WCR1999-008659	WCR2017-005234
Well depth (ft)	110	240	372
Water depth (ft)	-	-	225

FIGURE 4: WELL MAP
 2250 Ogulin Canyon
 Clearlake, CA 95422

APPENDIX A: SITE PHOTOGRAPHS



SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422





SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422

APPENDIX B: WELL COMPLETION REPORTS

Section J, Item 12.

Well Completion Reports

Table with columns: WCR Number, Legacy Log Well Locality, County, Local Permit Agency, Permit / Region Office, Planned Use / Former / Driller Name, Decimals, Log, Down, Log, Towns, Range, Scale, Baseline, M, APN, Date Work, Total Completions, Top Of Perforate, Bottom Of Perforate, Casing, Drilling Method, Fluid, State Water, Total Draw, Test T, Pump Test, L Well Y, Well Unit of Measure. The table contains numerous rows of well completion data across various counties and agencies.

Section J, Item 12.

WCR2006-1089186	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990128	-122.58457	13N	07W	15	Mount Diablo(010-030)10/19/2006	165	125	165	4	Direct Potar	AI	20	GPM		
WCR2004-1075331	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981708	-122.60075	13N	07W	21	Mount Diablo(40-42-32)10/27/2004	85	75	85	6	Direct Potar	AI	5	100	GPM	
WCR1176-243	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Unknown	38.976345	-122.62182	13N	07W	15	Mount Diablo	172				Other not sp	Other not specified				
WCR2000-740349	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/RICKY CANEPA CANEPA AND SONS INC	38.990838	-122.62173	13N	07W	15	Mount Diablo 10-3-32 5/15/2000	400				10	Direct Potar	AI	700	GPM	
WCR1984-5227573	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 38-55-55/21/1999	2	5	20		2	Auger	Not Available			
WCR1985-80317	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/R AND B DRILLING	38.981708	-122.64075	13N	07W	21	Mount Diablo	400				Other not sp	Other not specified				
WCR1972-3697	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LINE DELAP POINTS WEST DRILLING	38.976326	-122.64042	13N	07W	16	Mount Diablo	5371/1985				Other not sp	Other not specified				
WCR1975-23853	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LOVISON LOVISON WL DRO-VINTAGE I	38.981708	-122.64075	13N	07W	21	Mount Diablo	1131/1977				Other not sp	Other not specified				
WCR1991-350296	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981728	-122.62188	13N	07W	22	Mount Diablo 39-446-29/30/1991	335	215	335		Other not sp	Other not specified		25	GPM	
WCR1984-141423	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LOVISON LOVISON WL DRO-VINTAGE I	38.976326	-122.64042	13N	07W	16	Mount Diablo	1131/1977				Other not sp	Other not specified		13	GPM	
WCR2000-761668	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/RICKY CANEPA CANEPA AND SONS INC	38.990838	-122.62173	13N	07W	15	Mount Diablo 10-3-32 5/14/2000	380	170	380		10	Direct Potar	AI	2000	GPM	
WCR2006-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.975559	-122.58477	13N	07W	13	Mount Diablo(010-030)6/5/2006	240	200	240		4	Direct Potar	AI	50	GPM	
WCR2006-1089122	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990501	-122.63114	13N	07W	21	Mount Diablo 100-0031/10/1/2006	360	360	360		4	Direct Potar	AI	6	GPM	
WCR2006-1089188	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990128	-122.58457	13N	07W	12	Mount Diablo(010-030)10/19/2006	403	363	403		4	Direct Potar	AI	42	GPM	
WCR2011-E0141621	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	IGREG DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo(040-033)11/6/2011					Other not sp	Other not specified			
WCR1976-68476	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	HUMMEL WELL DRILLING	38.976326	-122.64042	13N	07W	16	Mount Diablo	4200/1978				Other not sp	Other not specified			
WCR1976-141527	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981728	-122.62188	13N	07W	22	Mount Diablo	6/30/1976				Other not sp	Other not specified				
WCR2006-1089187	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.976345	-122.62182	13N	07W	15	Mount Diablo(039-344)10/16/2006	100	83	103		4	Direct Potar	AI	20	GPM	
WCR1982-247	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Unknown	BROWN, RICHARD INC	38.981708	-122.64075	13N	07W	21	Mount Diablo	13/21/1981				Other not sp	Other not specified			
WCR1976-141535	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981708	-122.64075	13N	07W	21	Mount Diablo	6/30/1976				Other not sp	Other not specified				
WCR1976-108483	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	FISCH BROS DRILLING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo	6/30/1976				Other not sp	Other not specified			
WCR2011-E0141607	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	IGREG DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo(040-033)11/7/2011					Other not sp	Other not specified			
WCR2007-1993138	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	14	Mount Diablo(010-056)4/26/2007	190	140	180		4	Direct Potar	AI	80	GPM	
WCR1976-526263	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10/31/1978				Other not sp	Other not specified				
WCR1983-304395	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-15/21/1992	19	4	19		Other not sp	Other not specified				
WCR1989-5227570	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	IGARY S. JOHNSON ENVIRONMENTAL CONSULTANTS	38.981708	-122.64075	13N	07W	21	Mount Diablo 38-55-55/21/1999	20	5	20		2	Auger	Not Available		
WCR1986-445164	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo 38-541-27/19/1986	85	65	85		4	Direct Potar	AI	50	GPM	
WCR1980-33715	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.976345	-122.62182	13N	07W	15	Mount Diablo 39-333-2/10/1/1990	92	52	92		Other not sp	Other not specified		75	36	GPM
WCR2006-8008239	Main	Main County Environmental Health Services - DWR North Central R/Monitoring	RSI RSI	38.98	-122.58	02N	06W	31	Mount Diablo(6-61-31)10/6/2006	20	10	20		2	Auger	Not Available	10	
WCR1977-110258	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981708	-122.64075	13N	07W	21	Mount Diablo	6/30/1976				Other not sp	Other not specified				
WCR1996-445213	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/MC MULLEN DAN WELL DRILLING	38.981708	-122.64075	13N	07W	21	Mount Diablo 39-591-15/30/1996	58	38	58		4	Direct Potar	AI	29	12	GPM
WCR2006-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo(010-030)6/5/2006	180	300	180		4	Direct Potar	AI	40	GPM	
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo 40-32-16/2/2002	20	5	20		2	Auger	Not Available			

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WCR2006-d	1096367	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(HERMAN LARRY DRILLING CO	38.975973	-122.60328	13N	07W	14	Mount Diablo	010-044	2/10/2006	200	120	200	4	Direct Potar	Air				30	GPM	
WCR1976-d	141462A	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo		6/3/1976	60					Other not sp	Other not specified					
WCR2000-d	756810	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(MC MULLEN DAN WELL DRILLING	38.976292	-122.64042	13N	07W	16	Mount Diablo	010-036	9/18/2000	220	180	220	4	Direct Potar	Air				15	GPM	
WCR1989-d	713856	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-42-20	6/17/1999	200	80	200	5	Direct Potar	Bentonite				10	GPM	
WCR1979-d	58419	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976392	-122.64042	13N	07W	16	Mount Diablo		6/3/1979	75					Other not sp	Other not specified					
WCR1975-d	118794	Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.961708	-122.64075	13N	07W	21	Mount Diablo		4/30/1975	43	14	45			Other not sp	Other not specified				20	GPM



City of Clearlake – Amended Notice of Intent to Adopt a Mitigated Negative Declaration

Notice is hereby given that the City of Clearlake has tentatively determined that the project described below will not result in a significant adverse impact on the environment and that, in accordance with the California Environmental Quality Act, the City is prepared to issue a “mitigated negative declaration” in accordance with the California Environmental Quality Act:

Please Note: The only amendment that occurred on the Draft Mitigated Negative Declaration Packet was the assigned project numbers for clarification purposes. The project itself has not changed.

Project Description Summary: The applicant, Clearlake Harvest Company, LLC, is proposing a Commercial Cannabis operation on a 12.95-acre parcel. The project site accessible from an existing accessway (located on the south side of Ogulin Canyon Road). For a detailed description of the project, please refer to the link below.

Project Location: 2250 Ogulin Canyon Road, Clearlake, CA 95422, Assessor Parcel Number (APN): 010-044-19.

This tentative determination is based on an environmental study that assesses the project’s potential environmental impacts and those potential impacts have been reduced to less than significant levels with the incorporated mitigation measures. Anyone can review this study at Clearlake City Hall, 14050 Olympic Drive, Clearlake, CA 95901, during normal business hours or by downloading from the State Clearinghouse Website at: (I have also attached a Complete Initial Packet above for your convenience.

- <https://ceqanet.opr.ca.gov/>

Final environmental determinations are made by the decision-making body, which, in this case would be the City of Clearlake, Planning Commission. The public review period for this notice will remain open for a period of at least 30 days from the first publication of this **Notice (12/23/2021), until (1/24/2022)**. For more information, please call (707) 994-8201 during normal business hours of City Hall. During this period written comments on the project and the proposed mitigated negative declaration may be addressed to: You may also submit comments via email at mroberts@clearlake.ca.us (**Please Note: All comments must be received no later than November 26, 2021**).

City of Clearlake
Planning Department
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

Published Date: October 21, 2021



CITY OF CLEARLAKE

AMENDED DRAFT MITIGATED NEGATIVE DECLARATION

ENVIRONMENTAL ANALYSIS (CEQA)

INITIAL STUDY (IS 2021-05)

Clearlake Harvest Company, LLC.

LOCATED AT:

**2250 Ogulin Canyon Road
Clearlake, CA 95422**

APN: 010-044-19

December 23, 2021

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY (IS 2021-05)

- 1. **Project Title:** Clearlake Harvest Company, LLC (Conditional Use Permits to allow a Commercial Cannabis Operation)
- 2. **Permit Numbers:** CUP 2021-28 (Cannabis Cultivation/Processing); CUP 2021-29 (Distribution), CUP 2021-30 (Manufacturing); CUP 2021-31 (Retail Delivery), Cannabis Regulatory/Business Permit, and Initial Study, IS 2021-05
- 3. **Lead Agency Name/Address:** City of Clearlake 14050 Olympic Drive
Clearlake, CA 95422
- 4. **Contact Person:** Mark Roberts – Senior Planner
Phone: (707) 994-8201
Email: mroberts@clearlake.ca.us
- 5. **Project Location(s):** 2250 Ogulin Canyon Road, Clearlake, CA 95422
- 6. **Assessor Parcel Number (APN):** 010-044-19
- 7. **Project Sponsor’s Name/Address:** Kris Gretsinger
PO BOX 2116
Clearlake, CA 95422
- 8. **Property Owner(s) Name/Address:** Anand Rajendraiah (RSG Clearlake Vista, LLC)
489 Foreridge Drive; Coppell, Texas 75019
- 9. **Land Use Zoning Designation(s):** "I" Industrial & "CB" Commercial Zoning District
- 10. **General Plan Designation(s):** Industrial
- 11. **Supervisor District:** District Two (2)
- 12. **Average Cross Slope:** Average cross slope is less 20% (approximately)
- 13. **Earthquake Fault Zone:** Not within a fault zone
- 14. **Dam Failure Inundation Area:** Not within a Dam Failure Inundation Zone
- 15. **Flood Zone:** Not located within a known flood zone.

16. Waste Management: Onsite Waste Management System

17. Water Access: Onsite Well(s)

18. Fire Department: Lake County Fire Protection District

19. Description of Project (*Refer to attached Operational Plan for full details*): The project involves the development of a Commercial Cannabis Operation located at 2250 Ogulin Canyon Road (APN 010-044-17) on parcel approximately 12.95 acres in size. The project site accessible from an existing accessway (located on the south side of Ogulin Canyon Road). The project parcels will have additional access throughout the project parcel.

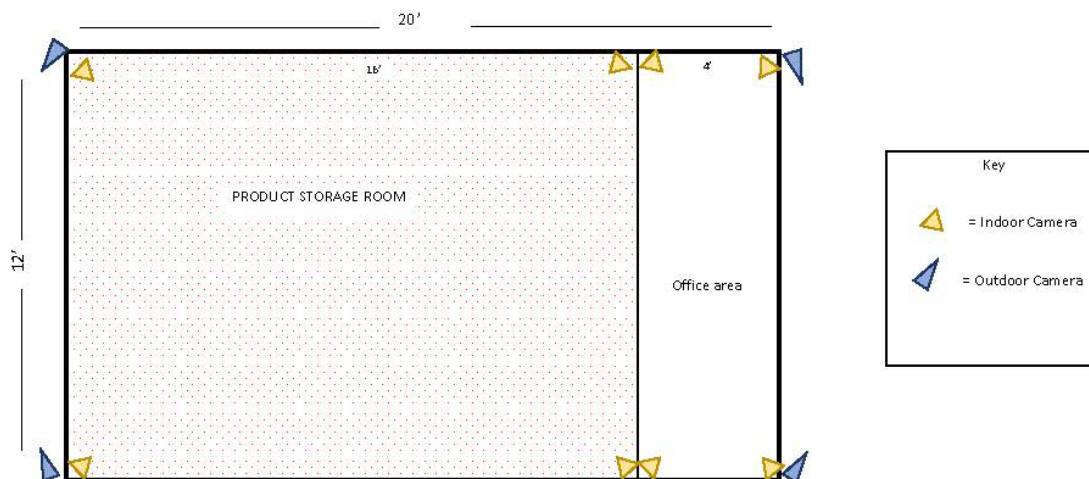
According to the application packet, the development includes but is not limited to the following:

Site One (1): Office Space

- Office Space - There will be no change to the existing trailer on the property. The trailer is a Skyline 24x60 foot trailer. The bedrooms on the below floor plan will be used as offices.

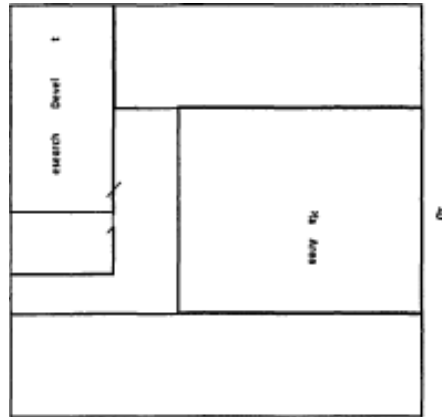


- Retail – Delivery Only (Premises Diagram Below)



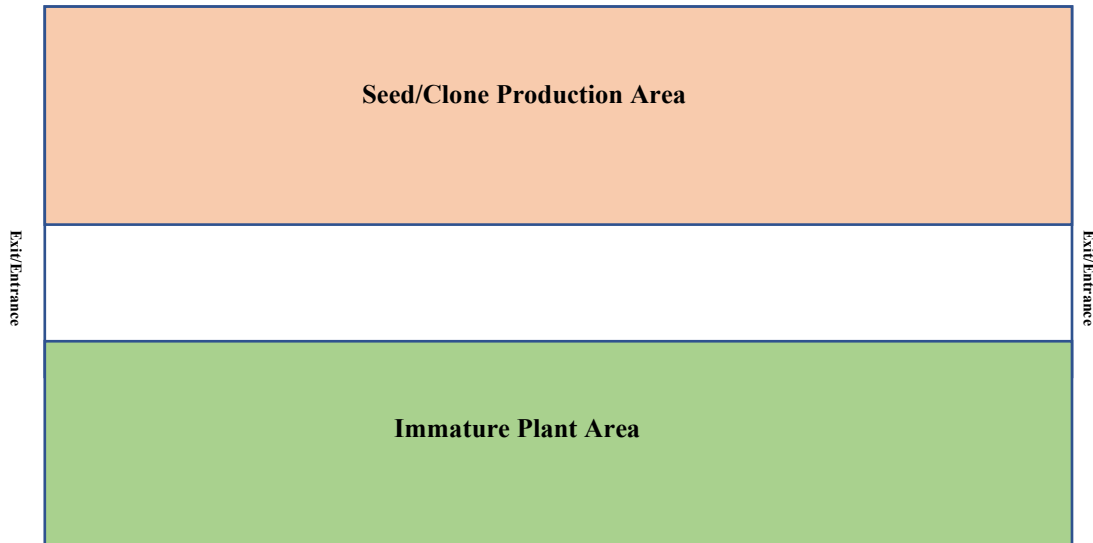
Site 2 - Nursery Operations

- Nursery License – This operation will occur within a 1,600 SQFT Building and be used produce clones, immature plants, seeds, and other products specifically for the planting, propagation, and cultivation of medical cannabis. The nursey operation will occur in a previously disturbed area (concrete slab). Below is an example of what the structure may look like.



Site 3 - Nursery Operations or Processing

- Nursery License - Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis. The nursey operation will occur in a previously disturbed area (concrete slab). The structure will be approximately 1,600 SQFT in size.



Site 4 - Cultivation Operations

- Small Mixed Light Tier 2 - cannabis cultivation up to 10,000 square feet in a hybrid greenhouse. Below is an example of what the greenhouse may look like.



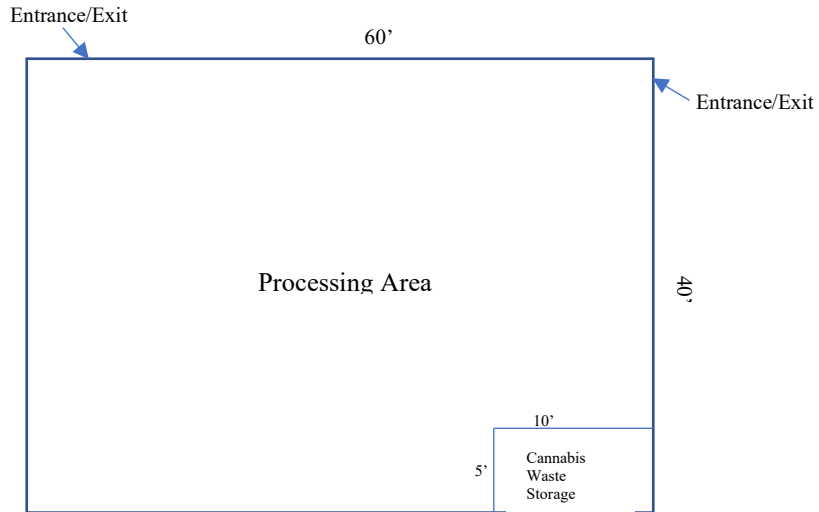
Site 5 - Cultivation Operations

- Specialty Cottage Mixed Light Tier 2 - cannabis cultivation up to 2,500 square feet in a hybrid greenhouse.



Site 6 - Processing Operations

- Processing Operations - Processing operations are auxiliary to a cultivation license. The structure will be used for drying, curing, and trimming the flower. The processing will occur within a structure that is approximately 2,400 SQFT in size (60 ft X 40 ft.). Below is an example of an internal configuration.



Total Area to be disturbed:

- According to the Application Packet, the above operations will occupy approximately 27,500 square feet of area. The total cumulative project will not disturb more than one (1) acre.
- Total Cannabis canopy is approximately 17,500 SQFT

Parking and Operational Plan:

- According to the application packet, the operation anticipates on having up to twenty (20) employees and up to three managers.

SEE NEXT PAGE FOR SITE PLANS

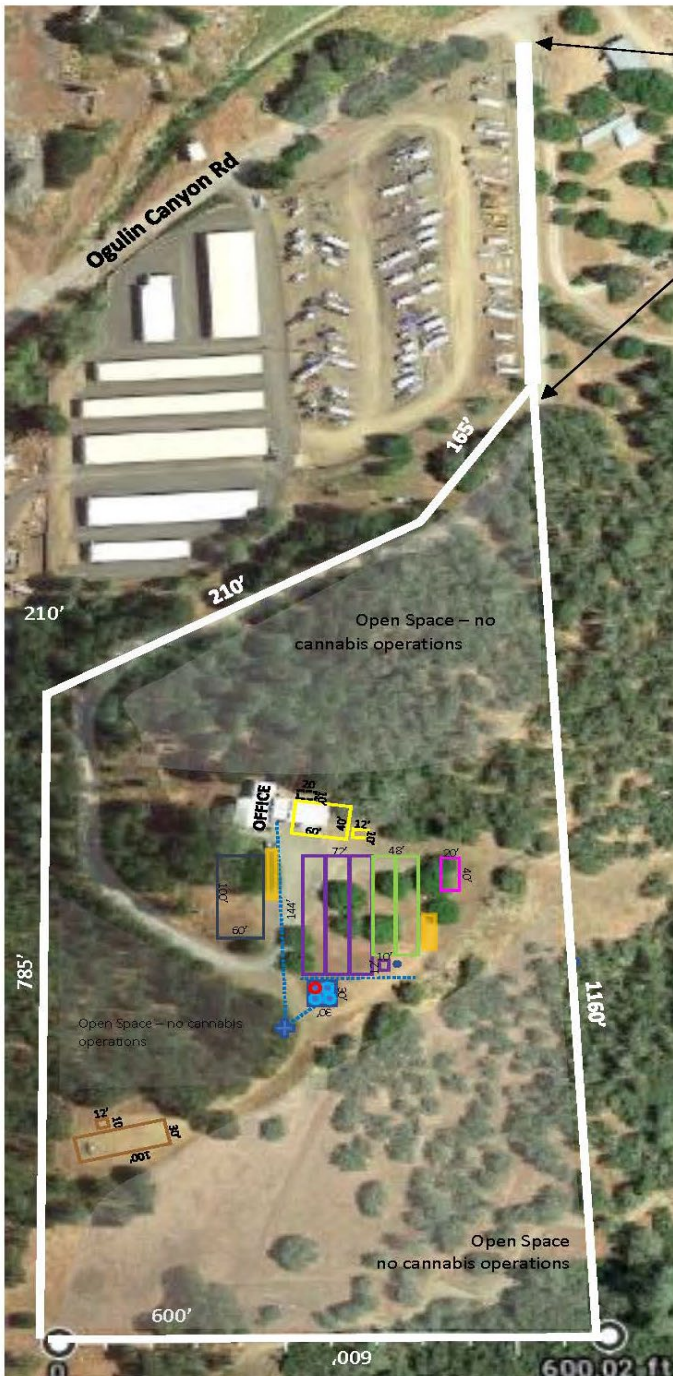
Figure 1: Site Plan Diagram with “No Retail”

Clearlake Harvest Company, LLC
 2250 Ogulin Canyon
 Clearlake, CA 95422

Zoning: Industrial/Cannabis Overlay
 County: Lake
 Assessors Parcel No. 010-044-19

PROPERTY DIAGRAM

Scale: 1" = 200'



Gated Entrance/Exit to the Property and Premises

Property and Premises Boundary

KEY

	40'x60' Nursery
	10'x12 Pesticide/Ag-Chem Storage for Nursery
	60'x100' Processing Building
	Small Mixed Light Tier 2 Cultivation Three 24'x144' greenhouses totaling 10,368 sf of space for 10k canopy.
	10'x12 Pesticide/Ag-Chem Storage for Small ML Tier 2
	Specialty Mixed Light Tier 2 Cultivation Two 24'x120' greenhouses totaling 5,760 sf of space for 5k canopy
	10'x12 Pesticide/Ag-Chem Storage for Specialty ML Tier 2
	Specialty Cottage Mixed Light Cultivation for Equity Partnership
	10'x12 Pesticide/Ag-Chem Storage for Specialty Cottage
	20'x40 Drying Shed
	Designated Parking
	30'x30x pad and tanks for tanks (38.97754, -122.60635)
	5,000-gallon Ag Tank
	5,000-gallon Fire tank
	Water lines
	Existing Well (38.97742, -122.60649)
	ADA Porto-potty
	10x10 Waste Enclosure

Figure 2: Site Plan Diagram with Full Details

Clearlake Harvest Company, LLC
 2250 Ogulin Canyon
 Clearlake, CA 95422

Zoning: Industrial/Cannabis Overlay
 County: Lake
 Assessors Parcel No. 010-044-19

PROPERTY DIAGRAM

Scale: 1" = 200'



Gated Entrance/Exit to the Property and Premises
 Property and Premises Boundary

KEY

	40'x60' Nursery
	10'x12 Pesticide/Ag-Chem Storage for Nursery
	50'x100' Processing Building
	12'x24' Delivery-Only Retail
	Small Mixed Light Tier 2 Cultivation Three 24'x144' greenhouses totaling 10,368 sf of space for 10k canopy.
	10'x12 Shared Pesticide/Ag-Chem Storage for Small ML Tier 2
	Specialty Mixed Light Tier 2 Cultivation Two 24'x120' greenhouses totaling 5,760 sf of space for 5k canopy
	Specialty Cottage Mixed Light Cultivation for Equity Partnership
	10'x12 Pesticide/Ag-Chem Storage for Specialty Cottage
	20'x40 Accessory Drying Shed
	Designated Parking
	30'x30x pad and tanks for tanks (38.97754, -122.60635)
	5,000-gallon Ag Tank
	5,000-gallon Fire tank
	Water lines
	Existing Well (38.97742, -122.60649)
	ADA Porto-potty
	10x10 Waste Enclosure

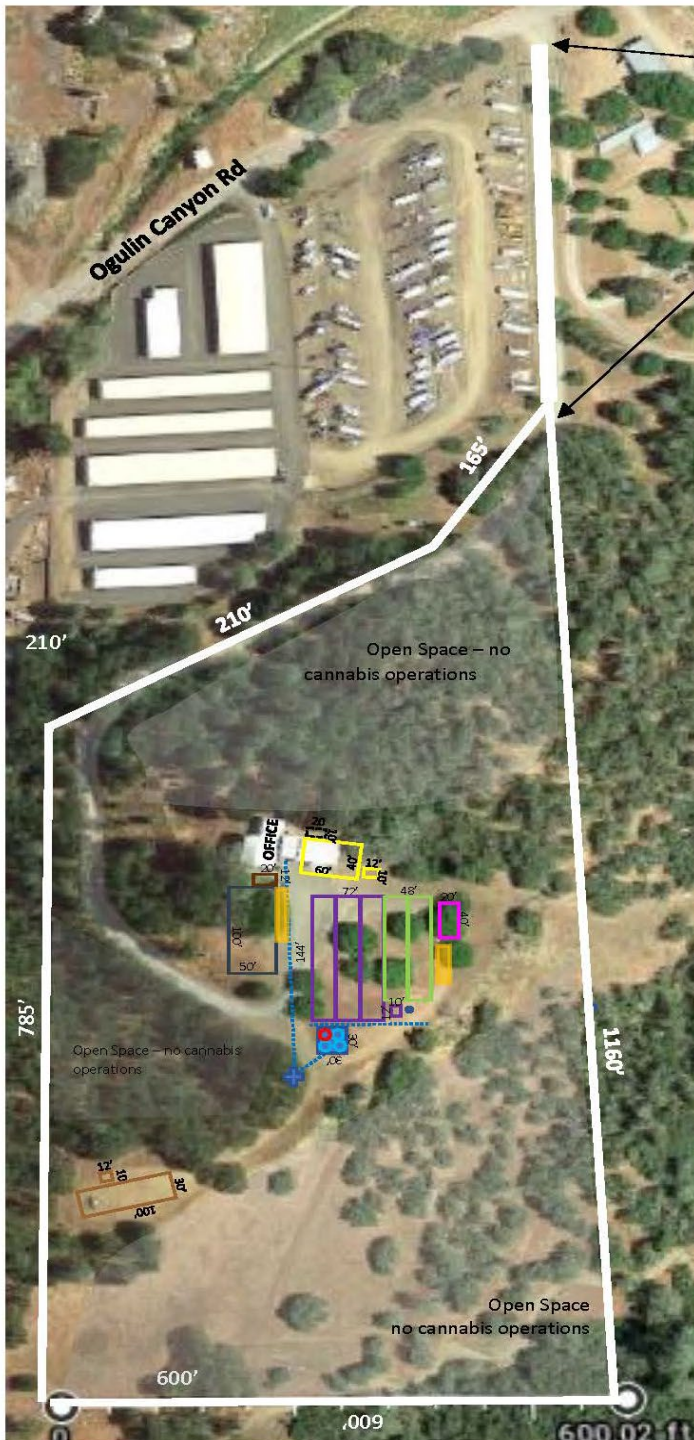
Figure 3: Site Plan Diagram Full Detail with Delivery Only Retail

Clearlake Harvest Company, LLC
 2250 Ogulin Canyon
 Clearlake, CA 95422

Zoning: Industrial/Cannabis Overlay
 County: Lake
 Assessors Parcel No. 010-044-19

PROPERTY DIAGRAM

Scale: 1" = 200'



Gated Entrance/Exit to the Property and Premises
 Property and Premises Boundary

KEY

	40'x60' Nursery
	10'x12 Pesticide/Ag-Chem Storage for Nursery
	50'x100' Processing Building
	12'x24' Delivery-Only Retail
	Small Mixed Light Tier 2 Cultivation Three 24'x144' greenhouses totaling 10,368 sf of space for 10k canopy.
	10'x12 Shared Pesticide/Ag-Chem Storage for Small ML Tier 2
	Specialty Mixed Light Tier 2 Cultivation Two 24'x120' greenhouses totaling 5,760 sf of space for 5k canopy
	Specialty Cottage Mixed Light Cultivation for Equity Partnership
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	5,000-gallon Ag Tank
	5,000-gallon Fire tank
	Water lines
	Existing Well (38.97742, -122.60649)
	ADA Porto-potty
	10x10 Waste Enclosure

20. Environmental Setting and Surrounding Land Uses and Setting:

Environmental Setting: The project site is approximately +/- 12.95 acres on the East side of Ogulin Canyon Road, approximately 1,500 feet from State Route 53. The property was recently developed with a single-family dwelling. Prior to the single-family dwelling, the project parcel was used for small scale honey processing

The proposed project is 378 feet way from the closest waterway - an ephemeral stream in the southeast corner of the property. There is no risk of runoff from operations as the greenhouses will be self-contained. Additionally, the area around the greenhouses will have waddles and any other necessary erosion and wastewater controls. There are no waterway crossing to access the cultivation site. Applicant has filed for a Standard Agreement with Fish and Wildlife and is enrolled in the State Water Board for Cannabis Cultivation.



Surrounding Land Uses:

- The parcels to the **North** have a land use designation of “Industrial” and are either developed commercial uses or are undeveloped.
- The parcels to the **South** are located with the County of Lake jurisdiction.
- The parcels to the **West** have a land use designation of “Industrial” and are developed with commercial/industrial or residential uses.
- There is one parcel to the **East** that has a land use designation of “Industrial”. The remaining parcels are located within the County of Lake jurisdiction.

20. Other Public Agencies Whose Approval is Required: Local Agencies: City of Clearlake - Community Development (Planning, Building, Public Works); City of Clearlake Police Department, Lake County Fire Protection, Lake County Department of Environmental Health, Lake County Air Quality Management District, Lake County Special Districts, Local Tribal Organizations.

21. Federal and State Agencies: Central Valley Regional Water Quality Control Board, CA Department of Fish and Wildlife, Cal-cannabis, Department of Public Health, California Department of Transportation (Caltrans); California Department of Food and Agriculture (CDFA); California Department of Pesticides Regulations, California Bureau of Cannabis Control, CA Dept. of Forestry (Calfire), CA Department of Air Quality, and California Department of Consumer Affairs.

22. Native American Consultation:

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) section 21080.3.1?

Yes No

If yes, ensure that consultation and heritage resource confidentiality follow PRC sections 21080.3.1 and 21080.3.2 and California Government Code 65352.4

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.

Response: Notification of the project was sent to local tribes on May 27, 2021, for “AB 52” Notification, which allows interested Tribes [*Koi Nation, Middletown Rancheria, Koi Nation of Northern CA; Native American Heritage Commission and Hinthel Env. Resource Consortium (HERC)*] to request tribal consultation within 30 days of receipt of notice. The Community Development Department did not receive an AB 52 Tribal Consultation for this project, nor did we receive controversial comments.

23. Impact Categories defined by CEQA: The following documents are referenced information sources and are incorporated by reference into this document and are available for review upon request of the Community Development Department if they have not already been incorporated by reference into this report:

- City of Clearlake General Plan
- City of Clearlake Zoning Code/Municipal Code(s)
- City of Clearlake Housing Element
- City of Clearlake Police Department
- Conditional Use Permit Application Packet and Supplemental Materials
- Hydrology Analysis Prepared By: CHICO Environmental dated August 4th, 2021
- Water Availability Report dated July 2021
- Existing & Proposed Site Plans/Architectural Plans
- California Department of Transportation:
http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm
- U.S.D.A. Lake County Soil Survey
- Important Farmland Map <https://maps.conservation.ca.gov/agriculture/>

- Lake County Serpentine Soil Mapping
- California Natural Diversity Database (<https://www.wildlife.ca.gov/Data/CNDDDB>)
- U.S. Fish and Wildlife Service National Wetlands Inventory
- U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
- Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
- Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
- Lake County Watershed Protection District Lake County Groundwater Management Plan - March 31, 2006
- Lake County Health Services Department
- Lake County Assessor/Recorders Office
- Lake County Special District Department
- Lake County Water Resource Department
- Clearlake Waste Solutions
- Clearlake Oaks County Water and Sanitation District
- Local Water District (i.e Golden State Water; Highland Water; Konocti Water)
- Lake County Air Quality Management District (LAQMD)
- Hazardous Waste and Substances Sites List: www.envirostor.dtsc.ca.gov/public
- California Department of Forestry and Fire Protection - Fire Hazard Mapping
- Lake County Fire Protection District
- National Pollution Discharge Elimination System (NPDES)
- Central Valley Regional Water Quality Control Board
- State Water Resources Control Board
- FEMA Flood Hazard Maps
- 2010 Lake County Regional Transportation Plan, Dow & Associates, October 2010
- Cal Recycle Solid Waste Information System
<http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>
- Cal Cannabis (via Dept. of Food and Agriculture)
- California Water Resources Control Board California Department of Fish & Wildlife (CDFW)
- California Department of Pesticides Regulations
- California Department of Public Health
- California Bureau of Cannabis Control.
- California Department of Consumer Affairs
- Written comments received from public agencies.
- PG&E
- Site visit
- CalEMod Air Quality Data

Figure 4 – Regional Map

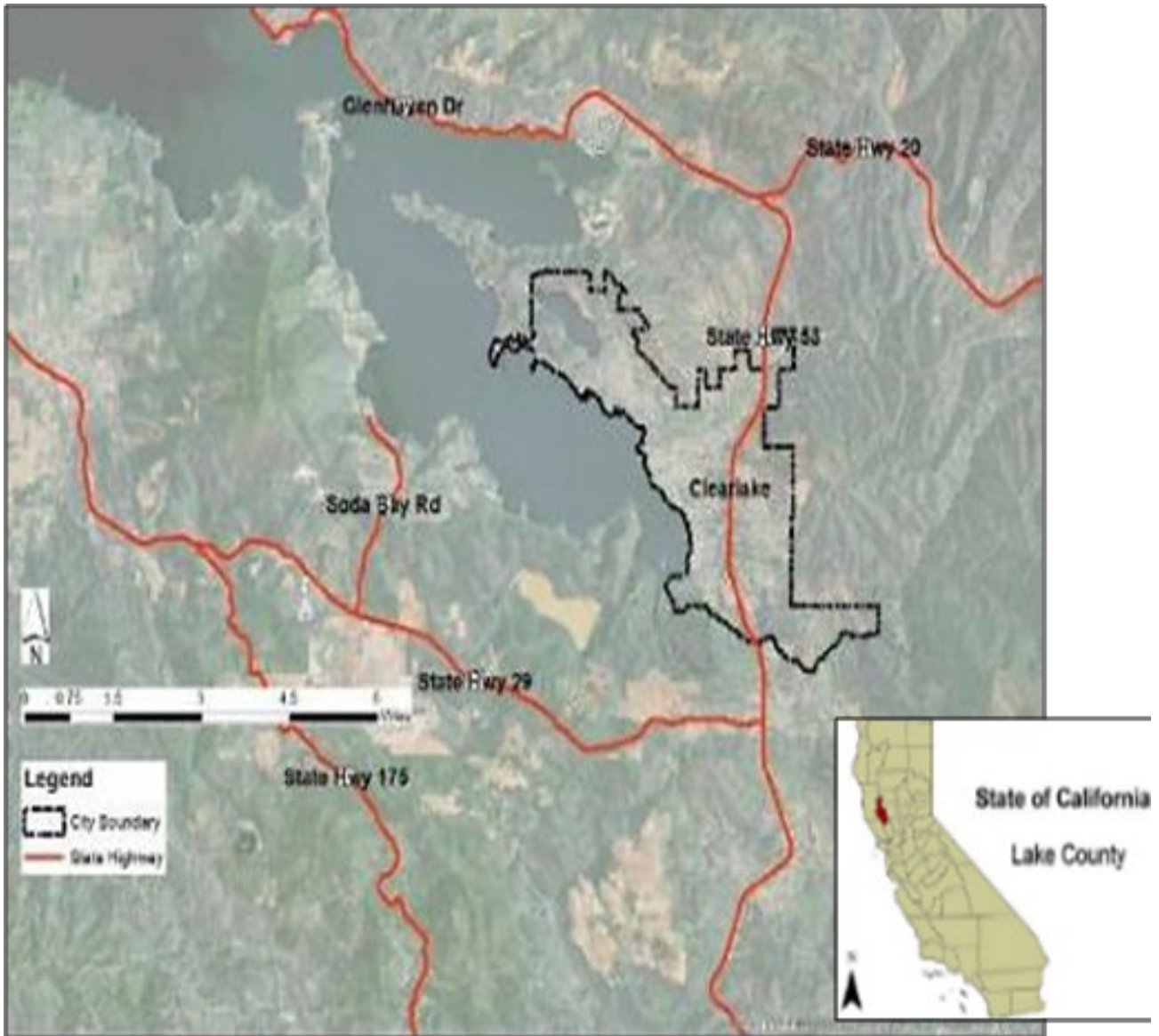


Figure 5. Land Use Zoning Overlay Districts

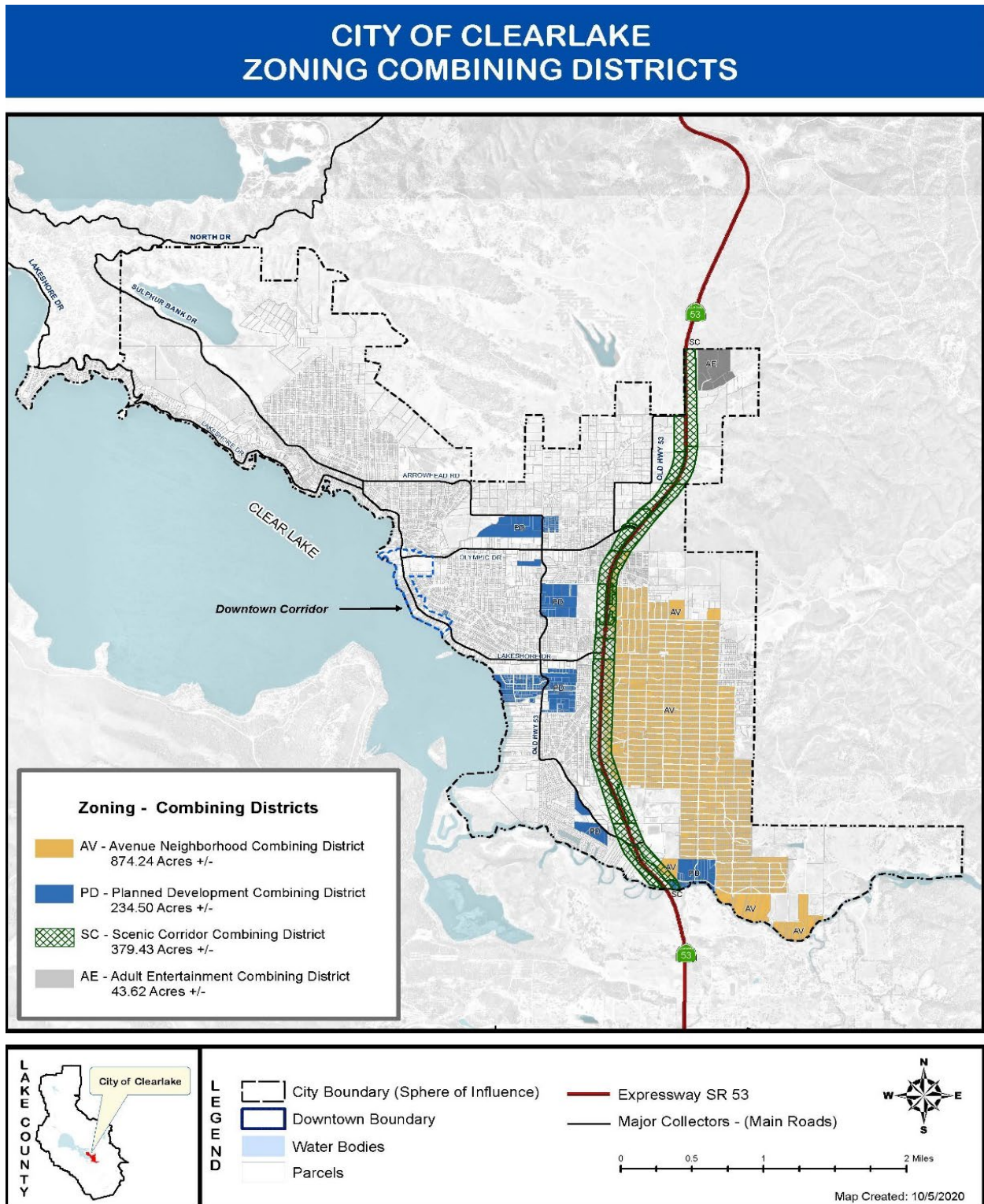


Figure 6 - Site Photos



Proposed Greenhouse Area





24. Initial Study Attachment

- Mitigation Monitoring Reporting Program (MMRP)

- Application Packet/Operational Plan
- Biological Assessment/Report
- Hydrology Analysis, prepared by Chico Environmental Science and Planning dated August 4, 2021
- Agency Comments

Environmental Factors Effected: The environmental sections checked below would be potentially affected by this project in an adverse manner, including at least one environmental issue/significance criteria that is “potentially significant impacts” as indicated by the analysis in the following evaluation of environmental impacts.

<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 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 & Vibration	<input 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.

Prepared By: Mark Roberts

Title: Senior Planner

Signature: 

Date: 12/23/2021

**Alan Flora – City Manager
City of Clearlake, California**

SECTION 1 - EVALUATION OF ENVIRONMENTAL IMPACTS:

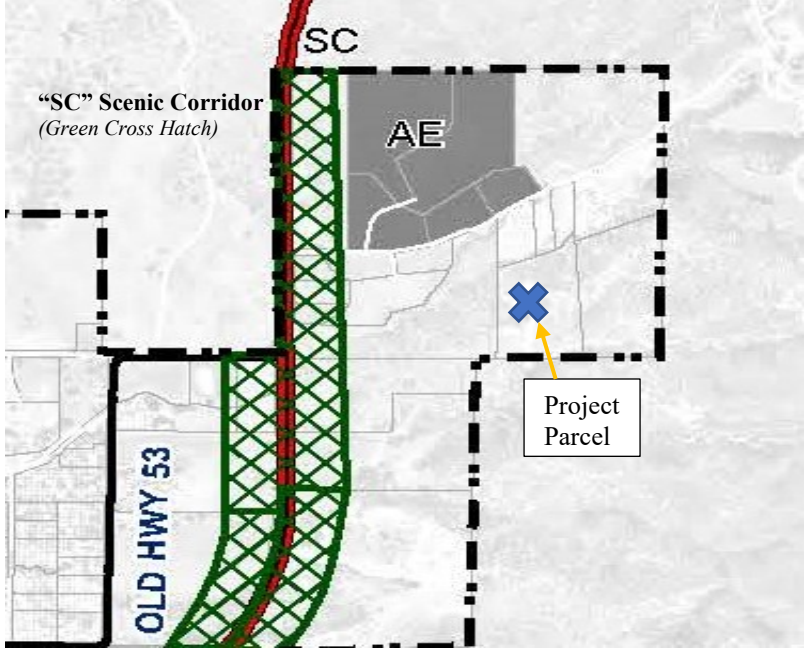
- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact 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

IMPACT CATEGORIES KEY:

- **1 = Less Than Significant with Mitigation Incorporation**
- **2 = Less Than Significant Impact**
- **3 = No Impact**
- **4 = Potentially Significant Impact**
- **5 = Analyzed in Prior EIR**
- **6 = Substantially Mitigated by Uniformly Applicable Development Policies/Standards**

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION I. AESTHETICS							
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>							
a) Have a substantial adverse effect on a scenic vista that is visible from a city scenic corridor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is in the outskirts of the City of Clearlake (City), in Lake County (County), CA and is <u>not</u> located within a known scenic vista/corridor. The nearest scenic vista/corridor is along Highway 53, which is greater than 1,500 feet away from the project site (Refer to "SC" Map below". All development would occur greater than 50 feet from the front property line (along Ogulin Canyon Road). Additionally, the commercial cannabis operation will occur within enclosed structures. Lighting impacts are addresses in d below. Therefore, then project will not have a substantial adverse effect on a scenic vista that is visible from a city scenic corridor. Less than significant Impact.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							 <p>The map shows a scenic corridor (SC) marked with a green cross-hatch pattern, running vertically. To the west of the corridor is 'OLD HWY 53'. To the east is an area labeled 'AE'. A 'Project Parcel' is indicated by a blue 'X' with a yellow arrow pointing to it. The corridor and parcel are enclosed in a dashed black line.</p>
b) Substantially damage scenic resources that is visible from a City Corridor, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project is <u>not</u> located within a known scenic vista/corridor and will not substantially damage scenic resources that is visible from a City Corridor, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. All development will occur greater than 50 feet from the property line (along Olguin Canyon Road) will not require the removal of trees and/or rock outcroppings or historic structures. Vegetative ground cover and/or grasses will be removed for development. Less than significant Impact.
c) In non-urbanized areas, 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not conflict with applicable any General Plan policies or zoning regulations governing scenic quality. The project is not located within a scenic vista/corridor. Additionally, a cannabis operation is an allowable use upon securing a conditional use permit pursuant to the City of Clearlake Municipal Code. Less than significant impact.
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The commercial cannabis operation will occur within enclosed structures with minimal lighting used during evening/nighttime hours. The Security Plan shows the use and general locations of security lighting, but there are no details of the lighting design shown in the plans. In accordance with Mitigation Measure AES-1, a detailed lighting plan will need to be submitted for review and approval by City staff. The lighting plan will need to demonstrate that the project will not result in an adverse light glare impact. All lighting will be directed downwards and shielded and shall adhere to the City's lighting design standards. s. Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
<p>Mitigation Measure: AES-1 All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City's Design and Construction Standards).</p>							
<p>SECTION II. AGRICULTURE AND FORESTRY RESOURCES</p> <p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.</i></p> <p><i>Would the project:</i></p>							
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project parcel is categorized as "Grazing Land". Grazing lands is a collective term used by the USDA-Natural Resources Conservation Service (NRCS) for rangeland, pastureland, grazed forestland, native and naturalized pasture, hay land, and grazed cropland. Although grazing is generally a predominant use on grazing lands, the term is also applied independently of any actual use for grazing. Grazing land is also described as land used primarily for production of forage plants maintained or manipulated primarily through grazing management. However, the commercial cannabis operation is an allowable use upon securing a Conditional Use Permit Use Permit pursuant to the City of Clearlake Municipal Code. Therefore, the commercial cannabis operation will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring. No Impact.</p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project parcels have a land use zoning designation of "I" Industrial, and "CB" Cannabis Commercial Zoning. A commercial cannabis operation will not conflict with the existing zoning destinations for agricultural use(s) and/or a Williamson Act Contract. Additionally, a commercial cannabis operation is an allowable use within the above Zoning Designations upon securing a Conditional Use Permit Pursuant to the City of Clearlake's Municipal Code(s). No Impact.</p>
<p>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))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project will not conflict with existing zoning for, or cause the 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)]. No Impact</p>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The operation will not result in the result in the loss of forest land and/or convert forest land to non-forest use. No Impact</p>
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural uses or the conversion of forest land to non-forest uses. a commercial cannabis operation is an allowable use with the I" Industrial, and "CB" Commercial Zoning upon securing a Conditional Use Permit Use Permit Pursuant to the City of Clearlake's Municipal Code(s). No Impact</p>
<p>SECTION III. AIR QUALITY</p> <p><i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i></p> <p><i>Would the project:</i></p>							
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project is located in the Lake County Air Basin (LCAB). The State and federal Clean Air Acts mandate the reduction and control of certain air pollutants. Under these Acts, the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>																																																			
							<p>established ambient air quality standards for certain “criteria pollutants.” As part of the project comment process, the City circulated this project proposal to the Lake County Air Quality Control District (LCAQCD), to no comments have been received to the date of this report preparation.</p> <p>As shown in Table 1, the LCAB is in attainment status for each criteria pollutant, meaning that the LCAB is in compliance with the established ambient air quality standards for the criteria pollutants. Lake County Air Basin is one of only nine regions in California to have never exceeded the maximum ozone standard, and the only air basin to meet the standard for visibility reducing particles. Clearlake, located in LCAB, is currently in attainment of all State and Federal Ambient Air Quality Standards. The project will not result in air quality impacts that exceed the Bay Area Air Quality Management District (BAAQMD).</p> <p>In 2008, the California Air Resource Board released a summary of the estimated annual average emissions rates in the Lake County Air Basin, including stationary, area wide, and mobile source emissions. The main stationary source of total organic gas (TOG) emissions is electric fuel combustion. Carbon Monoxide (CO) is mostly coming from mobile emissions sources. Motorized boats and light duty passenger vehicles and trucks make up two-thirds of the mobile source CO emissions, and one half of the total CO emissions in the Air Basin. Finally, unpaved roads were the largest source of particulate matter (PM) in the County. According to the report, the main stationary source of total organic gas (TOG) emissions is electric fuel combustion. The main mobile source was recreational boats, and the main area-wide source was solvent evaporation from consumer products. More than half of area wide PM emissions come from travel on unpaved roads within the City (General Plan Background report, 2013). Table 1 presents Federal and State Air Quality Attainment Status, 2011 Pollutant State Standard Federal Standards for criteria air quality pollutants.</p> <p>Table 1. Clearlake Federal and State Air Quality Attainment Status, 2011</p> <table border="1" data-bbox="719 947 1523 1192"> <thead> <tr> <th>Pollutant</th> <th>State Standard</th> <th>Federal Standard</th> </tr> </thead> <tbody> <tr> <td>PM 2.5</td> <td>Attainment</td> <td>Unclassified/ Attainment</td> </tr> <tr> <td>Carbon Monoxide</td> <td>Attainment</td> <td>Unclassified/ Attainment</td> </tr> <tr> <td>Nitrogen Monoxide</td> <td>Attainment</td> <td>Unclassified/ Attainment</td> </tr> <tr> <td>Sulfur Dioxide</td> <td>Attainment</td> <td>Unclassified/ Attainment</td> </tr> <tr> <td>Sulfates</td> <td>Attainment</td> <td></td> </tr> <tr> <td>Lead</td> <td>Attainment</td> <td>Unclassified/ Attainment</td> </tr> <tr> <td>Hydrogen Sulfide</td> <td>Attainment</td> <td></td> </tr> <tr> <td>Visibility Reducing Particles</td> <td>Attainment</td> <td></td> </tr> </tbody> </table> <p>Local air districts and CARB monitor ambient air quality to assure that air quality standards are met, and if they are not met, to develop strategies to meet the standards. LAAQMD regulates air quality in the LCAB and is responsible for attainment planning related to criteria air pollutants. While the LCAQMD does not have an air quality management plan, the LCAQMD refers to the Bay Area Air Quality Management District (BAAQMD) guidelines to evaluate thresholds of significance for general guidance. It is noted, however, that the District has not formally adopted these as the area’s threshold of significance, and leaves the determination of level of significance to each local agency for determination.</p> <p>Table 2. BAAQMD Recommended Thresholds of Significance</p> <table border="1" data-bbox="719 1551 1523 1770"> <thead> <tr> <th>Pollutant</th> <th>Construction Phase lb./ day</th> <th>Operation Phase lbs./ day</th> <th>Operation Phase tons/yr.</th> </tr> </thead> <tbody> <tr> <td>Rog</td> <td>54</td> <td>54</td> <td>10</td> </tr> <tr> <td>NOx</td> <td>54</td> <td>54</td> <td>10</td> </tr> <tr> <td>PM-10 (Exhaust)</td> <td>82</td> <td>82</td> <td>15</td> </tr> <tr> <td>PM-2.5 (Exhaust)</td> <td>54</td> <td>54</td> <td>10</td> </tr> <tr> <td>GHG</td> <td>None</td> <td>None</td> <td>1,100 MTCO2 (e) or 4.6 MTCO 2 (e)/ SP/ Yr.</td> </tr> </tbody> </table> <p>Air quality impacts from new projects consider both construction-related and operation-related activities. Construction-related activities could result in the generation of dust, Toxic Air Contaminants (TAC) and other emissions from on-road haul trucks and off-road equipment exhaust emissions. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Project construction will also be</p>	Pollutant	State Standard	Federal Standard	PM 2.5	Attainment	Unclassified/ Attainment	Carbon Monoxide	Attainment	Unclassified/ Attainment	Nitrogen Monoxide	Attainment	Unclassified/ Attainment	Sulfur Dioxide	Attainment	Unclassified/ Attainment	Sulfates	Attainment		Lead	Attainment	Unclassified/ Attainment	Hydrogen Sulfide	Attainment		Visibility Reducing Particles	Attainment		Pollutant	Construction Phase lb./ day	Operation Phase lbs./ day	Operation Phase tons/yr.	Rog	54	54	10	NOx	54	54	10	PM-10 (Exhaust)	82	82	15	PM-2.5 (Exhaust)	54	54	10	GHG	None	None	1,100 MTCO2 (e) or 4.6 MTCO 2 (e)/ SP/ Yr.
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							<p>required to comply with all applicable LCAQMD rules and regulations. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time can result in greater health risks.</p> <p>The analysis of air quality impacts conforms to the methodologies recommended in the BAAQMD Guidelines; therefore, construction and operational emissions generated by the proposed project are analyzed separately. Project air pollutant emissions were quantified using the California Emissions Estimator Model (CalEEMod, Version 2020.40) and results are provided in Attachment G. Construction emissions would be less than significant on a daily basis, but shows some annual increases which are not significant. (see Table 3 below)</p> <p>Table 3. Maximum Unmitigated Project Construction-Related Emissions (lbs./day)</p> <table border="1" data-bbox="792 577 1536 724"> <thead> <tr> <th>Pollutant</th> <th>Proposed Project Emissions</th> <th>Threshold of Significance</th> <th>Exceeds Threshold?</th> </tr> </thead> <tbody> <tr> <td>ROG</td> <td>46.56</td> <td>54</td> <td>NO</td> </tr> <tr> <td>NO_x</td> <td>14.36</td> <td>54</td> <td>NO</td> </tr> <tr> <td>PM₁₀</td> <td>6.02</td> <td>82</td> <td>NO</td> </tr> <tr> <td>PM_{2.5}</td> <td>3.17</td> <td>54</td> <td>NO</td> </tr> </tbody> </table> <p><i>Source: CalEEMod Version 2020.40 (see Attachment G). Emission results in the model are in tons and then converted to pounds for the purpose of this table.</i></p> <p>Also as shown on Table 4, once operational, the project would not exceed air quality thresholds of significance annually during operation.</p> <p>Table 4. Maximum Operational-Related Emissions (lbs./day)</p> <table border="1" data-bbox="792 951 1536 1098"> <thead> <tr> <th>Pollutant</th> <th>Proposed Project Emissions</th> <th>Threshold of Significance</th> <th>Exceeds Threshold?</th> </tr> </thead> <tbody> <tr> <td>ROG</td> <td>0.0942</td> <td>54</td> <td>NO</td> </tr> <tr> <td>NO_x</td> <td>0.0646</td> <td>54</td> <td>NO</td> </tr> <tr> <td>PM₁₀</td> <td>0.0364</td> <td>82</td> <td>NO</td> </tr> <tr> <td>PM_{2.5}</td> <td>0.136</td> <td>54</td> <td>NO</td> </tr> </tbody> </table> <p><i>Source: CalEEMod Version 2020.40 refer to Attachment G).</i></p> <p>On the basis of the air modeling conducted, the project will not exceed the Bay Area Air Quality Management District (BAAQMD) air quality impact thresholds the criteria pollutants. Although the City has not adopted specific air quality impact thresholds of significance, using the BAAQMD criteria and threshold, the project will not result in a significant adverse air quality impact. Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.</p> <p>Mitigation measures:</p> <p>AIR 1: Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.</p> <p>AIR 2: Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements.</p> <p>AIR 3: Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.</p> <p>AIR-4. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.</p> <p>AIR-5. Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading</p>	Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?	ROG	46.56	54	NO	NO _x	14.36	54	NO	PM ₁₀	6.02	82	NO	PM _{2.5}	3.17	54	NO	Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?	ROG	0.0942	54	NO	NO _x	0.0646	54	NO	PM ₁₀	0.0364	82	NO	PM _{2.5}	0.136	54	NO
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							<p>shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project.</p> <p>AIR-6 All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City in accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times.</p> <p>AIR-7 An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code.</p> <p>AIR-8 Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.</p> <p>AIR-9 Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.</p> <p>AIR-10. All engines must notify LCAQMD prior to beginning construction activities and prior to engine use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations.</p> <p>AIR-11. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the district recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.</p> <p>AIR-12. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.</p>
<p>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>See Response to Section III(a). Therefore, all potential impacts have been reduced to less than Significant Impacts with the incorporated Mitigation Measures AIR-1 through AIR-12.</p>
<p>c) Result/ expose sensitive receptors and/or substantial number of people to emissions that create objectionable odors.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sensitive receptors are defined as facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. Operation of the proposed project would not result in the development of any substantial sources of air toxics. There are no stationary sources associated with the operations of the project; nor would the project attract additional mobile sources that spend long periods queuing and idling at the site. Onsite project emissions would not result in significant concentrations of pollutants at nearby sensitive receptors.</p> <p>Another potential air quality issue associated with construction-related activities is the airborne entrainment of asbestos due to the disturbance of naturally-occurring asbestos-containing soils. The proposed project is not located within an area designated by the State of California as likely to contain naturally-occurring asbestos (Department of Conservation [DOC] 2000). As a result, construction-related activities would not be anticipated to result in increased exposure of sensitive land uses to asbestos. A carbon monoxide (CO) "hot spot" would occur if an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight hour standard of 9 ppm were to occur. Based on the project's anticipated generation of 107 daily trips on average, localized air quality impacts related to mobile source emissions would not be a concern as there is there is no likelihood of the project traffic exceeding CO significant threshold values.</p> <p>See Response to Section III(a). Therefore, all potential impacts have been reduced to less than Significant Impacts with the incorporated Mitigation Measures AIR-1 through AIR-12.</p>

SECTION IV. BIOLOGICAL RESOURCES
Would the project:

<p>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?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021 (Attachment D – Biological Assessment/Report), for the purpose of obtaining a City of Clearlake Commercial Cannabis Conditional Use Permit. The project site is located approximately 3 miles Northeast of Clearlake within Section 14, Township 13N, Range 7W, Mount Diablo Base and Meridian, in the Lower Lake USGS 7.5-minute quadrangle at 2250 Ogulin Canyon Rd Clearlake, CA, 95422, APN: 010-044-190 (Appendix D: Map 1: Vicinity; Map 2: Parcel Map). A site visit was conducted on April 19, 2021, for proposed areas for development in relation to cannabis.</p> <p>The purpose of this study was to identify and map areas within the parcel that are potential sensitive natural communities and to locate special-status plants and special-status animal habitats to determine if they would be directly or potentially impacted by the existing project or any proposed expansions. The Study Area referred to within this report comprises a combined area of approximately 12.97 acres and includes a residential structure, two graded areas, an area containing ornamental mulberry trees proposed for removal for greenhouse development, and a Class III watercourse. (Appendix C: Photographs: Photos: 1-5; Appendix D: Map 3: Study Area).</p> <p>The Study Area is divided into five (5) study areas based generally on geographic arrangement, biological communities present and/or land use (see Appendix D: Map 3, Study Area):</p> <ul style="list-style-type: none"> • Study Area 1 consists of the residential structure that is intended for use as an office with a nursery located within the garage. • Study Area 2 consists of a proposed cultivation location where the island of mulberry trees centered in the driveway. A 10,000 square foot greenhouse is proposed for development. • Study Area 3 consists of a graded area adjacent to the proposed 10,000 square foot greenhouse that will contain a small processing building. • Study Area 4 consists of a 75,000 square foot area proposed to house either 25,000 or 30,000 square feet of greenhouse for cultivation. • Study Area 5 consists of a Class III watercourse spanning the southeast corner of the parcel. <p>The report includes the following:</p> <ul style="list-style-type: none"> • Regulations and Project Description (Section 2) • Field Survey Methodology (Section 3) • Study Area Setting (Section 4) • Field Survey Results (Section 5) • Assessment Summary and Recommendations (Section 6) • Tables of Special-Status Plants and Wildlife within CNDDDB nine quads (Appendix A) • List of Species Observed (Appendix B) • Representative Photographs of Study Area (Appendix C) • Supporting Maps (Appendix D) • Supporting Documents (Appendix E) <p><u>Field Survey Summary:</u> The biological resource assessment is designed to identify sensitive communities within the Study Area and determine the existence or potential occurrence for special-status species. The assessment</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>is also designed to address the potential for cumulative impacts to biological resources that may occur as a result of the project and to make recommendations to reduce or mitigate potential impacts.</p> <p>The biological resource assessment includes the analysis and comparison of existing habitat conditions within the Study Area and the documented range and habitat requirements of sensitive plant and wildlife species described in CDFW's California Wildlife Habitat Relationships System (CWHR).</p> <p>According to the report, Jacobszoon & Associates Inc. environmental technician Becca Cosmero conducted a biological resource assessment of the Study Area on April 19, 2021, consisting of approximately three (3).</p> <p><u>Special Status Animals:</u> No special status animal species were observed within the Study Area during the biological site assessment.</p> <p><u>Amphibians</u> No special-status amphibian species were observed within the Study Area during the biological site assessment.</p> <p><u>Reptiles:</u> Future development within the Study Area does not have the potential to impact special-status reptile species. No special-status reptiles were observed during the biological site assessment.</p> <p><u>Avifauna</u> The existing cultivation areas and watercourses do not have the potential to impact any special-status avifauna species</p> <p><u>Watercourse:</u> There is one unnamed Class III watercourse spanning the southeastern corner of the parcel that was dry upon observation during the biological site assessment. This watercourse has historically been dry for approximately a decade.</p> <p><u>Wetland Determination:</u> According to the biological assessment no potential wetland features were identified during the site inspection.</p> <p><u>Wildlife Corridors:</u> No significant impacts to migratory corridors for amphibian, aquatic, avian, mammalian, or reptilian species is expected as a result of the proposed cannabis development.</p> <p><u>Critical Habitat:</u> The Study Area does not contain and is not adjacent to critical habitat for any Federal or State-listed species</p> <p>The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be paid within five (5) days of approval of the mitigated negative declaration at the Lake County Clerk's Office. Once fees have been paid, the applicant shall submit a copy of all documentation to the City of Clearlake, verifying the fees have been paid. Said permit shall not become valid, vested or operative until the fee has been paid.</p> <p>Upon reviewing the Biological Resource Assessment all substantial adverse impacts, 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 have been reduced. Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.</p> <p><u>Mitigation Measures:</u> BIO -1. Prior to construction activities, the applicant shall have a qualified biologist conduct a nesting bird survey within fourteen (14) days of initial ground disturbance or construction if it occurs between March 1st and August 31st. BIO-2: Prior to construction activities, the applicant shall have a qualified biologist conduct visual encounter/inspection for the Long Eared Myotis bat. If one is observed, the California Department of Fish and Wildlife shall be notified.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>BIO-3: All future expansion and/or development associated with the operation shall be located outside threwn NFHL 100-year Flood Zone, including the State Water Resource Control Board required setbacks.</p> <p>BIO-4: Prior to ground disturbance, the applicant shall have a qualified biologist conducts seasonally botanical survey in accordance with the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021.</p> <p>BIO-5: If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: https://www.wildlife.ca.gov/conservation/survey-protocols.</p> <p>BIO-6: If any work occurs within a known watercourse with the potential to impact aquatic resources, the applicant shall be in compliance with the California Departments of Fish and Wildlife Streambed Alteration Agreement.</p> <p>BIO-7: If suitable roosting habitat for special-status bats will be affected by project activities, a qualified wildlife biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction.</p> <ul style="list-style-type: none"> Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include trees within 0.25 mile of project activities.
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	According to the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021, the project will not have a substantial adverse effect on any riparian habitat and/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. Less than significant impact.
c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	According to the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021, the project will not have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Less than significant impact.
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	According to the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Less than significant impact.
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will have minimal to no conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, the project may require the removal of a small cluster of grasses and/or vegetation/trees. Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. However, the project may require the removal of Oak Trees. Less Than Significant Impact

SECTION V. CULTURAL RESOURCES
Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An evaluation of the potential for historical, cultural, tribal, or paleontological resources on the project site and in the vicinity of the project a cultural resource investigation was conducted by John W. Parker, Ph.D. of Archaeological Research dated April 23, 2021. This investigation included records searches, consultation with Native American tribes, and a site reconnaissance. According to the investigation, while several project improvements are planned for the project site, based on archival research and fieldwork, it did not indicate the existence of any cultural resources in the proposed project area. However, the possibility still exists that historic, cultural, paleontology, or tribal resources, could be discovered during project construction, resulting in a significant impact related to causing a substantial adverse change in the significance of a historical resource.</p> <p>According to the report, it is unlikely that undiscovered cultural sites will be encountered during project development. However, it is recommended that work in the immediate vicinity of a find be suspended, and a Registered Professional Archaeologist called to evaluate the find according to California Environmental Quality Act (CEQA) Guidelines. Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.</p> <p><u>Mitigation Measures:</u></p> <p>CUL-1 During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City’s approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.</p> <p>CUL-2 The cultural resource consultant’s investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.</p> <p>CUL-3 If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no known or mapped significant archaeological resources on this site. However, to ensure the protection of Cultural Resources, all potential impacts to Cultural resources have been reduced to less than significant with the incorporated mitigation measure CUL-1 through CUL-3 in Section V(a).
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If human remains are to be discovered, all work shall halt immediately and the applicant and/or their designee shall contact the City of Clearlake Police Department, the Lake County Sheriff's Office, the overseeing tribal organizations and the City of Clearlake – community Development Department. However, to ensure the protection of Cultural Resources, all potential impacts to Cultural resources have been reduced to less than significant with the incorporated mitigation measure CUL-1 through CUL-3 in Section V(a).

SECTION VI. ENERGY
Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed energy usage for this operation is minimal; energy use may include but is not limited to the security system; well pump(s); septic pumps (if necessary); lighting for structures, lighting fixtures and/or power as needed. The proposed use would not result in potentially significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project development or operations. An “Energy Usage Plan” is included in the Business Operation Plan which indicates that the project will use a mixture of full sun/outdoor cultivation, mixed light, and indoor cultivation. The property will likely be provided by solar power energy source; however, PG&E is likely proposed depending on feasibility. Use of electricity provided by PG&E for indoor cannabis cultivation may require a commercial/agricultural account. When indoor cultivation operations are initiated, this Energy Use subplan should be updated, and energy calculations performed. Approximately (16) 1,000-watt fixtures will be installed across the two greenhouses (approximately under 25 watts per square foot). For the outdoor cultivation operation, a small solar-powered electrical system may be installed to power low voltage items such as security cameras, and water pumps for drawing groundwater and mixing liquid fertilizers into the irrigation systems. All energy usage will adhere to all Federal, State and local agency requirements regarding energy use. Additionally, the applicant will obtain and maintained all necessary permits. Less than Significant Impact
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed commercial cultivation operations would not conflict with or obstruct an energy plan. The proposed use would adhere to all Federal, State and local agency requirements. No Impact

SECTION VII. GEOLOGY AND SOILS
Would the project:

a) Directly or indirectly cause potential 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not directly and/or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the following: <u>i) Earthquake Faults</u> <ul style="list-style-type: none"> There are no mapped earthquake faults on or adjacent to the subject site. <u>ii-iii) Seismic Ground Shaking and Seismic-Related Ground Failure, including liquefaction.</u> <ul style="list-style-type: none"> The mapping of the site’s soil indicates that the soil is stable and not prone to liquefaction. <u>iv) Landslides</u> <ul style="list-style-type: none"> According to the Landslide Hazard Identification Map prepared by the California Department of Conservation, Division of Mines and Geology, the project parcel soil is considered “generally stable” and not located within and/or adjacent to an existing known “landslide area”. Project design shall incorporate Best Management Practices (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 include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance City of Clearlake Municipal Code(s). Less Than Significant Impact
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IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
iv) Landslides?							
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project is not anticipated to result in substantial soil erosion or the loss of topsoil. However, it may be necessary to grade approximately +/- 3,000 cubic yards of soil for project development. All disturbance will occur onsite, and no soil will be exported and/or imported. The applicant shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State and local agency requirements. The project shall adhere to all Federal, State, and local agencies requirements.</p> <ul style="list-style-type: none"> <i>Phipps Complex, 30-50% slopes (soil unit 197): This map unit is on uplifted, dissected hills. These soils are susceptible to slumping and gullyng. This soils classification is very deep, well drained and has a slow permeability. The average water capacity is 6.0 to 12 inches, with rapid runoff and the hazard for erosion is severe. The shrink well potential is high.</i> <p>Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.</p> <p>Mitigation Measures: GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.</p> <ul style="list-style-type: none"> <i>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.</i> <p>GEO-2: Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s).</p> <p>GEO-3: The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary.</p>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>According to the soil survey of Lake County, prepared by the U.S.D.A., the soil at the site is considered "<i>generally stable</i>" and there is little to no potential for landslide, subsidence, debris flows, liquefaction, or collapse. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. Less Than Significant Impact</p>
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>According to the soil survey of Lake County, California prepared by the U.S.D.A, the soils discussed above in Section has a shrink-swell potential of "low to high". Therefore, the commercial cannabis operation will have minimal to no substantial direct or indirect risks to life or property. The applicant will adhere to all Federal, State and local agency requirements, including all requirements in the City of Clearlake's Municipal Code(s). Less Than Significant Impact</p>
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 wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project parcel is currently vacant, when development occurs, the cannabis operation shall adhere to all applicable Federal, State and local agency requirements regarding wastewater disposal systems, (i.e., connecting to public/private sewer facilities and/or onsite waste management systems (septic). Less Than Significant Impact</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disturbance of paleontological resources or unique geologic features is not anticipated. However, to ensure the protection of cultural resources including unique paleontological resource or site(s) or unique geologic features with the incorporated mitigation measures in Section V (cultural resources) all potential impacts have been reduce to less than significant levels with the incorporated mitigation measures CUL-1 and CUL-5.
SECTION VIII. GREENHOUSE GAS EMISSIONS <i>Would the project:</i>							
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Air quality impacts, including Carbon Dioxide emissions from the project, which contribute to global warming, need to be analyzed using the current guidelines or procedures specified by the local air district or the Air Resources Board. Calculations of CO₂, CH₄, and N₂O emissions are provided to identify the magnitude of potential project effects. This analysis focuses on CO₂, CH₄, and N₂O since these comprise 98.9 percent of all GHG emissions by volume (IPCC 2007) and are the GHG emissions that the project would emit in the greatest quantities. Fluorinated gases, such as HFC, PFCs, and SF₆ were not used in this analysis, as they are primarily associated with industrial processes and the proposed project involves retail development and does not include an industrial component. Emissions of all GHGs are converted into metric tons of carbon dioxide equivalent (MT of CO₂e), which presents the volume of GHGs equivalent to the global warming effect of CO₂. While minimal amounts of other GHGs, such as chlorofluorocarbons (CFC), would be emitted, they would not substantially add to the calculated CO₂e quantities. Calculations are based on the California Air Pollution Control Officers Association (CAPCOA) CEQA & Climate Change white paper (CAPCOA 2008).</p> <p>The Lake County Air Quality Management District (LCAQMD) does not have an air quality management plan. However, the LCAQMD refers to the Bay Area Air Quality Management District (BAAQMD) guidelines to evaluate thresholds of significance for general guidance (refer excerpts from this document in Attachment F. It is noted, however, that the district has not formally adopted these as the area's threshold of significance and leaves the determination of level of significance to each local agency for determination.</p> <p>Air impact modeling was conducted using CalEEMod.2020.40 Modeling which indicates that the project's construction will result in about 124 metric tons of CO₂e during construction (annually) and about 66 metric tons of CO₂e annually during operation. These estimates fall below the BAAQMD levels of significance for GHG which is 1,100 metric tons annually.</p> <p>Less Than Significant Impact</p>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This project will not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions. The City of Clearlake is within an 'air attainment' basin. In accordance with the requirements of the Lake County Air Quality Management District, an air permit will be required as a condition of the use permit, prior to issuance of a building permit for the project. Refer to response in Section VIII(a). Less Than Significant Impact
SECTION IX. HAZARDS AND HAZARDOUS MATERIALS <i>Would the project:</i>							
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Materials associated with the operation, such as gasoline, diesel, carbon monoxide, pesticides, fertilizers and the equipment emissions may be considered hazardous if released into the environment. All hazards and hazardous materials will be stored in accordance to all Federal, State and local agency requirements. All routine construction materials and all materials associated with the proposed cultivation of commercial cannabis shall be transported and disposed of properly in accordance with all applicable Federal, State and local regulations.</p> <p>All hazards and hazardous materials, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and a minimum of 100 feet from surface water bodies and will be stored in their designated storage area. All required warning signs will be posted, and material safety data sheets (MSDS) will be kept in the area where pesticides are stored.</p> <p>Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address, and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.</p> <p>Prior to any hazards and hazardous materials being applied, the operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard. In an event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations. Therefore, with the following incorporated Mitigation Measure all potential impacts have been reduced to less than significant levels.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>Mitigation Measures:</p> <p>HAZ-1: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.</p> <p>HAZ-2: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.</p> <p>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.</p> <p>HAZ- 4: The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.</p> <p>HAZ - 5: All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.</p>
b) Create 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not create 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. All chemicals, pesticides, fertilizer, and other materials associated with the operation shall adhere to all Federal, State, and local agency requirements. See Response to Section IX(a): Less than Significant Impact with the incorporated mitigation measure HAZ -1 through HAZ-5.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed project is not located within one-quarter mile of an existing or proposed school. The nearest schools are Pomo Elementary which is approximately 2.37 miles away and Cedar Avenue High School which is approximately 1.57 miles away. No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is not listed as a site containing hazardous materials in the databases maintained by the Environmental Protection Agency (EPA), California Department of Toxic Substance, and Control State Resources Water Control Board. No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan. No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project would not impair or interfere with an adopted emergency response or evacuation plan. The project has been reviewed by the Lake County Department of Environmental Health, Lake County Special Districts, City of Clearlake Police Department, City of Clearlake's Community Development Department (Building, Public Works, Planning), and the Local Fire Protection District/CalFire for consistency with access and safety standards. The City of Clearlake did not receive any adverse comments. Less Than Significant Impact
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires as it's within a "Low to Moderate" Fire Hazard Severity Zone and within the Lake County Fire Protection District. The project was circulated for review to various agencies, include but not limited to City Engineer, City of Clearlake Police Department, City of Clearlake Building Official/Inspection, Lake County Fire Protection District and the California Department of Transportation (Caltrans). During the project review, no adverse comments were received. The application shall adhere to all current Federal, State and local agency requirements, including all mitigation measures and conditions of approval imposed on such use. Less Than Significant Impact

SECTION X. HYDROLOGY AND WATER QUALITY
Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed use will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality as the cultivation will occur within engineered greenhouse. Additionally, according to the Biological Study, the proposed project is +/- 378 feet way from the closest waterway - an ephemeral stream in the southeast corner of the property). There are no waterway crossing to access the cultivation site. The applicant has filed for a Standard Agreement with Fish and Wildlife and is enrolled in the State Water Board for Cannabis Cultivation and has obtained a Notice of Applicability (Water Quality Order WQ-2019-0001-DWQ) with the Central Valley Regional Water Quality Control Board.</p> <p>Additionally, the to control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State, and local agency requirements.</p> <p>All access roads and parking areas are/will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved and/or re-established as soon as possible throughout the entire site to filter and infiltrate stormwater runoff from the access roads, parking areas, and the proposed cultivation operation</p> <p>Less than significant Impact.</p>
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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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The applicant contracted Chico Environmental to prepare a prepare a Hydrology Report dated August 4, 2021, with Findings to determine groundwater availability to the project parcel. The project parcel is approximately 12.95-acre site is situated in Burns Valley Groundwater Basin, a rural portion of southeastern Lake County, California. The report indicates there is one (1) well approximately 200 feet below ground surface (bgs), with 4 1/2 inch casing. The well was installed on December 12, 2005. A well test and system equipment evaluation were conducted on March 31, 2021. The purpose of the report is to determine if the aquifer has sufficient quantity to support outdoor cannabis cultivation for 17,500 square-feet of the 12.95-acre property.</p> <p>The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.</p> <p>The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	<p align="center">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>The average annual precipitation ranges from 25 inches to 35 inches per year and the average annual air temperature ranges between 55 to 59 °F in the project area. Surface water is limited to ephemeral drainages within the project area.</p> <p><u>Groundwater Hydrogeology</u> Groundwater typically fluctuates between 2-10 feet below ground surface (bgs) from spring to fall. The DWR estimates the usable storage capacity to be 4,000 acre-feet (DWR 1960). Agricultural demand is typically around 14 acre-feet per year. As of 2006, there were 86 domestic wells and 13 irrigation wells in the Burn Valley Basin, with half of the domestic wells measuring less than 75 feet bgs and half of the irrigation wells measuring less than 250 feet bgs.</p> <p><u>Groundwater Wells</u> As of March 2006, there are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately half of these domestic wells are shallower than 75 feet deep, and approximately half of the irrigation wells are shallower than 250 feet deep.</p> <p>On December 11, 2005 a domestic well was completed at the subject site. The 200 feet bgs well was drilled with first water encountered at 120 feet bgs and a completed static water level of 125 feet bgs. The estimated yield for the well was 30 gallons per minute. A well performance report from March 2021 shows the static water level of the well is 113.5 feet bgs.</p> <p>After pumping at a rate of 23 gallons per minute for 1.5 hours, the pumping level decreased from 133.5 feet bgs to 143.2 feet bgs. The well returned to 121 feet bgs after 5 minutes of recovery.</p> <p><u>Finding Indicate efficient Supply of Water.</u> According to the report, the 2019 SGMA report rates Burns Valley as a Very Low Priority groundwater basin. Current groundwater data suggests that the Burns Valley Groundwater Basin fully recharges annually.</p> <p>Section 28.1 of the lake County, California – Code of Ordinances - Regulation of the Extraction and Exportation of Groundwater from Lake County. Section 1.11 States: “The County seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the County’s important groundwater resources that the County requires a Permit to extract or otherwise capture groundwater for any use outside the County. This chapter requires a Permit for the export and use of groundwater outside the County and is not intended to regulate groundwater in any other way.”</p> <p>Groundwater pumped for irrigation on 2250 Ogulin Canyon will not be used for export out of the County.</p> <p>The <i>expected annual water</i> use for the cannabis cultivation project would be approximately 511,400 gallons per square foot (gsf) per year with usage including cultivation (455,000 gsf per year), processing (24,000 gsf), and a nursery (32,400 gsf per year). The well yields 30 gallons per minute (15,768,000 gallons per year) and is monitored by a flow through meter (Appendix C).</p> <p>There are no additional impacts on the Burns Valley Basin from the project, nor impacts of water use for this project to the surrounding areas.</p> <p><u>Conclusion and Recommendation:</u> According to the report, the completed well is of sufficient yield to irrigate 17,500 square-feet of cannabis at 2250 Ogulin Canyon. Additionally, it appears that the overlying property possesses a sufficient quantity of groundwater for seasonal irrigation that would not adversely overdraft the Burns Valley Groundwater Basin, affect downgradient groundwater users or other well users in the vicinity.</p> <p>All access roads and parking areas are/will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved and/or re-established as soon as possible throughout the entire site to filter and infiltrate stormwater runoff from the access roads, parking areas, and the proposed cultivation operation. To control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State, and local agency requirements.</p> <p>Therefore, the operation will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Less Than Significant Impact</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
<p>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:</p> <p>i) result in substantial erosion or siltation on-site or off-site;</p> <p>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</p> <p>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</p> <p>iv) impede or redirect flood flows?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The operations will not alter the existing drainage pattern of the site or the 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 in substantial erosion issues, increase the amount of runoff or create or contribute runoff which exceeds the capacity of the existing or planned storm water drainage system.</p> <p>The applicant will implement Best Management Practices (BMPs) in accordance with all applicable federal, State and local agency requirements, including the City of Clearlake’s Municipal Code. 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. These measures shall be maintained for life of the project. Less Than Significant Impact</p>
<p>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project site is not located in an area of potential inundation by seiche or tsunami. The parcel is not located within a flood zone. In addition, the soils at the project site are generally stable; therefore, is minimal potential to induce mudflows. No Impact</p>
<p>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project would not conflict with or obstruct any water quality or management plans. Additionally, to control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State and local agency requirements. 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. These measures shall be maintained for life of the project Less than Significant.</p>
<p>SECTION XI. LAND USE AND PLANNING <i>Would the project:</i></p>							
<p>a) Physically divide an established community?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project is in the outskirts of the city limits, and in close proximity to the County of Lake’s Jurisdiction. The surrounding development includes but is not limited to commercial/industrial development and rural residential development. Therefore, the project will not physically divide an established community. Therefore, the project will not physically divide an established community. No Impact</p>
<p>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?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is consistent with the site’s General Plan designation (Industrial) and zoning (“I” Industrial District); therefore, it would not require any amendments to the City’s General Plan or zoning ordinance. The project is, however, be subject to a Use Permit, approved by the Planning Commission in accordance with the City of Clearlake Municipal Code. Upon issuance of the Conditional Use Permit and with the incorporated mitigation measures and conditions of approval (<i>including obtaining and maintaining all necessary Federal, State and local agency permits</i>), the project will not conflict with any land use plan or policy intended for avoiding or mitigating an environmental effect(s). Additionally, the California Department of Food & Agriculture (CDFA) is responsible for licensing and regulating cannabis cultivation and enforcements as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including regulations related to the cultivation of cannabis. The applicant is required to obtain a license(s) from the CDFA prior to legal cultivation occurring, including all additional Federal, State and local agency permits/license. Less Than Significant Impact.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XII. MINERAL RESOURCES <i>Would the project:</i>							
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation would not result is the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operations would not 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. No Impact
SECTION XIII. NOISE & VIBRATIONS <i>Would the project:</i>							
a) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Short-term increases in ambient noise levels to uncomfortable levels may be expected during project development, and routine maintenance of the project parcels. There will be vehicles entering and exiting the project premises. The applicant shall adhere to all Federal, State and local agency requirements regarding noise standards. Therefore, to ensure impacts related to the Noise are minimized, the following mitigation measures have been implemented. Mitigation Measures: NOI-1: All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. NOI-2: Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties. NOI-3: During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regard to noise and vibration.
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project is not expected to create unusual groundborne vibration due to site development or operation. The low-level truck traffic would create a minimal amount of groundborne vibration. No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project is not located within an airport land use plan or within two (2) miles of a public airport. No Impact
SECTION XIV. POPULATION AND HOUSING <i>Would the project:</i>							
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project would increase employment in the area that might Induce some increased population growth, however, this growth would be negligible and not induce substantial 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). No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation will not displace a substantial number(s) of existing people or housing, necessitating the construction of replacement housing elsewhere. No Impact

SECTION XV. PUBLIC SERVICES
Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of 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: <ul style="list-style-type: none"> • <i>Fire Protection?</i> • <i>Police Protection?</i> • <i>Schools?</i> • <i>Parks?</i> • <i>Other Public facilities?</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, and/or need for new or physically altered government facilities.. The project has been circulated for agency review, including but not limited to Lake County Fire Protection, City of Clearlake Police Department, Local School District and the City of Clearlake – Public Works Division. Conditions of Approval have been incorporated to ensure the project adhere to all applicable requirements of the above agencies. <ul style="list-style-type: none"> • <i>Fire Protection:</i> The project parcel has adequate fire protection through the Lake County Fire Protection District and CA Department of Forestry and Fire Protection. • <i>Police Protection:</i> The [project parcel has adequate police protection through the City of Clearlake Police Department, including the Lake County Sheriff's Office. • <i>Schools:</i> The project will not result in substantial adverse impact(s) on the local school district. • <i>Parks:</i> The project will not result in substantial adverse impact(s) on the local parks. • <i>Other Public Facilities:</i> The project is will not result in substantial adverse impacts on other public facilities <p>Less Than Significant Impact</p>
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SECTION XVI. RECREATION
Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not increase the use of existing neighborhood and regional parks and/or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project has been reviewed the City of Clearlake Public Works Department, Lake County Fire Protection District and the City of Clearlake Police Department and no adverse comments were received. No Impact.
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This project does not include recreational facilities and/or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The project has been reviewed the City of Clearlake Public Works Department, Lake County Fire Protection District and the City of Clearlake Police Department and no adverse comments were received. No Impact.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.																																																																			
SECTION XVII. TRANSPORTATION <i>Would the project:</i>																																																																										
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject property is located on the southerly side of Ogulin Canyon Road approximately 1,500-2,000 feet from the intersection with State Route 53. Access to the project site would be by private drive(s) off of Ogulin Canyon Road. The project is estimated to generate some traffic to this area but would not be subject to any known federal plans, policies, regulations, or laws related to transportation and circulation.</p> <p>Caltrans is responsible for planning, designing, constructing, operating, and maintaining all State-owned roadways in Lake County. Federal highway standards are implemented in California by Caltrans. Any improvements or modifications to the State highway system within the City of Clearlake need to be approved by Caltrans, such as improvements to the intersection of Ogulin Canyon Road and State Route 53.</p> <p>The City of Clearlake is responsible for maintaining all other roadways in the City. The City's 2040 General Plan identifies State Route 53 as an Expressway and Ogulin Canyon Road as a Local Street. Other than planned improvements to State Route 53 by Caltrans, there are no immediate plans to improve Ogulin Canyon Road.</p> <p>As noted in the Trip Generation Summary prepared by W-Trans, it is during harvest time that the project is expected to generate the most trips.</p> <table border="1" data-bbox="716 772 1549 1108"> <caption>Table 2 – Trip Generation Summary During Harvest</caption> <thead> <tr> <th rowspan="2">Land Use</th> <th rowspan="2">Units</th> <th colspan="2">Daily</th> <th colspan="2">AM Peak</th> <th colspan="3">PM Peak</th> </tr> <tr> <th>Rate</th> <th>Trips</th> <th>Trips</th> <th>In</th> <th>Out</th> <th>Trips</th> <th>In</th> <th>Out</th> </tr> </thead> <tbody> <tr> <td>Near-Term</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>General Light Industrial</td> <td>25 emp</td> <td>3.05</td> <td>76</td> <td>13</td> <td>11</td> <td>2</td> <td>12</td> <td>3</td> <td>9</td> </tr> <tr> <td>Future</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>General Light Industrial</td> <td>10 emp</td> <td>3.05</td> <td>31</td> <td>5</td> <td>4</td> <td>1</td> <td>5</td> <td>1</td> <td>4</td> </tr> <tr> <td>Buildout</td> <td></td> <td></td> <td>107</td> <td>18</td> <td>15</td> <td>3</td> <td>17</td> <td>4</td> <td>13</td> </tr> </tbody> </table> <p>Note: emp = employees</p> <p>Pursuant to Ordinance Number 247-2020, the City of Clearlake added Article 3-8 to chapter III of the Municipal Code allowing the collection of traffic impacts fees. The development impact fee revenue will be collected and used to cover the cost of capital facilities and infrastructure required to serve new development and growth in the city. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure. A Condition of Approval will be incorporated detailing the amount due per 1,000 square feet. Less Than Significant Impact</p>	Land Use	Units	Daily		AM Peak		PM Peak			Rate	Trips	Trips	In	Out	Trips	In	Out	Near-Term										General Light Industrial	25 emp	3.05	76	13	11	2	12	3	9	Future										General Light Industrial	10 emp	3.05	31	5	4	1	5	1	4	Buildout			107	18	15	3	17	4	13
Land Use	Units	Daily		AM Peak		PM Peak																																																																				
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General Light Industrial	10 emp	3.05	31	5	4	1	5	1	4																																																																	
Buildout			107	18	15	3	17	4	13																																																																	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Senate Bill (SB) 743 established a change in the metric to be applied in determining transportation impacts associated with development projects. Rather than the delay-based criteria associated with a LOS analysis, the change in vehicle miles traveled (VMT) as a result of a project is now the basis for determining CEQA impacts with respect to transportation and traffic. As of the date of this analysis, the city has not yet adopted thresholds of significance related to VMT. As a result, the project related VMT impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018 and the Lake County Planning Council VMT Regional Baseline Study, 2020.</p> <p>The OPR Technical Advisory identifies several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further VMT analysis. One of these screening criteria pertains to local-serving retail, which is defined as having fewer than 50,000 square feet of gross floor area. The theory behind these criteria is that while a larger retail project may generate interregional trips that increase a region's total VMT, small retail establishments do not necessarily add new trips to a region, but change where existing customers shop within the region, and often shorten trip lengths.</p> <p>The Lake County Planning Council, VMT Regional Baseline Study includes some recommendations for determining VMT Thresholds of Significance for Clearlake and other local agencies and references the OPR Guidelines of projects of less than 50,000 square feet of retail, as not exceeding a level of VMT significance.</p> <p>The proposed project size is well below the size of a project that would qualify for significant VMT based on screening criteria published by the Office of Planning and Research and based on the</p>																																																																			

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							Lake County Planning Council VMT Regional Baseline Study, the project can be presumed to result in a less-than-significant transportation impact on VMT. Less Than Significant Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). All road improvements shall adhere to all current Federal, State and local agency requirements. The applicant shall obtain and maintain an Encroachment Permit form the City of Clearlake – Public Works Department for any work done within the right-of-way. Less Than Significant Impact.
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project is not expected to result in any impact to providing adequate emergency access. The project was circulated for review to City of Clearlake Police Department, Lake County Fire Protection District, California Department of Transportation, Lake County Fire Protection Districts, CA Department of Transportation (Caltrans) and the City of Clearlake Community Development Department (Public Works, Building and Planning) for consistency with all applicable safety regulations and policies. No adverse comments were received. The applicant will obtain all the necessary Federal, State, and local agency permits for any works that occurs with the right-of-way and will be subject to the City’s traffic impact fee program. Participation in this program will mitigate any cumulative impacts on the City’s transportation system. Less than Significant impact.
SECTION XVIII. TRIBAL CULTURAL RESOURCES							
<i>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:</i>							
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	According to the Archeological Report prepared for the project site, there are no known 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) onsite. However, to ensure the protection of Cultural Resources, all potential impacts to Cultural resources have been reduced to less than significant with the incorporated mitigation measure CUL-1 through CUL-3 in Section V(a).
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	According to the Archeological Report prepared for the project site, there are no known resources to be determined as a significant resource. However, to ensure the protection of Cultural Resources, all potential impacts to Cultural resources have been reduced to less than significant with the incorporated mitigation measure CUL-1 through CUL-3 in Section V(a).
SECTION XIX. UTILITIES AND SERVICE SYSTEMS							
<i>Would the project:</i>							
a) Require the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, or natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not impact existing and/or proposed utility/service infrastructure systems, including but not limited to water/wastewater treatment systems, storm water drainage systems, electric power, natural gas, or telecommunications facilities. The project parcels will be served on an onsite waste management system (septic) and onsite well(s) and have power through PG&E. The applicant will adhere to all necessary federal, state and local agency requirements. Less Than Significant Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?							The commercial cannabis operation will not expose occupants to potential pollutants concentrations from a wildfire(s) or the uncontrolled spread of a wildfire. The applicant will adhere to all applicable Federal, State and local agency requirements. Less Than Significant Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is situated in a rural rea of the County within the City Limits of Clearlake and requires an on-site Waste Management System (Septic). The applicant shall adhere to all Federal, State, and local regulations regarding wastewater treatment and water usage requirements. No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Local Lake County landfill(s) has sufficient capacity to accommodate the project's solid waste disposal needs. The operation has been developed to help minimize the generation of waste and for the proper disposal of waste produced during the cultivation and processing of cannabis at the project site. The goal is to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of cannabis vegetative waste properly, and manage growing medium and dispose of growing medium properly. All employees are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of the operations manager(s). Less Than Significant Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project parcels will be served by an onsite waste management system (septic) and onsite well(s). All septic systems and/or wells shall be installed and adhere to all applicable Federal, State, and local agency requirements. All vegetative waste will be composted onsite, including all soil from any ground disturbance (if necessary). All other waste will be handled in accordance with all Federal, State, and local agency requirements and brought to a proper facility that is able to process such waste. Less Than Significant Impact
SECTION XX. WILDFIRE <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>							
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property is located within the State Responsibility Area (SRA) and is in a 'Moderate to High' Fire Hazard Severity Zone. The site has an average cross slope is less than 20% and has a moderate fuel load but the cultivation area will be clear of vegetation, including being routinely maintained. The SRA regulations (if applicable) will ensure adequate fire access to and on the property. SRA regulations will also ensure that measures are in place to help prevent fire and the spread of fire should one occur. The property shall maintain fire breaks around all structures, shall adhere to all necessary Federal, State, and local agency requirements. Less Than Significant Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not exacerbate wildfire risks and/or expose persons to pollutant concentrations in the event of a wildfire in the area. Additionally, the applicant will adhere to all Federal, State, and local fire requirements/regulations, including all mitigation measure and/or conditions of approval imposed on such use. Less than Significant Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All infrastructure will be routinely maintained to ensure all Federal, State, and local agency requirements are being satisfied, including all necessary City Codes and/or regulations. Additionally, prior to operation the applicant(s) will make all necessary improvements to the project site, such as access/roadways, fuels breaks, and emergency water source/water tanks. Less than Significant Impact
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project area to be developed is not located within the vicinity of known waterways nor is it located within a designated flood zone. Therefore, the risk of flooding/runoff, landslides, slope instability, or drainage changes would not be increased due to this project. Less Than Significant Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XXI. MANDATORY FINDINGS OF SIGNIFICANCE							
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 rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This project is not anticipated to significantly impact habitat of fish and/or wildlife species or cultural/tribal resources with the incorporated mitigation measures described above. Therefore, there is minimal risk of degradation, and mitigation measures are proposed that would alleviate most or all of the project-related impacts. With incorporation of Mitigation Measures, the project is not anticipated to significantly impact habitat of fish and/or wildlife species or cultural resources, nor will the project contribute to factors that would harm the environment or add to any wildfire risk.
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All potentially significant impacts have been identified related to, Aesthetics, Air Quality, Biological Resources; Cultural/Tribal Resources; Geology & Soil; Noise & Vibration; and Hazards & Hazardous Materials. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects in the vicinity could cumulatively contribute to significant effects on the environment if proper mitigation measures are not put in place. The implementation of and compliance with all mitigation measures identified in each section as project conditions of approval would avoid or reduce all potential impacts to less than significant levels and would not result in cumulatively considerable environmental impacts
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed project has potential to result in adverse indirect or direct effects on human beings. In particular, risks associated with, Aesthetics, Air Quality, Biological Resources; Cultural/Tribal Resources; Geology & Soil; Noise & Vibration; Hazards & Hazardous Materials and have the potential to impact human beings. Implementation of and compliance with mitigation measures identified in each section would reduce adverse indirect or direct effects on human beings and impacts to less than significant impact levels.

INITIAL STUDY SUMMARY: Based on the review of the proposed project site and surrounding area, appropriate mitigation measures were identified to mitigate potentially significant impacts to a level below adversity for Aesthetics, Air Quality, Biological Resources; Cultural/Tribal Resources; Geology & Soil; Noise & Vibration; Hazards & Hazardous. Assuming implementation of the identified measures and standard conditions of project approval of the City of Clearlake and other pertinent agencies, no adverse impacts are anticipated



City of Clearlake Mitigation Monitoring Reporting Program (MMRP) Checklist

Project Name: Clearlake Harvest Company, LLC (Conditional Use Permits to allow a Commercial Cannabis Operation)

Location: 2250 Ogulin Canyon Road, Clearlake, CA 95422; further described as Assessor parcel Number (APN) 010-044-19-000

File Numbers:

- *Conditional Use Permit -CUP 2021-05 (Cannabis Cultivation); CUP 2021-06 (Processing) CUP 2021-07 (Distribution), CUP 2021-08 (Manufacturing); CUP 2021-09 (Retail Delivery)*
- *Cannabis Regulatory/Business Permit*
- *Initial Study, IS 2021-05 (CEQA)*
- *Cannabis Business/Regulatory Permit and Development Agreement*

Approval Date: _____ **Neg. Dec.: Mitigated Negative Declaration**

The mitigation measures outlined below were incorporated into the approval for this project in order to reduce potentially significant environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented and fulfills the City's monitoring pursuant to Section 15097 of the CEQA Guidelines.

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
AES-1		All exterior lighting shall incorporate down-light shielding and other designs to avoid excessive light bleed off site and to avoid excessive night sky lighting glare in accordance with the Zoning Code.		
AIR-1	Air Quality	<p>Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District.</p> <p>Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.</p>		
AIR-2	Air Quality	Driveways, access roads and parking areas shall be surfaced in a manner to minimize dust. Driveway approaches shall be constructed of concrete and built to minimum City of Clearlake standards.		
AIR-3.	Air Quality	The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.		
AIR 4.	Air Quality	During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site (Hwy 53).		
AIR 5.	Air Quality	Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded.		
AIR-6.	Air Quality	All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent odor control plan shall be submitted for review and approval by the City In accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
BIO-1.	Biological Resources	Prior to construction activities, the applicant shall have a qualified biologist conduct a nesting bird survey within fourteen (14) days of initial ground disturbance or construction if it occurs between March 1 st and August 31 st .		
BIO-2.	Biological Resources	Prior to construction activities, the applicant shall have a qualified biologist conduct visual encounter/inspection for the Long Eared Myotis bat. If one is observed, the California Department of Fish and Wildlife shall be notified.		
BIO-3.	Biological Resources	All future expansion and/or development associated with the operation shall be located outside threwn NFHL 100-year Flood Zone, including the State Water Resource Control Board required setbacks.		
BIO-4.	Biological Resources	Prior to ground disturbance, the applicant shall have a qualified biologist conducts seasonally botanical survey in accordance with the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021.		
BIO-5.	Biological Resources	If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: https://www.wildlife.ca.gov/conservation/survey-protocols .		
BIO-6	Biological Resources	If any work occurs within a known watercourse with the potential to impact aquatic resources, the applicant shall be in compliance with the California Departments of Fish and Wildlife Streambed Alteration Agreement.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
BIO-7	Biological Resources	If suitable roosting habitat for special-status bats will be affected by project activities, a qualified wildlife biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include trees within 0.25 mile of project activities.		
CUL-1.	Cultural and Tribal	During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City's approved list of consultants to identify and investigate any subsurface historic remains, and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.		
CUL-2.	Cultural and Tribal	The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
		<p>the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.</p>		
CUL-3.	Cultural and Tribal	<p>If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.</p>		
GEO-1	Geology and Soils	<p>The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.</p>		
GEO-2	Geology and Soils	<p>Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s).</p>		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
GEO-3	Geology and Soils	The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary.		
HAZ-1.	Hazards and Hazardous Materials	All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material..		
HAZ-2.	Hazards and Hazardous Materials	The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.		
HAZ-3.	Hazards and Hazardous Materials	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.	Hazards and Hazardous Materials	The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.		
HAZ-5.	Hazards and Hazardous Materials	All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
NOS-1.	Noise	All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.		
NOS-2.	Noise	Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties.		
NOS-3.	Noise	During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regards to noise and vibration.		

Explanation of Headings

Type = Project (mitigation for this specific project), ongoing, and/or cumulative.

Monitoring Department = Department or agency responsible for monitoring a particular mitigation measure.

Shown on Plans = When a mitigation measure is shown on the construction plans, this column must be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column must be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or other information.

City of Clearlake



14050 Olympic Dr.

Clearlake, CA 95422

Application# CB- [REDACTED]

707-994-8201

www.clearlake.ca.us

CANNABIS BUSINESS APPLICATION For Use Permit and Regulatory Permit

(Please print clearly and fill in/provide all that apply)

Type of Commercial Cannabis Use:

- Commercial Cannabis Cultivation
- Cannabis Manufacture
- Cannabis Distributor
- Cannabis Testing Laboratory
- Cannabis Nursery
- Cannabis Processor

REQUIRED FOR A COMPLETE APPLICATION

- Completed and signed Application Forms
- Additional Documentation
- Initial Application Fee Paid: (\$**TBD**)

Applicant's full name: Clearlake Harvest Company, LLC (Kris Gretsinger)

Applicant's mailing address: PO Box 2116 Clearlake, CA 95422

Applicant's phone number: 510-381-8199 Email: info@chcfarms.com

Applicant's physical home address: 2250 Ogulin Rd Canyon Clearlake, CA 95422

Applicant's tax ID number: 86-3836659

Management/ Community Relations Contact(s) Kris Gretsinger

Applicant's Height: 5'9 Weight: 100 Hair color: Brown Eye color: Brown

Address of proposed business: 2250 Ogulin Canyon Rd, Clearlake, CA 95422

Square footage of proposed building: See attached

Describe the site plan and floor plan (attach additional page if necessary): See attached

Number of Managers/Supervisors: 3 Number of employees: None at the moment. Potential for 20

Names and addresses of anyone who will act as an owner, manager or supervisor of the facility (attach additional page if necessary): See Operations Plan

Describe proposed business and operations (attach additional page if necessary): See Operations Plan

Anticipated gross annual revenues: See Operations Plan

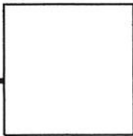
DOCUMENTS TO SUBMIT

Please provide additional information as required in Section 18-12.050, 18-12.060, and Section 5-25 including but not limited to the following:

- { X } 1. Two passport quality, current photographs of the applicant.
- { X } 2. Copy of birth certificate, passport, or valid California Driver's License (not to include an AB60 federally restricted license).
- { X } 3. Sign off by Lake County Fire Protection District permitting the use. Reached out to Fire Marshall Cory Smith and are in communication with the Fire Department.
- { X } 4. The applicant must complete a criminal history check for the State of California and F.B.I. which is approved by the Chief of Police or his designee.

- 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale. See attached.
- 6. A site plan drawing depicting the facility and all properties within 600 feet.
- 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.
- 8. A detailed security plan.
- 9. An odor control plan.
- 10. A detailed business plan.
- 11. Previous addresses for the past five years.
- 12. Property ownership and lease details.

AGREEMENT



APPLICANT'S SIGNATURE (Attach Notarized documents)

I hereby certify that I will abide by the City of Clearlake's Commercial Cannabis Ordinance No. 200-2017 and this agreement and that the information provided in this application is, to my knowledge, true and correct. I hereby authorize City staff, including the police department, authority to conduct a criminal background check pursuant to California Penal Code Section 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the FBI every person listed as an owner manager or supervisor of the marijuana business must submit fingerprints and other information deemed necessary by the City Manager or his designee for a background check by the Clearlake Police Department. I understand that any material misrepresentation may result in either denial or revocation of dispensary permit.

Applicant's Signature:

Date:

5/13/21

FOR OFFICE USE ONLY

APPROVED BY: _____

DATE: _____

Credit Card Debit Card Money Order Cash Check # _____

Application for Commercial Cannabis Operations

By Clearlake Harvest Company, LLC

2250 Ogulin Canyon Rd

Clearlake CA 95422

2250 Ogulin Canyon Commercial Cannabis Application

- 1. Introduction
- 2. City of Clearlake Considerations
 - a. Additional Information
 - b. General Plan Consistency
 - c. Environmental Consideration
 - d. Zoning and Regulatory Considerations
 - e. Proof of Legal Access
 - f. Noise, Traffic, Visual, Geological and Neighborhood Considerations
 - g. City of Clearlake Regulatory Compliance Review
- 3. Vicinity Map
- 4. Site Plans and preliminary floor plans
- 5. Business Plan
- 6. Operations Plan
 - a. Security and Lighting Plan
 - b. Odor Management Plan
 - c. Parking Plan
 - d. Employee Safety and Training Plan
 - e. Waste Management Plan (both solid and liquid waste)
 - f. Pest Management Plan
 - g. Materials Plan
 - h. SWIPP/Drainage, Erosion & Sediment Control Plan
 - i. Grading Plan – if applicable
 - j. Water Management Plan
- 7. Archeological Report
- 8. Botanical/Biological Report

Attachments

- I. Landlord Authorization
- II. City of Clearlake Regulatory Compliance Review
- III. Security and Lighting Plan
- IV. Waste Management Plan
- V. Pest Management Plan
- VI. SWPPP
- VII. City of Clearlake Application

I. INTRODUCTION

Who: Clearlake Harvest Company, LLC (Kris Gretsinger)

Kris Gretsinger: 510-381- 8199
Anand Rajendraiah: 616-634-2617
Erin McCarrick: 707-350-5052 or 605-393-7658

What: The applicant, Kris Gretsinger, is proposing a new cannabis operation that will include a nursery, a processing building, and hybrid greenhouse cannabis cultivation sites. The project is proposed on a 12.95 acre property in Clearlake CA (APN 010-044-19). The property was most recently a single-family dwelling. Prior to that, it was used for small scale honey processing. The surrounding area is zoned industrial and also commercial cannabis in the CB overlay zone.

Proposed cannabis operations will occupy 27,500 square feet of the property and will be on existing flat land. The proposed site for the nursery is on an existing concrete slab.

The total cumulative project will not disturb more than one acre.

Where: 2250 Ogulin Canyon Rd, Clearlake, CA 95422

Why: The applicant currently operates a cannabis distribution company in Clearlake and is looking to expand operations, create more jobs, and increase the tax base for the City of Clearlake.

How/When: The applicant hopes to break ground this year and begin employing a crew of ten people for cultivation and harvest operations this fall. Additionally, applicant plans to facilitate license and growing opportunities for equity candidates this year as part of the Clearlake Social Equity Program.

The members of Clearlake Harvest Company have been involved in numerous fire recovery projects in Lake County and therefore are very committed to fire safety and prevention. Applicant is committed to working with the City of Clearlake, the Clearlake Police Department, the Fire Department, and other State and Local agencies to ensure this company complies by all regulations, including 4290 road compliance and access for all emergency personal.

2. CITY OF CLEARLAKE CONSIDERATIONS

A. Additional Information

Applicant: Clearlake Harvest Company, LLC

Operator:

1. Operator(s)
 - a. The name or names of the Operator: Kris Gretsinger
 - b. Date of birth: April 24, 1979
 - c. Previous addresses for the five (5) years immediately preceding the present.
 - i. 2016 – Current: 2035 Kenway Court Lodi, CA 95242
 - d. The height, weight, color of eyes and hair.
 - i. 5’9, 230 lbs, brown eyes, brown hair
 - e. Photographs for identification purposes (photographs shall be taken by the Police Department or provide 2 passport quality photos).
 - i. With the City of Clearlake
 - f. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
 - i. 2020 – Current: Owner/Operator, Clearlake Ventures, LLC. – Clearlake
 - ii. 2010 – 2020: Project Manager, Pacific States Environmental – Dublin, CA
 - g. The Cannabis Operation business history, including whether the Business Owner and Responsible Parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
 - i. Applicant currently owns and operates a cannabis distribution company in Clearlake, CA. Applicant additionally owned a cannabis cultivation in Mendocino County that was sold to another person. Applicant has never had a cannabis related license revoked or suspended.
2. Tax identification number.
 - a. Clearlake Harvest Company, LLC = 86-3836659
3. The address to which notices relating to the application is to be mailed.
 - a. PO Box 2116, Clearlake, CA 95422

Application Fee: Submitted

B. General Plan, Land Use and Zoning Compliance Consideration:

The site is designated for Industrial land uses zone in the General Plan and in the Cannabis Combining (CB) zoning, which appears to be consistent with the project.

Additionally, as noted in the vicinity maps, the proposed operation is well beyond 600 feet from any currently sited youth facilities, such as public and private schools. The closest property line is a storage facility that is over 400 feet from the site. The site will not be visible from the road.

C. Environmental Consideration:

The applicant has been determined low risk through both the State Water Resources Control Board and the Department of Fish and Wildlife for this Commercial Cannabis Operations.

The applicant has obtained a biological and archeological report included in this report. The project does may require minor grading and could be considered a Class 5 Categorical Exemption “Minor Alterations in Land Use Limitations” as it does not have a slope of more than 20% and will not result in any major changes in land use or density.

The proposed project is 378 feet way from the closest waterway - an ephemeral stream in the southeast corner of the property. There is no risk of runoff from operations as the greenhouses will be self-contained. Additionally, the area around the greenhouses will have waddles and any other necessary erosion and wastewater controls. There are no waterway crossing to access the cultivation site. Applicant has filed for a Standard Agreement with Fish and Wildlife and is enrolled in the State Water Board for Cannabis Cultivation.



D. Zoning and Regulatory Considerations

Ordinance No. 249-2021 recently amended section 18-43.050 (A) of Chapter 18 of the Municipal Code to re-remove the numerical cap on cannabis businesses located within the boundaries of the Commercial Cannabis Combining District Map.

Use Consistency with the Zoning Code:

The project is located in the Industrial Zoning District and the CB, Commercial Cannabis Combining District. Surrounding uses are mostly comprised of other commercial operations including existing and proposed cannabis operations. There are no youth facilities, churches, schools or parks located nearby. To the applicant's knowledge, there are no inhabited residence within 600 feet.

E. Proof of Legal Access

See attached approval from Anand Rajendraiah on behalf of RSG Clearlake Vista, LLC (the property owner). See Attachment I

F. Noise, Traffic, Visual, Geological and Neighborhood Considerations

The property is isolated and in a low traffic area. There will be very low traffic to and from the property aside from employee vehicles. It is anticipated that the employees will not exceed twenty and that will be over years of growth. If necessary, the applicant will obtain noise, traffic, visual, or neighborhood considerations. The property is not within a Groundwater Sustainability Agency, and therefore does not need a Geological Survey.

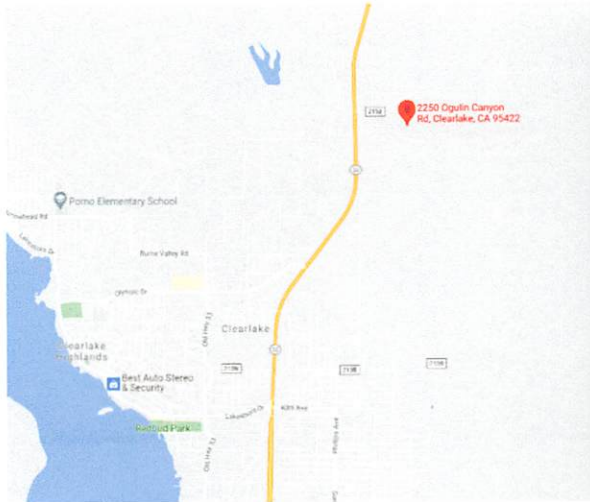
G. City of Clearlake Regulatory Compliance Review

See Attachment II

3. VICINITY MAP

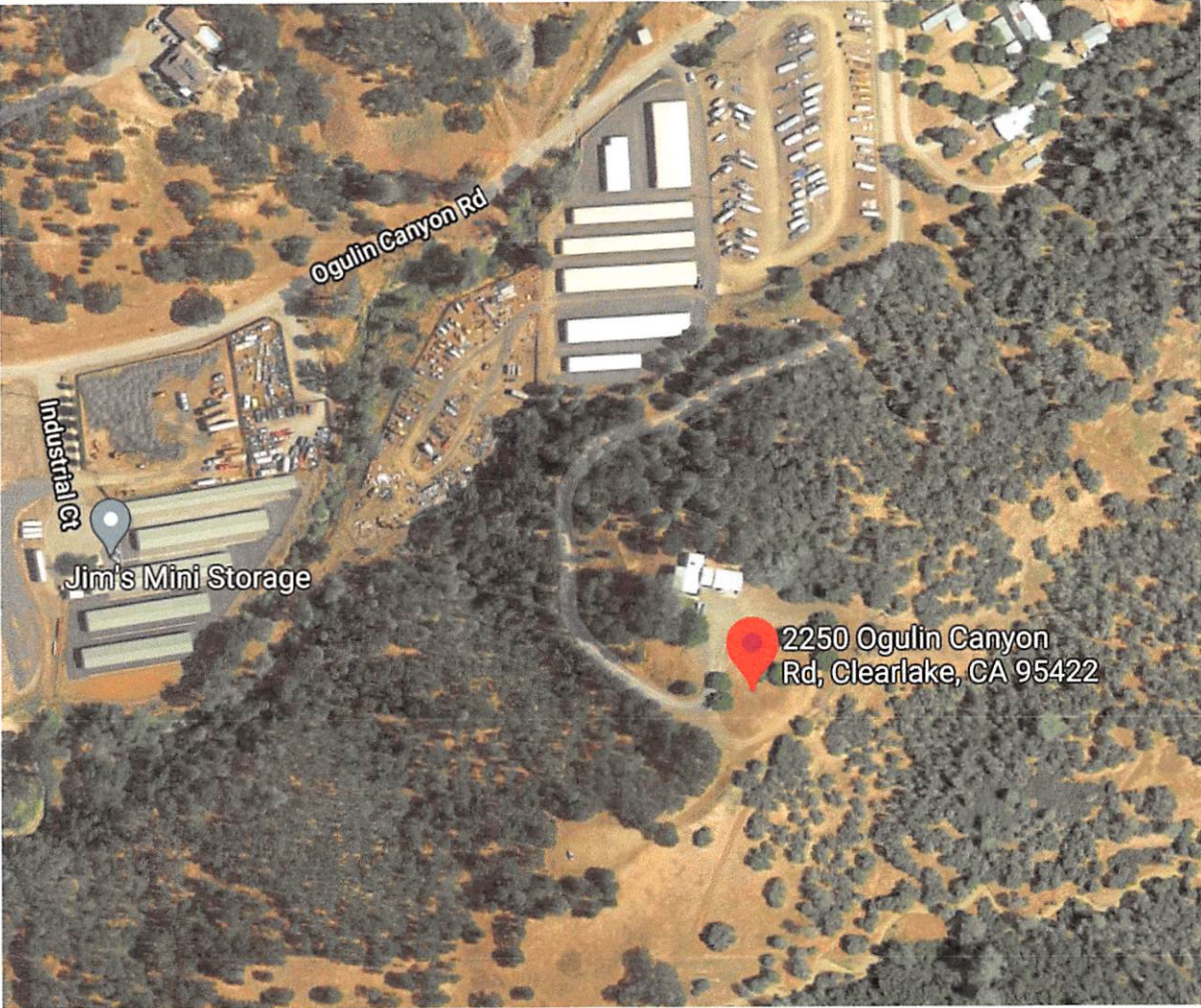
The following maps show the location of the proposed project to surrounding businesses and identifies the closest schools, playgrounds, churches, nurseries.

General location of proposed project



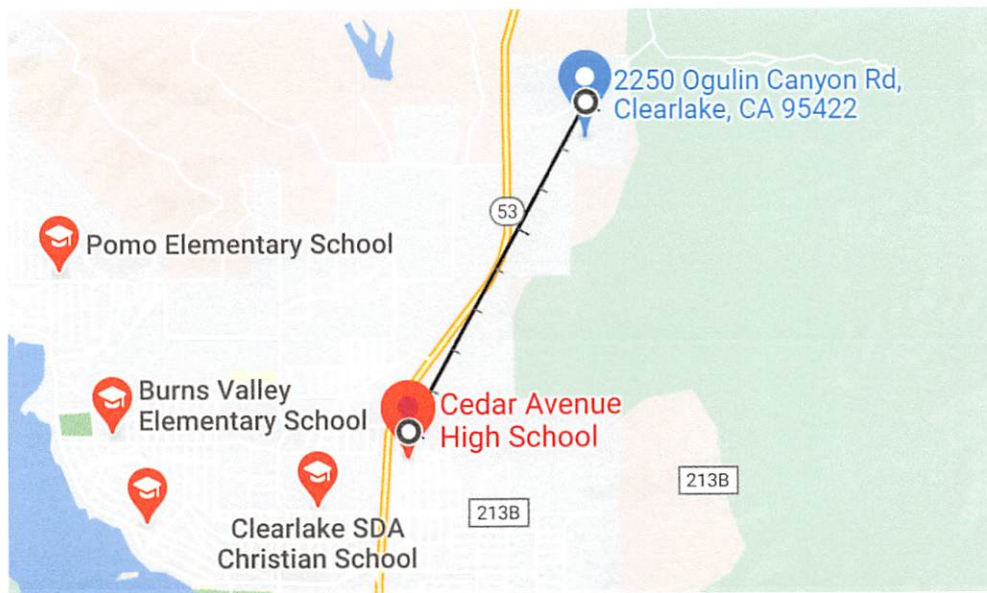
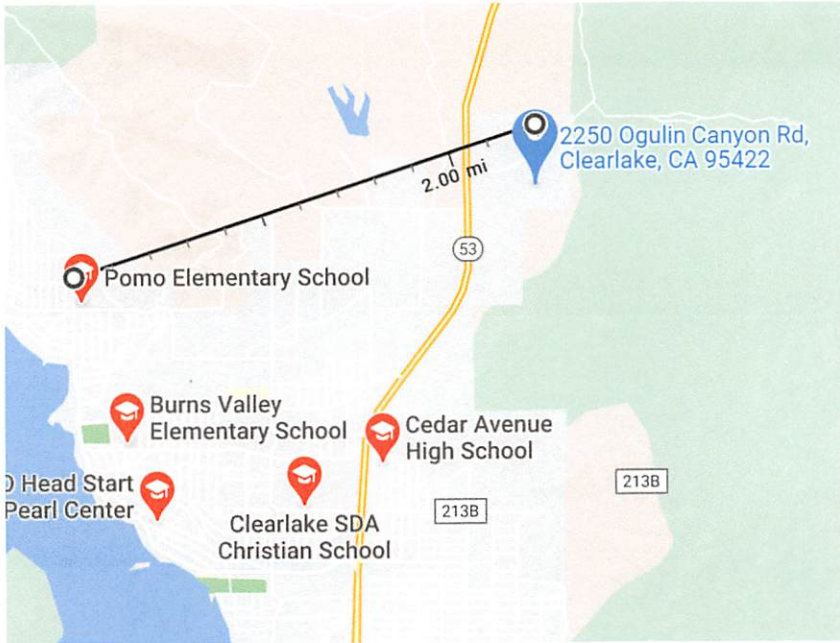
Surrounding area

- The surrounding area is industrial to the North, comprised of a dog kennel and storage facility. The areas to the South and East are undeveloped parcels.



Proximity to schools

- Pomo Elementary is 2.37 miles away and Cedar Avenue High School is 1.57 miles away.



Proximity to churches

- Clearlake Church of the Nazarene is the closest church and it is 1.2 miles away.



Proximity to childcare

- The Learning House is the closest childcare and it is 1.5 miles away.



4. SITE PLANS AND PRELIMINARY FLOOR PLANS

Site Plan

SITE 1
Office Space

SITE 2
1600 sf Nursery

SITE 3
3000 SF Nursery

SITE 4
10,000 sf Cultivation

SITE 5
2500 sf Cultivation or processing building

SITE 6
2400 sf Processing

SITE 7
5,000 sf Cultivation area with Equity Partners



Total Canopy = 17,500 sf

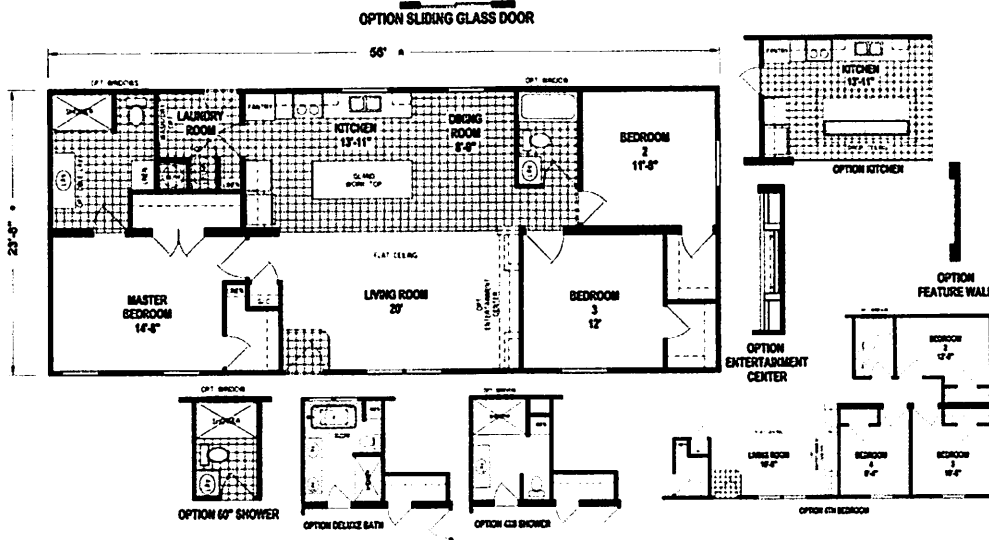
Total Square Footage = 27,500 sf

Newly Disturbed Footage = 25,900 sf

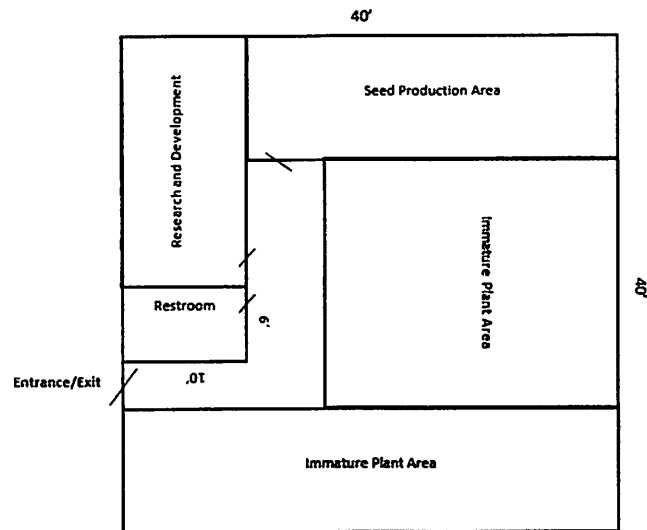
Not to scale

Types of Licenses & Preliminary Floor Plans

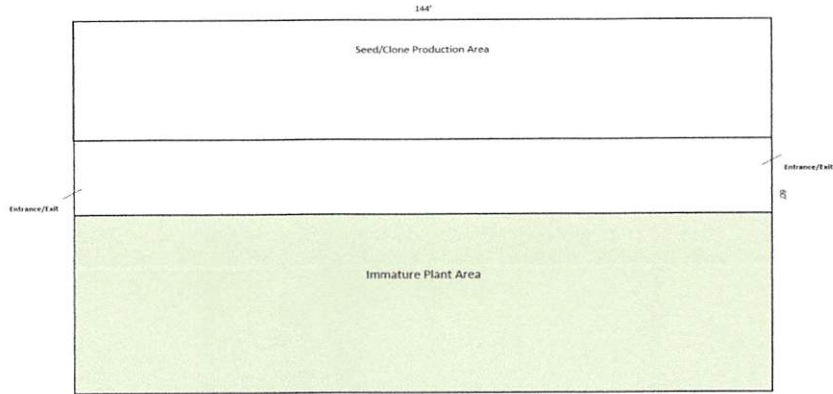
- Site 1 – Office Space
 - Office Space – There will be no change to the existing trailer on the property. The trailer is a Skyline 24x60 foot trailer. The bedrooms on the below floor plan will be used as offices.



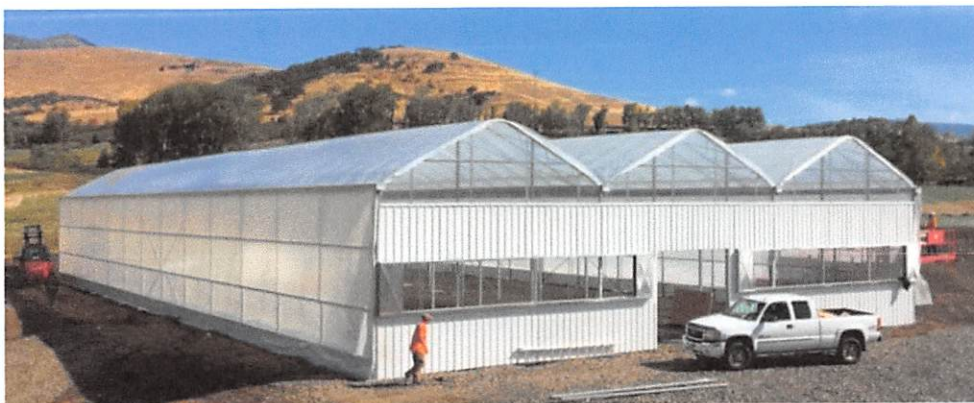
- Site 2 – Nursery Operations
 - Nursery License - Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.



- Site 3 – Nursery Operations or Processing (see processing layout)
 - Nursery License - Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.



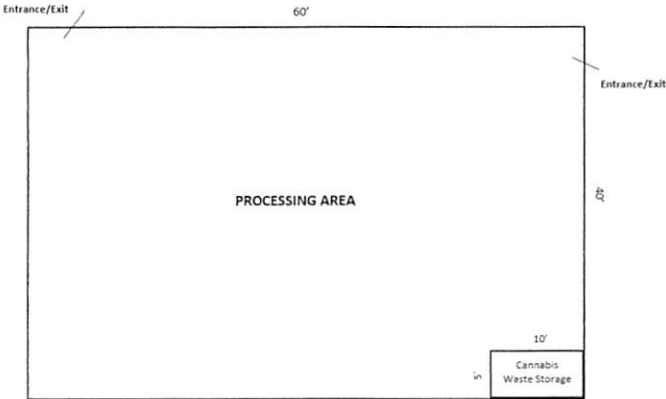
- Site 4 - Cultivation Operations
 - Small Mixed Light Tier 2 – cannabis cultivation up to 10,000 square feet in a hybrid greenhouse.
 - See attached information and quote from Fullbloom Greenhouse. Picture of proposed greenhouse below. Full engineered plans available upon payment.



- Site 5 – Cultivation Operations
 - Specialty Cottage Mixed Light Tier 2 – cannabis cultivation up to 2,500 square feet in a hybrid greenhouse.
 - See attached information for the 3000 square foot greenhouse. Picture of proposed greenhouse below. Full engineered plans available upon payment.



- Site 6 - Processing Operations
 - Processing Operations - Processing operations are auxiliary to a cultivation license. The structure will be used for drying, curing and trimming the flower.



- Site 7 – Equity Partner Cultivation Operations

It is a priority of our organization and operation to build social equity into our business model. We will set aside the following licenses for equity candidates. We will work with the City of Clearlake to identify those individuals that qualify for the developing equity program.

- Specialty Cottage Mixed Light Tier 1 – cannabis cultivation up to 2,500 square feet in a hybrid greenhouse.
 - See attached information for the 3000 square foot greenhouse. Greenhouse is the same as the type on Site5. Full engineered plans available upon payment of greenhouse.

5. BUSINESS PLAN

Snapshot

The Product:

The primary product and revenue streams for Clearlake Harvest Company is high quality, cleanly grown cannabis for the legal regulated cannabis market in California.

Clearlake Harvest Company will also have a nursery to provide the plants for the cultivation onsite. This nursery will also produce a secondary revenue stream providing unique strains to local cultivators.

The Customer:

Wholesale cannabis buyers – identified.

Sales:

Clearlake Harvest Company has relationships with local distribution companies and wholesale cannabis buyers to purchase bulk flower.

Anticipated Revenue:

More detailed financials available upon request.

10,000 square foot greenhouse revenue:

- Expected yield: A 10,000 square-foot greenhouse can average 40 grams/square foot of canopy, totaling 880 pounds/10,000 square feet of canopy. Our estimates are conservative, forecasting 850 pounds/10,000 square feet.
- Expected revenue: As of May 7, 2021, the U.S. Cannabis Spot Index had the average price of cannabis at \$1565/pound. We are taking a very conservative estimate of \$850/pound yielding \$748,000 per cycle. Clearlake Harvest Company intends on cultivating three cycles/year resulting in yearly revenues of \$2,244,000.

Two 2,500 square foot greenhouse revenue:

- Expected yield: This yield is dependent on the equity grower(s) that partners with Clearlake Harvest Company. These greenhouses will be a different variety than the 10,000 square-foot greenhouse and are intended for a standard growing cycle (May – October). The average yield of 40 grams/square foot of canopy can still be used resulting in 220 pounds/2,500 square feet of canopy.
- Expected revenue: Keeping the same conservative estimates of \$850/pound, it would result in \$187,000/greenhouse, \$374,000 total. However, as this is an equity project, there may be other variables to consider as the program is developed.

Nursery revenue:

- As this is not the primary source of revenue, the estimate is based on observational data of need in the community. The peak need for seeds and clones for outdoor season is January – June. The average price of a clone is \$10/clone. A modest goal of Clearlake Harvest Company is 5,000 clones/month. Monthly anticipated revenue is \$50,000/month for six months resulting in a yearly revenue of \$300,000.

Anticipated Return to Community:

In addition to the hiring of Clearlake Equity Candidates and local employees, Clearlake Harvest Company is committed to purchasing equipment and supplies locally and sourcing local contractors.

TIMELINE

2021

May – July/August

- Apply and go through licensing
- Identify equity partners
- Find contractor and supplier for 10,000 square foot greenhouse and processing building

July/August* – October

- Support equity growers in growing cycle
- Build out processing building
- Build out nursery
- Begin buildout of 10,000 square foot greenhouse

*If licenses are obtained

October – December**

- Process product from equity greenhouses
- Continue buildout of 10,000 square foot greenhouse
- Start propagating clones for 2022

**If licenses are obtained after a possible growing cycle (August/September) focus will be on prepping for first Greenhouse cycle in 2022

2022

March – May/ June – August/ September - November

- 10,000 sf Greenhouse cycle – giving time to ensure greenhouse is up and running

March – October

- 2500 sf Greenhouse cycle

Jan – June

- Sales of clones

6. OPERATIONS PLAN

- a. Security and Lighting Plan
- b. Odor Management Plan
- c. Parking Plan
- d. Employee Safety and Training Plan
- e. Waste Management Plan (both solid and liquid waste)
- f. Pest Management Plan
- g. Materials Plan
- h. SWIPP/Drainage, Erosion & Sediment Control Plan
- i. Grading Plan – if applicable
- j. Water Management Plan

General Operations:

The general operations of this commercial cannabis company include

1. Nursery
2. Greenhouse Cultivation
3. Processing Building

Hours of Operation

1. Nursery: 8am – 6pm
2. Greenhouse Cultivation: 7am – 4pm
3. Processing Building: 8am – 6pm

a. Security and Lighting Plan

- a. See Attachment III

b. Odor Management Plan

- a. When processing and during flowering in the greenhouses, we will use fans and carbon filters to control odor from our premises. The fans and filters will be placed in the corners of the processing facility and greenhouses. The nursery does not need filtration as the immature and non-flowering plants do not produce odor. We will use Phat Carbon filters with 8” fans.
<http://www.phatfilter.com/phat-filters>.

c. Parking Plan

- a. Per City of Clearlake Regulations, we will have four and one-half spaces for every 1,000 square feet of gross floor area that is open to the public. In the current plans, there is 1,440 square feet open to the public. Additionally, we will ensure there is adequate parking for the employees. The dimensions of the parking spots adhere to the minimum requirement of 8' for compact, 9' for standard, and 14' for ADA parking spaces.

Parking Sites 1 and 2 will each have one ADA parking spot and 4 standard parking spots.



d. Employee Safety and Training Plan

- a. Clearlake Harvest Company (CHC) will abide by all State, Local and Federal laws. CHC will ensure safety standards on the property adhere to OSHA and CalOSHA standards. CHC will stay apprised of all updates to safety standards, mandates, and guidance per OSHA, CalOSHA, State, Local and Federal, including COVID safety standards and operations. Once employees are hired, an IIPP will be created and employee training will be documented and kept on file.

e. Waste Management Plan

- a. Cannabis Waste - Attachment IV
 - i. See attached Waste Management Plan using the approved form by the California Department of Agriculture (CDFA) Cannabis Department.
 - ii. Additionally, see Water Management Plan for information about applicant's adherence to California State Water Resources Control Board Cannabis Policy and Cannabis Cultivation General Order.
- b. Solid Waste
 - i. Applicant has waste service through Lake County/Clearlake Waste Solutions.
- c. Other Waste
 - i. Standard and ADA Porto-potties will be provided and serviced through Action Sanitary when there are employees onsite. The office space has a restroom with a permitted septic system on the property.

f. Pest Management Plan

- a. See attached Pest Management Plan using the approved form by the California Department of Agriculture (CDFA) Cannabis Department. Attachment V.

g. Materials Plan

- a. This item requests a list of all pesticides, fertilizers, and any other hazardous materials that may be used and a storage plan for these materials.
 - i. Pesticides are listed in the Pest Management Plan
 - ii. There will be minimal fertilizers used. The soil will be above ground in pots inside the greenhouses. Potential fertilizers include Soil from a reputable company, cow manure (manure to be stored according to SWPPP) and various soil amendments to be listed and given to City of Clearlake once operations commence.
 - iii. There will be no volume of materials onsite that require a hazardous materials plan. Potential hazards include: gas cans to be stored according to SWPPP and in the largest volume of five-gallon containers; propane tanks in the largest volume of 7.5 gallon containers; and isopropyl alcohol in the largest volume of five-gallon containers. CHC will notify all state and local officials if anything changes.

h. SWPPP/Drainage, Erosion & Sediment Control Plan

- a. This total project does not disturb more than one acre of land and therefore does not call for a Storm Water Pollution Prevention Plan (SWPPP). The cannabis and water usage will be contained within a greenhouse and water will be minimal and recycled if possible resulting in minimal runoff.

- b. Additionally, every cannabis cultivation applicant must enroll and obtain coverage in the Cannabis Water Discharge Program with the State Water Resources Control Board (SWRCB) and obtain a Lake Streambed Alteration Agreement (LSAA) or obtain a waiver for it through the California Department of Fish and Wildlife (CDFW). The applicant has been determined low risk through both the SWRCB and the CDFW for this Commercial Cannabis Operation. Each State agency, SWRCB and CDFW, requires annual submittal and monitoring. CHC will submit these reports to the City of Clearlake as needed or if requested.

- c. CHC is committed to being proactive in environmental compliance and pollution prevention and has prepared attached SWPPP for any construction activity during the build out of this operation. Attachment VI.

i. Grading Plan

- a. The applicant does not see the need for a grading plan at this time as proposed location is flat and total project is under one acre.

j. Water Management Plan

Water management is extremely important to CHC, we will adhere to any regulations or recommendations for local and state officials and agencies. As noted below, the applicant is enrolled in the Cannabis Water Discharge Program and will abide by the monitoring required through compliance gages.

a. State Water Resources Control Board

Every cannabis cultivation applicant must enroll and obtain coverage in the Cannabis Water Discharge Program. Clearlake Harvest Company has enrolled in this Program and will adhere to the Cannabis Policy and Cannabis Cultivation General Order. Listed below is information and guidance from the SWRCB website. Clearlake Harvest Company intends to comply with these requirements and guidelines.

- i. SWRCB Cannabis Policy: The Cannabis Policy establishes principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy requirements are primarily implemented through the Water Boards Cannabis Cultivation General Order and Cannabis SIUR permits in addition to the California Department of Food and Agriculture's Cal Cannabis Cultivation Licensing Program.
 - I. [Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation](#)
- ii. SWRCB Cannabis Cultivation General Order: The Cannabis Cultivation General Order is to ensure, to the greatest extent possible, that discharges to waters of the State do not adversely affect the quality and beneficial uses of such waters. The Cannabis Cultivation General Order is a simplified Waste Discharge Requirement (WDR) available to cannabis cultivators to regulate discharges of waste associated with cannabis cultivation. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, etc. The Cannabis Cultivation General Order WDRs may be referred to as a “Water Quality Permit” or a “Water Quality Protection Enrollment” by other agencies.
 - I. [Cannabis Cultivation General Order](#)

b. Compliance Gages

CHC has received a quote for purchase and installation of a compliance gage (attached). Below is information regarding the compliance gages from the SWRCB.

- i. [Online Cannabis Compliance Gage Mapping Tool](#) - The Online Mapping Tool provides cannabis cultivators that divert surface water with a tool to check whether they may divert for cannabis cultivation on a given day.
- ii. [Cannabis Compliance Gages Website](#) (Cannabis Policy, Attachment A, Section 4)- Provides an overview of the Cannabis Policy’s current list of active compliance gages and the associated Tessmann Instream Flow Requirements. Please use the online mapping tool above to determine whether water is available to divert at your point of diversion.

c. Well Capacity and General Water Conservation

- i. Applicant has obtained a well report that shows 35 gallons per minute and sufficient recovery. This gpm rate should be sufficient to irrigate 20,000 square feet of canopy. Additionally, applicant will avoid overwatering and utilize the technology available to greenhouse cultivation to monitor soil moisture levels and automate watering. This measure will support the efforts to avoid overwatering.

7. ARCHEOLOGICAL REPORT

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
 Sacramento Fish And Wildlife Office
 Federal Building
 2800 Cottage Way, Room W-2605
 Sacramento, CA 95825-1846
 Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:
 Consultation Code: 08ESMF00-2021-SLI-1551
 Event Code: 08ESMF00-2021-E-04541
 Project Name: McCarrick

April 15, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to

utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

<http://>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2021-SLI-1551

Event Code: 08ESMF00-2021-E-04541

Project Name: McCarrick

Project Type: AGRICULTURE

Project Description: 12.97 acres

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.97798515,-122.60636132630475,14z>



Counties: Lake County, California

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Flowering Plants

NAME	STATUS
Burke's Goldfields <i>Lasthenia burkei</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4338	Endangered
Few-flowered Navarretia <i>Navarretia leucocephala ssp. pauciflora</i> (=N. <i>pauciflora</i>) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8242	Endangered
Slender Orcutt Grass <i>Orcuttia tenuis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1063	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT I

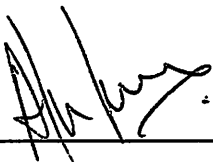
LANDLORD AUTHORIZATION

LANDLORD VERIFICATION

I, Anand Rajendraiah, on behalf of RSG Clearlake Vista, LLC, Landowner and Lessor of the property located at 2250 Ogulin Canyon Road, Clearlake, CA 95422 APN: 010-044-19 (the "Property"), do hereby acknowledge and verify that Clearlake Harvest Company, LLC (hereafter "Lessee") has my express authorization to use the Property for a commercial cannabis business, including but not limited to commercial cannabis cultivation, in accordance with the terms and conditions of the lease for the Property executed by and between myself, as Lessor, and the Lessee (the "Lease").

I can be reached at the contact information below further verification be deemed necessary.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.



Anand Rajendraiah

489 Forestridge Drive
Coppell, TX 75019
(916) 201-6078

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

File No: _____
APN No: _____

STATE OF California)SS
COUNTY OF LAKE)

On May 6, 2021 before me, SHARON BASSHAM, Notary Public, personally appeared Anand Katendraiah

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (he/she/they) executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sharon Bassham



This area for official notarial seal.

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- INDIVIDUAL
- CORPORATE OFFICER(S) TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT II

CITY OF CLEARLAKE REGULATORY COMPLIANCE REVIEW

City of Clearlake Regulatory Compliance Review
Clearlake Harvest Company

Applicant has provided answers to the City of Clearlake Regulatory Compliance Review as listed in the Cannabis Business Application.

- a. **Management and onsite community relations contacts:** Applicants shall provide the Community Development Department, Fire Department, and Police Department with full contact information for the Person or Persons having management and/or supervision of the cannabis business as well as an onsite community relations contact. Subsequently Cannabis Operators shall provide prompt written notice to the Planning Department, Fire Department, and Police Department of any changes to such contact information.

Applicant Comment:

The principals of Clearlake Ventures are
Kris Gretsinger: 510-381-8199, Onsite Community Relations Contact
Anand Rajendraiah: 616-634-2617
Erin McCarrick: 707-350-5052

Applicant will also provide an updated information/contact sheet to the Community Development Department, Fire Department, and Police Department within 30 days of change.

- b. **Security cameras.** Security surveillance cameras shall be installed to provide coverage on a twenty-four (24) hour basis of all areas where Cannabis is cultivated, weighed, manufactured, packaged, stored and dispensed in a manner that provides clear and certain identification of individuals. Cameras shall remain in active, operable condition and capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.

Applicant Comment:

See “Security and Lighting Plan” in applicant’s Operations Plan addressing the requirements of the City of Clearlake and the State of California.

As required by the State of CA, the security camera system will provide twenty-four-hour coverage, maintained for ninety (90) days.

c. **Alarm system.** A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall be installed in accordance with Article 5-13 of the Code and shall include sensors to detect entry and exit from all secure areas and windows. Cannabis Operators shall keep the name and contact information of the alarm system installation company as part of the business’s onsite books and records.

Applicant Comment:

See “Security and Lighting Plan” in applicant’s Operations Plan addressing the requirements of the City of Clearlake and the State of California.

Applicant will engage the services of a third-party security company to install, maintain, and monitor an alarm system that is activated at all times when the business is closed. The system will detect unauthorized entrance at all entry or exit points, and all exterior windows of the premises. It will also detect movement in the licensed premise when the premises is vacant of employees. This system will adhere to the requirements of Clearlake Municipal Code, Ch. V, Art. 5-13, Alarm Systems.

d. **Limited Access Area:** A cannabis business shall establish limited access areas accessible only to authorized personnel and enforcement.

Applicant Comment:

Applicant will clearly label Limited Access Areas on site and protect with limited access protocols such as keypad entry and all employees’ badges, draft and implement standard operating procedures for entry and exit and establish Limited Access Area is identified in the Security Plan.

e. **Storage:** All cannabis on the Permitted Premises shall be stored and secured in a store room, safe, or vault in a manner that prevents diversion, theft, and loss.

Applicant Comment:

All cannabis will be stored in locked and secure locations. Protocols will be put in place to ensure a checklist of putting away cannabis products and securing the location before the close of business each day.

Cannabis and cannabis products will be in the view of and monitored by the security cameras on premises.

- f. **Transportation:** Each cannabis business shall provide as a part of its security plan a description of its procedures for transportation delivery, and safely and securely transporting Cannabis Products and currency in accordance with state law.

Applicant Comment: Transportation of cannabis and cannabis products will be conducted by a Type II licensed cannabis distributor.

- g. **Locks:** All points of ingress and egress to a cannabis business shall ensure the use of commercial-grade, nonresidential door locks and window locks.

Applicant Comment:

Applicant will ensure all doors of the premises include commercial-grade door locks and that each interior and exterior door of the facility maintains an appropriate level of access control relative to the hierarchy of risk and access restrictions relative to each area of the facility.

- h. **Odor control:** All cannabis businesses in the City shall be required to incorporate and maintain adequate odor control measures incorporated and maintained such that the odors of cannabis cannot be readily detected from outside of the structure in which the Permitted Premises is located. The Cannabis Operator shall be solely responsible for taking any and all appropriate measures to meet this standard and to install, operate and maintain appropriate odor mitigation measures consistent with the manufacturer's specifications and requirements.

Applicant Comment:

See Odor Control Plan in Operating Plan.

- i. **Lighting.** Exterior lighting shall be provided for security purposes in a manner that shall be sufficient to provide illumination and clear visibility to all outdoor areas, including all points of ingress and egress, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood, and in compliance with all illumination standards adopted by the City on a City-wide basis.

Applicant Comment:

See "Security and Lighting Plan" in applicant's Operations Plan addressing all the requirements of the City of Clearlake and the State of California. All lights will comply with the City of Clearlake codes and regulations.

- j. Manufacturing – n/a
- k. Manufacturing – n/a
- l. Manufacturing – n/a
- m. Manufacturing – n/a
- n. Manufacturing – n/a
- o. Manufacturing – n/a

p. Storage:

Applicant Comment:
See Item “h” in this document.

q. Odor Control:

Applicant Comment:
See Item “h” in this document.

r. Trash Recycling: Provide details of a trash recycling enclosure

Applicant Comment:
See Waste Management Plan.
Applicant serviced by Lake County Waste Solutions for trash and recycling.

s. Signage: Other than address signs, no exterior signs would be used for the operation.

Applicant Comment:
Applicant will not display exterior signs.

t. Fencing, landscaping, and/or walls: Provide details of fencing, landscaping, and/or walls.

Applicant Comment:
See Security and Operations Plans.

u. Off-Street Parking: Provide details of off-street parking and access, including calculation of required parking in accordance with the Zoning Code.

Applicant Comment: See Parking Plan in Operations Plan.

v. Storage: Provide details for any outdoor storage.

Applicant Comment: See Item “e” in this document.

Additionally, any additional storage will be met via small storage sheds. Inventory will be given upon request to the Planning Department, Fire Department, and Police Department.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT III

SECURITY PLAN

SECURITY PLAN

Clearlake Harvest Company (CHC) understands the need to provide safety and security to all their employees. CHC intends to comply with all security requirement outlined in the Bureau of Cannabis Control regulations. CHC will also work to build trust and partnerships with all local law enforcement and City of Clearlake officials.

Applicant has previously engaged in conversation and collaboration with the City of Clearlake Police Department and Chief White to ensure cannabis facilities follow regulations and communication with the police department.

CHC commits to providing any necessary information to the City of Clearlake and the City of Clearlake Police Department as needed and whenever information changes. Currently, the Onsite Community Relations Contact is: Kris Gretsinger: 510-381-8199, Onsite Community Relations Contact.

This security plan addresses the inherent risks in cannabis operations, addresses them, finds solutions, provides lighting and camera information, and commits to adhere to the regulations set by the State of California.

Security Plan Contents:

- 1. Interior Site Construction Elements
- 2. Exterior Doors and Windows
- 3. Intrusion Detection System
- 4. Video Management System
- 5. Electronic Access Control System
- 6. Interior and Exterior Lighting
- 7. Employee Safety Elements
- 8. Cash Handling & Safe
- 9. Product Tracking
- 10. Fencing
- 11. State Regulations

1. Interior Site Construction Elements

Clearlake Harvest Company (CHC) will take the following measures to ensure cannabis products are locked and secured inside the premises, that only authorized employees can have access to limited access areas, and developments are up to code.

- Obtain clearance from the City of Clearlake Planning Department, Police Department and Lake County Fire before construction or alteration of existing/new buildings.
- Ensure Processing activities are secure
 - Create a locked and secure drying room
 - Store finished processed cannabis in locked and monitored building

2. Exterior Doors and Windows

- CHC is working with AES Lake County to install a sensor alarm system at all the exterior doors and windows.
- Keypad entry each door.
- Security camera at front door.
- Controlled automatic entry of roll-top door entrance.
- Adherence with all city, county, and state regulations and guidelines for security, lighting, parking, and storage. There will be no outside storage

3. Intrusion Detection System

- CHC is working with local security companies to install a sensor alarm system for any fully enclosed space.
- Authorized employees will undergo training through CHC and chosen security company to follow protocol if an intrusion occurs.

4. Video Management System

- Video management will be performed by a third party vendor for fully enclosed locations. Per CDFA regulations, there will be game cameras for cultivation while cannabis is present on the property.

- Initial Security Camera Placement below:

SECURITY – Camera Placement

- SITE 1**
Office Space
- SITE 2**
1600 sf Nursery
- SITE 3**
3000 SF Nursery
- SITE 4**
10,000 sf Cultivation
- SITE 5**
2500 sf Cultivation or processing building
- SITE 6**
2400 sf Processing
- SITE 7**
5,000 sf Cultivation area with Equity Partners



- Proposed Interior Camera Location: ●
- Proposed Exterior Camera Location: ●
- General Direction: ↗

5. Electronic Access Control System

- Keypad entry will be at all external doors and the internal door that leads into the fully enclosed cultivation and nursery areas.

6. Interior and Exterior Lighting

- CHC is working with local security companies to install a sensor lighting and ensure the building is up to code for all interior and exterior lighting.
- See diagram below for existing and proposed lighting.

SECURITY – Light Placement

- SITE 1**
Office Space
- SITE 2**
1600 sf Nursery
- SITE 3**
3000 SF Nursery
- SITE 4**
10,000 sf Cultivation
- SITE 5**
2500 sf Cultivation or processing building
- SITE 6**
2400 sf Processing
- SITE 7**
5,000 sf Cultivation area with Equity Partners



Proposed Exterior Sensor Light Location: ●

Proposed Exterior Continual Light Location: ●

7. Employee Safety Elements

- All full time employees will have a Live Scan security clearance through the City of Clearlake Police Department.
- All employees will have name badges
- Only certain employees will have access to the Limited Access Area, which will be accessible by keypad entry.
- All employees will receive training on all security and alarm systems
- All employees will risk mitigation training including the possibility of robbery, physical aggression, or vehicle break-ins.

8.Cash Handling & Safe

- When possible, all monetary transactions will be done digitally through a secure internet application focused on cannabis industry transactions.
- If the use of cash is needed, we will keep a safe onsite and secured to the property. All cash deposits will be deposited at the end of the day.

9.Product Tracking

- Adhere to State of California Track and Trace METRC program for all product. Have video in vehicles and on product storage.
- Daily inventory counts

10.Fencing

- We do not foresee needing any extra fencing unless further required by the City of Clearlake or the State of California.

11.State Regulations

§ 5044. Video Surveillance System.

- (a) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.
- (b)The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.
- (c) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection
- (d) of this section.
- (d) Areas that shall be recorded on the video surveillance system include the following:
 - (1) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises;
 - (2) Limited-access areas;
 - (3) Security rooms;
 - (4) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
 - (5) Entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points.

(e) Licensed retailers and licensed microbusinesses authorized to engage in retail sales shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. Bureau of Cannabis Control Order of Adoption - 40 of 138

(f) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

(g) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

(h) Surveillance recordings shall be kept for a minimum of 90 calendar days.

(i) Surveillance recordings are subject to inspection by the Bureau, and shall be kept in a manner that allows the Bureau to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the Bureau upon request within the time specified by the Bureau.

(j) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology.

(k) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

(l) If multiple licensed premises are contained within the same building, a single video surveillance system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each applicant or licensee shall disclose on their premises diagram where the surveillance recordings are stored.

(2) Each applicant or licensee shall include in their security operating procedures, submitted with the application pursuant to section 5002(c)(29)(D) of this division, an explanation of how the video surveillance system will be shared, including who is responsible for monitoring the video footage and storing any video recordings.

(3) All licensees shall have immediate access to the surveillance recordings to produce them pursuant to subsection

(i) of this section.

(4) All licensees shall be held responsible and subject to discipline for any violations of the video surveillance requirements. Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§ 5046. Locks. A licensee shall ensure that the limited-access areas described in section 5042 of this division can be securely locked using commercial-grade, nonresidential door locks. A licensee shall also use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises. Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§ 5047. Alarm System.

(a) A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

(b) A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

(c) Upon request, a licensee shall make available to the Bureau all information related to the alarm system, monitoring, and alarm activity.

(d) If multiple licensed premises are contained within the same building, a single alarm system covering the entire building may be used by all of the licensees under the following conditions:

(1) Each licensee shall include in their security operating procedures, submitted with the application pursuant to section 5002(c)(29)(D) of this division, an explanation of how the alarm system will be shared, including who is responsible for contracting with the alarm company.

(2) All licensees shall have access to and be able to provide the information under subsection (c) of this section.

(3) All licensees shall be held responsible and subject to discipline for any violations of the alarm system requirements. Authority: Section 26013, Business and Professions Code. Reference: Section 26070,

Clearlake Harvest Company, LLC
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ATTACHMENT IV

WASTE MANAGEMENT PLAN

CalCannabis Cultivation Licensing Waste Management Plan

- On-site composting of waste
- Waste hauled by local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency

Name of local agency:

Company name (if applicable):

Company business address:

Primary contact person's name:

Primary contact person's phone number:

- Self-haul to one or more of the following:
- a manned fully permitted solid-waste landfill or transformation facility
 - a manned fully permitted composting facility or manned composting operation
 - a manned fully permitted in-vessel digestion facility or manned in-vessel digestion operation
 - a manned fully permitted transfer/processing facility or manned transfer/processing operation
 - a manned fully permitted chip-and-grind operation or facility

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Waste Management Plan

Waste Management Methods

Self-haul to a manned fully permitted composting facility or manned composting operation

- Waste will be cut up and taken to the facility listed below.
- Any flowering cannabis or cannabis that may contain TCH will be mixed with a medium such as animal bedding or vinegar to render the product useless.

Quackenbush Mountain Resource

16520 Davis St, Clearlake, CA 95422

707- 995-0104

Monday – Saturday: 7:30am – 3pm

Sunday: Closed

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT V

PEST MANAGEMENT PLAN

CalCannabis Cultivation Licensing Pest Management Plan

Cultural Pest-Management Control Methods

- Engage with neighbors, the State of California, and Mendocino County Ag Department and Cannabis Program to stay up to date on any pesticide information.
- Cultivation area is enclosed in a greenhouse which prevents wildlife interference and reduces pests.
- Cultivation area will be graveled or have a smooth plywood ground cover to keep the area free of weeds and invasive species.
- Staggered planting to reduce plants in the same phase and attracting certain pests at the same time.

+

Biological Pest-Management Control Methods

- Determine if there are predatory insects on the cultivation site that will naturally take care of the pest.
- Introduce predatory insects if needed.
- Regularly trim plants of diseased leaves or plant parts.
- Maintain and encourage existing predatory insects such as the insidious flower bug.

Chemical Pest-Management Control Methods

- We will try to avoid this as much as possible.
 - Use bee friendly pesticides
 - All pesticide applications must fully comply with the California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations
- Chemical(s) to Be Applied at any Stage of Plant Growth**

+

Product Name	Active Ingredient(s)
Trifecta Crop Control	Thyme Oil 14%, Clove Oil 10%, Garlic Oil 9%, Peppermint Oil 4%, Corn Oil 3%, Geraniol 3%, Citric Acid 2%, Rosemary Oil 2%
Regalia CG	Extract of Reynoutria Sachalinensis

Attach additional sheets of paper as needed.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT VI

SWPPP

CLEARLAKE HARVEST COMPANY

STORM WATER POLLUTION PREVENTION PLAN

Prepared for

Commercial Cannabis Operations

Located at

**2250 Ogulin Canyon Rd
Clearlake, CA 95422**

1 INTRODUCTION

Clearlake Harvest Company (CHC) has developed this Storm Water Pollution Prevention Plan (SWPPP) for implementation during construction and operation of the above listed property. This project will involve minor grading, construction of hybrid greenhouses, construction of a processing building and slight modifications to existing structures.

1.1 OBJECTIVES

The objectives of this SWPPP are as follows: (1) identify and evaluate all pollutant sources associated with grading and construction activities that may affect the quality of storm water leaving the site; (2) identify potential non-storm water discharges; (3) identify and implement site-specific Best Management Practices (BMPs) in a timely fashion to reduce, eliminate, or prevent silt-laden stormwater associated with construction activities from leaving the site.

2 SITE DESCRIPTION

This site is located within the City of Clearlake at the above listed location. The climate in the vicinity of the sites is moderate and midrange, with mild, wet winters and warm, dry summers. The average rainfall is approximately 17 inches per year, as measured by the National Weather Service. On average, January is the wettest month.

2.1 CONSTRUCTION ACTIVITIES

The following activities are planned as part of this project:

- Site preparation/mobilization and demobilization
- Clearing and Grubbing
- Material demolition and stockpiling
- Material transportation and off-site disposal as required
- Protection and/or removal of all on-site utilities as specified in the project plans

3 BEST MANAGEMENT PRACTICES

3.1 SITE ESTIMATES

The potential grading zone is approximately 10,000 – 20,000 s.f.

3.2 POLLUTANT SOURCES

The Construction Storm Water General Permit (CSWGP) requires identification of all pollutant sources and material/sediment disturbing activities that may affect the quality of storm water leaving the site (including sediment). This section identifies the potential pollutant sources and describes the specific BMPs chosen to control the pollutant sources listed. Potential storm water pollutant sources from the site include the following:

- Storm water in contact with exposed soil or stockpiles
- Storm water with excessive sediment from wind or water eroded removal surfaces
- Personnel and equipment leaving the site
- Oils, grease and coolants from equipment
- Releases of gasoline/diesel fuel during refueling operations
- Vehicle maintenance and parking area
- Material stored in the equipment storage area

3.3 TOXIC MATERIALS

No toxic and/or hazardous materials are anticipated to be stored at the site. Fuel for heavy equipment will be brought on as needed and not to exceed 10 gallon containers. The fuel tank will remain on the service vehicle during fueling operations or in a secure location.

3.4 EROSION AND SEDIMENT CONTROL

This section describes the minimum Best Management Practices to be implemented to control erosion and sediment at the site.

3.4.1 General Practice

The greatest potential source for introducing sediment load into the storm water discharge at the site is soil or stockpiles exposed to wind or water erosion. BMPs to reduce this potential include:

- Staging and Loading/Unloading Area.
 - The trucks will enter the staging area will be free of debris as will the path. The truck drivers will follow a direct route to the loading/unloading area, load/unload the truck and continue to exit the site as needed.
- The use of silt fences along the site perimeter to protect offsite properties
- Spraying water on areas being graded, staging and loading area, and active areas of the stockpiles if stockpiling is needed.

Details of BMPs including implementation and maintenance are described below.

3.4.1.1 BMPs for Water Erosion

Silt fences, on an as-needed basis, will be installed to minimize sediment from storm water discharge from the site. Silt fences will be constructed of geotextile fabric shall be keyed into the ground and backfilled with gravel. Silt fences will be repaired or replaced when split, torn, slumping or weathered fabric is observed.

3.4.1.2 BMPs for Wind Erosion

Water will be sprayed to suppress dust, when needed, during the removal, treatment, placement, or movement of materials into stockpiles. On days of truck movement water will be supplied each day. Dust control measures will be recorded daily on the field log forms. Over-watering, which could result in excessive runoff will be avoided. While stockpiles are in place, wind erosion and dust generation will be controlled as needed through the use of a cover consisting of Visqueen™.

The removal areas, roadways and operation area will be watered as needed to control dust generation during the dry months. This practice will be continued during the wet season if long-range forecasts indicate extended periods of dry weather.

3.4.1.3 BMPs for Tracking Sediment

No truck will leave the job site when the job site is muddy. Trucks will be dry brushed when needed.

3.4.2 BMPs to Minimize Contact With Storm Water

3.4.2.1 Vehicles and Equipment

Obvious leaks observed coming from equipment will be reported to the CHC management personnel. Absorbent pads will be readily available in the spill kit located at the equipment staging area. On-site equipment will be inspected daily for leaking oil and fluids.

Minor repairs (<1 hour) will be conducted at the site. Major repairs (>1 hour) will be taken out of service and repaired off-site.

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Equipment fueling operations will be conducted on-site in the equipment staging area and closely monitored to reduce the potential for a spill. Fuel storage is described in Section 3.3.

To the extent possible, vehicle/equipment cleaning will not be performed on-site.

3.4.2.2 Construction Materials

A supply of materials for construction and maintenance of storm water controls will be delivered and stored at the project site. Materials will be replenished on an as needed basis to minimize the amount of material stored on-site. These materials, including silt fencing, berms, filter fabric, sand bags, lumber, and building materials will be staged in a designated area.

3.4.3 Waste Management and Disposal

BMPs employed to minimize exposure to storm water and wind erosion are described in Section 3.4.1.

Trash will be placed in an on-site receptacle, (such as dumpster or trash can) which will be routinely removed for off-site disposal. Miscellaneous trash and debris around the construction site will be cleared weekly.

During rain events, on-site waste receptacles will be covered.

3.4.4 Pre-construction Control Practices

Pre-construction BMPs will be employed during the site preparation phase to reduce sediment and other pollutants in storm water discharges. Pre-construction BMPs will include the following controls:

- Watering for dust control during site preparation operations will be employed to minimize dust generation.
- Equipment and vehicles entering and exiting the site will be inspected for sediment that may be tracked onto roadways. Observed sediment will be swept from the roadways and placed onsite.
- If needed, chain link fences with lockable gates that limit unauthorized access to the site will control access to the active areas during all phases of construction activities.

Additionally, “no trespassing” signs will be posted on the fences near access points to inform visitors that access is prohibited.

3.5 NON-STORM WATER MANAGEMENT

This SWPPP describes BMPs that reduce or eliminate pollutants in storm water leaving the site.

3.6 MAINTENANCE, INSPECTION, AND REPAIR OF STRUCTURAL CONTROLS

Throughout the active construction activities, daily inspections will be conducted to ensure that the BMPs are in place and are effective. Routine inspection and maintenance procedures will be conducted, and documented on a Construction Site Inspection Form, by a CHC representative to ensure the following:

- Erosion and excessive material/sediment displacement has not occurred.
- Erosion has not damaged silt fences or containment berm, or other equivalent containment devices.
- Erosion has not damaged open exposed removal surfaces.
- Sediment has not blocked silt fences or containment berm, or other equivalent containment devices.
- Surface water is not significantly ponding on the site.
- Site access is secure.
- Site entrance and exit routes are clean and free of sediment.
- BMPs are adequate and maintained to minimize/eliminate polluted storm water from leaving the site.

A log documenting the SWPPP measures inspected and implemented will be prepared when stormwater is encountered onsite. During periods of non-active construction, weekly inspections of the site will be

conducted and recorded. These records will be kept at the field office and will be provided if requested. Detailed inspections will be conducted prior to anticipated storm events of 0.25 inches or greater, and as soon as possible following significant storm events and every 24 hours during extended storm events. An extended storm event is any precipitation last more than 24 hours. Detailed inspections of the material/sediment stockpiles and site will ensure the integrity of stockpile covers, berms, silt fences, to verify that the site fencing is in place, that gates are locked, and that warning signs are visible. A sample Construction Site Inspection Form is included in Attachment 1. The inspection checklist can be modified, as needed to ensure effective implementation of the SWPPP.

In case of washouts, the washout materials will be collected and placed back onsite and the area will be covered appropriately. In cases where Visqueen™ or cover materials has visible rips longer than six inches and wider than ¼-inch will be sealed with membrane patches, covered with sand bags or replaced.

Additional materials and equipment to replace or repair structural controls will be stored in a designated material storage area.

3.7 SWPPP AMENDMENT PROCEDURE

Amendment of the SWPPP is required “whenever there is a change in construction or operations which may affect the discharge of pollutants to surface water, groundwater, or municipal separate storm sewer systems.” Additionally, if notified by the RWQCB to amend this SWPPP as a result of violation of the General Permit of insufficient reduction of sediment-laden storm water runoff leaving the site, CHC will make the necessary amendment within a timely manner.

All amendments to the SWPPP must be documented. An amendment form (Attachment 1) provides space to document the specific amendment, describe the purpose of the amendment, which was responsible for the amendment and their contact information. All amendments shall be dated and attached directly to the SWPPP.

3.8 SPILL PREVENTION AND CONTROL

CHC officers are trained to contain and control minor spills. A hazardous materials spill kit including a polyethylene overpack, clay absorbent, spill booms, absorbent pads and shovels will be kept readily available at the project site. Cleanup of minor spills will be initiated immediately following the occurrence of a spill event. Emergency contact numbers in the event of a spill are presented below:

COMPANY TELEPHONE CONTACT PERSON

Kris Gretsinger-510-381-8199

Erin McCarrick-707-350-5052

3.8.1 Minor Spills

The main goal of a minor spill kit at the site is to contain the spread of the spill. The following procedures will be implemented by on-site CHC personnel in the event of a minor spill:

- If the spill occurs on paved or impermeable surfaces, clean up using “dry” methods (i.e. absorbent pads, cat litter, and/or rags).
- If the spill occurs in dirt area, contain the spill by constructing an earthen dike, dig up the impacted soil and place in material stockpile for disposal.
- If the spill occurs during rain, cover the impacted area to avoid runoff.
- Record all steps taken to report and contain the spill.

3.8.2 Major spills

Major spills are not anticipated to occur at the site. However in the event of a major spill, CHC personnel will notify emergency response authorities of the incident. Emergency response telephone numbers are provided in the following table.

ORGANIZATION PHONE NUMBER

- National Response Center (800) 424-8802
- Office of Emergency Services (800) 852-7550
- United States Environmental Protection Agency-Region IX spill phone (415) 744-2000
- Hazardous Material Response 911
- Clearlake Police Department 911

ORGANIZATION PHONE NUMBER

Emergency Number = 911

For Non-Emergency Contacts at the site use the following information:

CalFire/Clearlake Fire Department: (707) 994-0733

Lake County Office of Environmental Health : (707) 263-1164

3.9 POST-CONSTRUCTION STORM WATER MANAGEMENT

Post-construction storm water control practices consistent with Conceptual Storm Water Pollution Prevention Plan for the site will be initiated by CHC and owners of the land.

3.10 EMPLOYEE TRAINING

SWPPP training, provided to employee and contractor personnel, is conducted prior to the personnel commencing the site work or whenever the plan is significantly revised. This training provides an overview of the SWPPP and includes detailed discussions of (1) the potential sources of storm water pollution at the site; (2) the management practices employed to reduce pollutants in storm water; and (3) storm water inspection requirements.

SWPPP training is provided to all site personnel who are responsible for implementing this plan and conducting storm water inspections. Training is commensurate with job responsibilities and includes informal and formal training, as necessary. All training, field-related and administrative, will be documented.

3.11

3.12 MONITORING

3.12.1 General Plan Summary

CHC will maintain daily on-site presence during active construction activities to ensure compliance with this SWPPP. Compliance with the SWPPP will include implementing the BMPs, visual inspections,

3.12.2 Site Inspections

Daily inspection documenting that the SWPPP measures have been inspected and implemented will be prepared as needed. The following areas will be inspected: material/sediment stockpiles, site entrance/exit points for sediment tracking, erosion and sediment BMPs, and site access controls. Detailed inspections of

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material/sediment stockpiles and the site will ensure the integrity of stockpile covers, berms, silt fences, to verify that the site fencing is in place, that gates are locked and warning signs are visible. Copies of the inspection forms are presented in Attachment B-1.

**ATTACHMENT 1
SWPPP FORMS
STORM WATER POLLUTION PREVENTION PLAN AMENDMENTS**

Amendment 1

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

Amendment 2

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

Amendment 3

Date: _____ Revised By: _____

Sections(s) Revised: _____

Purpose of Revision: _____

Contact Info of Revisor: _____

CONSTRUCTION SITE INSPECTION FORM

Inspected by: Project:

Date: Address:

Inspection: Dry Weather

Before Storm Event

After Storm Event

Extended Storm Period – Once each 24 hrs.

Weather Information (Best guess estimate)

(a). Beginning of storm event:

(b). Duration of event:

(c). Time elapsed since last storm:

(d). Approximate amount of rainfall:

Description of storm water characteristics (color, smell, visible debris, etc.):

ACTIONS RECOMMENDED OR REQUIRED, IF APPLICABLE.

Corrective Maintenance Required? Yes No

Summary (Identify inadequate BMPs and related repair(s)/corrective action(s) recommended, if applicable):

Date Corrective Maintenance Completed?

Are any changes to SWPPP necessary? Yes No

If Yes: SWPPP Amendment Number:

Date Amended:

Inspector's Signature Title

CONSTRUCTION SITE INSPECTION FORM

Identify any critical areas, inadequate BMPs, required repairs, etc. on attached figures.

EROSION AND SEDIMENT CONTROLS YES NO COMMENTS N/A

Are the control measures called for on grading and erosion control plans installed on the site in the proper locations?

Are all on-site operational storm drain inlets protected from sediment inflow?

Are sediment control measures (traps, filters, barriers, etc.) being maintained effectively?

Are temporary soil stockpiles covered to prevent erosion?

Are stockpiles of other granular materials covered, contained or bermed to prevent erosion?

Is there any evidence of erosion (rills, gullies, etc.) on cut or fill slopes or at the outlets of drains or swales?

Is there any evidence of sediment or sediment-laden runoff leaving the site?

Is there evidence of dewatering effluent leaving the site (other than permitted discharges)?

Is there any evidence of sediment, debris or mud deposits on public roads or rights-of-way near the site access points?

Are there any areas of bare, unprotected soil that require stabilization to prevent erosion?

Do any seeded or landscaped areas require maintenance, irrigation or fertilization to provide more effective cover?

CONSTRUCTION SITE INSPECTION FORM

CHEMICAL AND WASTE CONTROLS YES NO COMMENTS N/A

Are chemicals (paints, fuels, concrete mix, fertilizers, etc.) being stored properly and prevented from contacting storm water?

Are waste products (building materials, wood, sheet metal, broken concrete or paving, paints, etc.) being disposed of properly or recycled?

Are storm drain inlets in the vicinity of the site protected from inflow during saw cutting, sealing and paving, and building washing operations? Is all heavy equipment parked in a designated area, well away from storm drain inlets?

If equipment must be repaired or maintained on site, are drip pans, absorbent pads, berms, or other methods used to prevent contamination of soil or runoff?

Are spill cleanup materials stockpiled close to hazardous material storage areas?

Are spills being cleaned up properly and promptly (using dry cleaning methods, as appropriate)?

Are there adequate trash receptacles for containing solid wastes generated on site, and are they covered during the rainy season?

Are toxic materials being stored on site? If yes, are all materials properly listed in SWPPP Appendix?

Is there any evidence of chemical spills or leaks (stains, sludge, etc.) on site?

Is there any evidence of chemicals, contaminated runoff, litter, or blowing debris or dust leaving the site?

CONSTRUCTION SITE INSPECTION FORM

CHEMICAL AND WASTE CONTROLS YES NO COMMENTS N/A

Is there any evidence of chemical wastes, slurries, wash waters, vehicles, fluids, or other discharges entering storm drain inlets?

Is there any evidence of lawn clippings, pruning waste or yard waste being disposed of in the street, gutters or storm drain inlets?

OTHER COMMENTS:

I hereby certify that the (equipment) (material) (article) shown and marked in this submittal is that proposed to be incorporated into Specification Number 1926A, is in compliance with the Contract drawings and specifications, can be installed in the allocated spaces, and is submitted for District (record/approval)

Certified by: _____

Date: _____

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT VII

CITY OF CLEARLAKE APPLICATION

Clearlake Harvest Company, LLC
2250 Ogulin Canyon Rd
Clearlake CA 95422

ATTACHMENT VII

CITY OF CLEARLAKE APPLICATION

City of Clearlake



14050 Olympic Dr.

Clearlake, CA 95422

Application# CB- [redacted]

707-994-8201

www.clearlake.ca.us

CANNABIS BUSINESS APPLICATION For Use Permit and Regulatory Permit

(Please print clearly and fill in/provide all that apply)

- Type of Commercial Cannabis Use:**
- Commercial Cannabis Cultivation
 - Cannabis Manufacture
 - Cannabis Distributor
 - Cannabis Testing Laboratory
 - Cannabis Nursery
 - Cannabis Processor

REQUIRED FOR A COMPLETE APPLICATION

- Completed and signed Application Forms
- Additional Documentation
- Initial Application Fee Paid: (\$**TBD**)

Applicant's full name: Clearlake Harvest Company, LLC (Kris Gretsinger)

Applicant's mailing address: PO Box 2116 Clearlake, CA 95422

Applicant's phone number: 510-381-8199 Email: info@chcfarms.com

Applicant's physical home address: 2250 Ogulin Rd Canyon Clearlake, CA 95422

Applicant's tax ID number: 86-3836659

Management/ Community Relations Contact(s) Kris Gretsinger

Applicant's Height: 5'9 Weight: 100 Hair color: Brown Eye color: Brown

Address of proposed business: 2250 Ogulin Canyon Rd, Clearlake, CA 95422

Square footage of proposed building: See attached

Describe the site plan and floor plan (attach additional page if necessary): See attached

Number of Managers/Supervisors: 3 Number of employees: None at the moment. Potential for 20

Names and addresses of anyone who will act as an owner, manager or supervisor of the facility (attach additional page if necessary): See Operations Plan

Describe proposed business and operations (attach additional page if necessary): See Operations Plan

Anticipated gross annual revenues: See Operations Plan

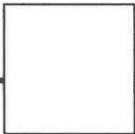
DOCUMENTS TO SUBMIT

Please provide additional information as required in Section 18-12.050, 18-12.060, and Section 5-25 including but not limited to the following:

- { X } 1. Two passport quality, current photographs of the applicant.
- { X } 2. Copy of birth certificate, passport, or valid California Driver's License (not to include an AB60 federally restricted license).
- { X } 3. Sign off by Lake County Fire Protection District permitting the use. Reached out to Fire Marshall Cory Smith and are in communication with the Fire Department.
- { X } 4. The applicant must complete a criminal history check for the State of California and F.B.I. which is approved by the Chief of Police or his designee.

- { X } 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale. See attached.
- { X } 6. A site plan drawing depicting the facility and all properties within 600 feet.
- { X } 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.
- { X } 8. A detailed security plan.
- { X } 9. An odor control plan.
- { X } 10. A detailed business plan.
- { X } 11. Previous addresses for the past five years.
- { X } 12. Property ownership and lease details.

AGREEMENT



APPLICANT'S SIGNATURE (Attach Notarized documents)

I hereby certify that I will abide by the City of Clearlake's Commercial Cannabis Ordinance No. 200-2017 and this agreement and that the information provided in this application is, to my knowledge, true and correct. I hereby authorize City staff, including the police department, authority to conduct a criminal background check pursuant to California Penal Code Section 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the FBI every person listed as an owner manager or supervisor of the marijuana business must submit fingerprints and other information deemed necessary by the City Manager or his designee for a background check by the Clearlake Police Department. I understand that any material misrepresentation may result in either denial or revocation of dispensary permit.

Applicant's Signature:

Date:

5/13/21

FOR OFFICE USE ONLY

APPROVED BY: _____

DATE: _____

Credit Card Debit Card Money Order Cash Check # _____

Water Availability Report

2250 Ogulin Canyon

Clearlake, CA 95422

APN: 010-044-19

July 2021

Background:

In consideration of the drought facing the State of California, it is important and necessary to evaluate the available water to all projects coming before the City of Clearlake.

Therefore, Clearlake Harvest Company is happy to provide an estimate of the water usage required for the commercial cannabis operation and the available water for said operation.

This summary report estimates the water usage for this project, the well capability, and the water usage of this project compared to other crops. This report uses well reports and availability pertinent to this property and relevant information from government agencies, academia to inform the conclusion of available water for the proposed commercial cannabis operation.

Clearlake Harvest Company has also hired a hydrologist from Chico Environmental to come out to the property the last week of July to do a formal report.

Please do not hesitate to reach out with any questions or concerns.

Sincerely



Kris Gretsinger

Clearlake Harvest Company

info@chcfarms.com

707-292-6781

Property:

2250 Ogulin Canyon
 Clearlake, CA 95422
 APN: 010-044-19

Proposed Operation:

- 17,500 square feet of Mixed Light Indoor in greenhouses
 - Most cultivation will not happen until 2022
- 6,000 square feet of processing
- 2,400 square feet of nursery

Proposed water usage:

- 17,500 square feet of Cultivation
 - 26 gallons/sf/year totaling 455,000 gallons/year
 - This estimate is based on the experience of the cultivators working with CHC. In the farms they have worked on in the past, they employ water conservation techniques such as:
 - Dry farming
 - Targeted drip and/or emitter irrigation
 - Watering during cool hours of the day
 - Timed water storage and usage
 - The goal of CHC is to use existing water conservation techniques, embrace new technology, and closely monitor water use to reduce the estimated water usage to 20-24 gallons/sf/year.
- 6,000 square feet of Processing
 - According to the US Energy Information Administration, a warehouse and storage building uses 4 gallons/square foot/year¹. In the processing building, this equates to 24,000 gallons/year.
- 2,400 square foot Nursery
 - There is only about 1800 square feet of area where immature plants will be that will need water.
 - As these plants are smaller and do not go through a full growing cycle, they will only use about 18 gallons/sf/year.
 - For an operation of 1800 square feet, this is 32,400 gallons per year
- Total Estimated Water Usage:
 - The total estimated water usage for this proposed operation is 511,400 gallons for the calendar year.

¹ <https://www.eia.gov/consumption/commercial/reports/2012/water/>

Water Supply and availability:

- There is an existing well onsite for domestic, commercial, and agricultural use.
- It operates at 30 gallons/minute. See included Well Completion Report
- A Well Performance Report was completed on 3/31/21 and showed sufficient recovery. See included Well Performance Report

Comparison to previous use:

- The previous use of the property was for scenic purposes. The lawn was kept green and at one point there was a pool where the proposed processing building would be.
- The Site Green Acre Lawn Care estimates the gallons used to water a 10,000 square foot lawn to be 6,000 gallons of water per week². This is 312,000 for 10,000 square feet and an average of 31 gallons/square foot.
- The water use of Clearlake Harvest Company is estimated to be less than that of watering a lawn.

Comparison to other Crops:

- The Press Democrat took a look at cannabis compared to other crops. The article noted that the average California Crop use = 2.97 acre feet/acre/year.³
- One acre foot = 326,000 gallons so the average California crop is using 968,220 gallons/year/acre.

Water Tracking:

- Clearlake Harvest Company has a well meter and a sonar on order from Cramer Industries. Water to all buildings or operations on site will be tracked and monitored.

Water Conservation:

- Utilize water storage to reduce water use during summer season.
- Stager growing season through indoor/mixed light greenhouses to reduce water use during summer season.
- CHC intends to have a portion of the plants in the ground which mimics outdoor growing and facilitate the need for less water as the roots can find the water they need (Dry farming).
- Targeted drip and/or emitter irrigation
- Watering during cool hours of the day.
- Utilizing advanced greenhouse technology to maintain climate and potentially recapture water/condensation for reuse.
- Abide by general water saving tips and techniques.⁴

Other References:

Washington Post: <https://www.washingtonpost.com/news/wonk/wp/2015/06/26/forget-almonds-look-at-how-much-water-californias-pot-growers-use/>

The Daily Californian: <https://www.dailycal.org/2021/07/14/uc-berkeley-study-finds-marijuana-farms-require-less-water-than-previously-assumed/>

Journal of Environmental Management: <https://www.sciencedirect.com/science/article/pii/S0301479720308847>

CA Water Board: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html

² <https://www.greenacelawnca.com/resources/best-practices-watering-lawn/>

³ <https://www.pressdemocrat.com/article/specialsections/these-are-the-california-crops-that-use-the-most-water/>

⁴ <https://water.ca.gov/water-basics/conservation-tips>

QUADRUPPLICATE
For Local Requirements

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet
No. **1096367**

010-044-14V
DWR USE ONLY - DO NOT FILL IN
STATE WELL NO./STATE ON NO.
LATITUDE
LONGITUDE
APR 28 2006

Page ___ of ___
Owner's Well No. _____
Date Work Began _____, Ended _____
Local Permit Agency _____
Permit No. _____ Permit Date _____

ORIENTATION (±)		GEOLOGIC LOG		WELL OWNER	
VERTICAL _____ HORIZONTAL _____		ANGLE _____ (SPECIFY)		Name _____	
DEPTH FROM SURFACE		DESCRIPTION		Mailing Address _____	
ft.	in.	Describe material, grain size, color, etc.		CITY _____ STATE _____ ZIP _____	
		<p style="text-align: center;">RECEIVED JUN 29 2006 Environmental Health</p>		Address _____	
				City _____	
				County _____	
				APN Block _____ Page _____ Parcel _____	
				Township _____ Range _____ Section _____	
				Lat _____ Long _____	
				<p style="text-align: center;">LOCATION SKETCH</p>	
				<p>ACTIVITY (±)</p> <input type="checkbox"/> NEW WELL <input type="checkbox"/> MODIFICATION/REPAIR Deepen _____ Other (Specify) _____	
				<p>USES (±)</p> <input type="checkbox"/> WATER SUPPLY Domestic _____ Industrial _____ <input type="checkbox"/> IRRIGATION <input type="checkbox"/> MINING <input type="checkbox"/> TEST WELL <input type="checkbox"/> CATHODIC PROTECTION <input type="checkbox"/> HEAT EXCHANGE <input type="checkbox"/> DIRECT FLOW <input type="checkbox"/> IRRIGATION <input type="checkbox"/> LIQUID EXTRACTION <input type="checkbox"/> SPARGING <input type="checkbox"/> REMEDIATION OTHER (SPECIFY) _____	
				<p>DESTROY / Dispose Procedures and Materials Under GEOLOGIC LOGS</p>	
		<p>WATER LEVEL & YIELD OF COMPLETED WELL</p> DEPTH TO FIRST WATER _____ (ft.) BELOW SURFACE DEPTH OF STATIC WATER LEVEL _____ (ft.) & DATE MEASURED _____ ESTIMATED YIELD _____ (GPM) & TEST TYPE _____ TEST LENGTH _____ (hr.) TOTAL DRAWDOWN _____ (ft.) * May not be representative of a well's long term yield.			
TOTAL DEPTH OF BOREING _____ (Feet)					
TOTAL DEPTH OF COMPLETED WELL _____ (Feet)					

DEPTH FROM SURFACE		BORE-HOLE DIA (Inches)	CASING (S)				ANNULAR MATERIAL			
ft.	in.		MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	DEPTH FROM SURFACE	CEMENT (±)	SPALL (±)	FILTER PACK (TYPE/SIZE)

- ATTACHMENTS (±)**
- Geologic Log
 - Well Construction Diagram
 - Geophysical Logs
 - Soil/Water Chemical Analyses
 - Other _____
- ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME _____
(PERSON, FIRM, OR CORPORATION) (PRINT OR TYPE)

ADDRESS _____
CITY STATE ZIP

Signed _____
CERTIFIED WATER WELL CONTRACTOR DATE SIGNED



LIC#984176

Well Test

Job Name:	Erin McCarrick	Well Diameter:	4.5" PVC
Location:	2250 Ogulin Canyon Rd	Static Water Level:	113.5"
Operator:	RH Hess	Well Depth:	200"
Original Meter Reading:	6468	Pump Setting:	N/A
Final Meter Reading:	8436	Pump:	2 HP sub
Total gallons pumped:	1968	Pump running upon arrival?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X

Date	Time	GPM	Pumping Level	Color	Comments
3/31/21	12:00	23	133.5'	Clear	
	12:01	23	136.4'	Clear	
	12:02	22.5	143.6'	Clear	
	12:04	22	143.2'	Clear	
	12:05	22	143.2'	Clear	
	12:06	22	143.2'	Clear	
	12:07	22	143.2'	Clear	
	12:08	22	143.2'	Clear	
	12:09	22	143.2'	Clear	
	12:10	22	143.2'	Clear	
	12:12	22	143.2'	Clear	
	12:20	22	143.2'	Clear	
	12:30	22	143.2'	Clear	
	12:40	22	143.2'	Clear	
	12:50	22	143.2'	Clear	
	13:00	22	143.2'	Clear	
	13:10	22	143.2'	Clear	
	13:20	22	143.2'	Clear	
Stop	13:30	22	143.2'	Clear	
	13:31	Start recovery	139.6'		
	13:32		136'		
	13:33		128'		
	13:34		123.6'		
	13:35		121'		

System Equipment Evaluation

Equipment: Functional Deficient Not Observ

Well Pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Tank(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drop pipe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storage Tank(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Booster Pump:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pump House	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Control Box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Well Seal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well Casing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Switch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Gauge:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 Phase L-1 L-2 L-3
 1 Phase 2 Wire L-1 L-2
 HP: 2 1 Phase 3 Wire R 2.6 Y 11.7 B 10.6 Model #: N/A

Volts: R-242.5 Ohms: 2.9 7.0 Service Amps: 60

Size: Bladder Galv Air Charge: Model #: H2P120 Date Code: 2/10/16

Size: 1 1/4 Type: Poly

Size: Brand: Diameter:

HP: Volts: Amps: Start Up: Model #:

Location on property: Right side of driveway (4x8)

Volts: 230 HP: 2 Overload/Heater Setting:

List:

Size: 4.5 Steel PVC

Size: 4.5 Steel PVC

Size: 1 1/4 Insulated? Yes No

Size: M1 Setting: 40/60

Model: 100 psi gauge

Additional notes or recommendations:



Cramer Enterprises

LIC#984176

Section J, Item 12.



Cramer Enterprises
 977 20th st.
 Lakeport, CA 95453 US
 (707) 349-8575
 eric.cramer@yahoo.com
 www.cramerent.com

Estimate 2293

ADDRESS Erin McCarrick P.O. Box 2116 Clearlake, CA 95422 USA	SHIP TO Erin McCarrick 2250 Ogulin Canyon Rd Clearlake, CA 95422 USA	DATE 05/06/2021	TOTAL \$2,153.56
--	--	---------------------------	----------------------------

DESCRIPTION	QTY	RATE	AMOUNT
labor to install a flow meter in gallons and a static water level meter.	1	550.00	550.00
1 Badger meter gallon flow meter	1	440.26	440.26T
1 x 2 ford brass meter coupler	2	44.64	89.28T
Dipper well sounder 200' Water Level Meter	1	890.00	890.00T
Misc. Material	1	55.00	55.00T
Amps _____, Ohms _____, HP _____, Volts _____, Air Charge _____, Pressure Setting _____		SUBTOTAL	2,024.54
		TAX	129.02

Late Fee of 1.5% per month will be charged on any invoice over 30 days

TOTAL \$2,153.56

THANK YOU.

Accepted By

Accepted Date

CSLB # 984176



REPORT OF FINDINGS - HYDROLOGY ANALYSIS

Site Information:

2250 Ogulin Canyon
Clearlake, CA 95422
APNs: 010-044-19

Prepared for:

Clearlake Harvest Company

Prepared by:

Chico Environmental Science & Planning
333 Main Street, Suite 260
Chico, CA 95928
(530) 899-2900

Prepared: August 4, 2021



1.0 INTRODUCTION

Chico Environmental prepared this Report of Findings to determine groundwater availability at 2250 Ogulin Canyon in Clearlake, CA (“subject property” or “site”). The approximately 12.95-acre site is situated in Burns Valley Groundwater Basin, a rural portion of southeastern Lake County, California (**Figure 1**). One 200 feet below ground surface (bgs), 4 ½ inch casing diameter domestic groundwater well is located on APN 010-044-19. The well was installed on December 12, 2005. A well test and system equipment evaluation were conducted on March 31, 2021. The purpose of this investigation is to determine if the aquifer has sufficient quantity to support outdoor cannabis cultivation for 17,500 square-feet of the 12.95-acre property.

2.0 BACKGROUND

Chico Environmental conducted a site visit to the site on July 28, 2021 (**Appendix A**). Chico Environmental reviewed Well Completion Reports within Lake County from DWR (**Appendix B**). Chico Environmental also reviewed Lake County groundwater ordinances, the California State Sustainable Groundwater Management Act (SGMA), geology maps (**Figure 2**), topography maps (**Figure 3**) and groundwater well locations (**Figure 4**).

3.0 GEOLOGY

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

The geologic evolution of the Coast Ranges includes underwater deposition, mountain building episodes, volcanism, and regional faulting. The Franciscan Formation was originally deposited 125 million years ago at the edge of the Pacific Ocean, and the fluctuating sea levels caused alternating deposition of shale and sandstone. After the formation was deposited, it was uplifted and squeezed by movement of tectonic plates, forming the majority of the Coast Ranges as we see it today. The Franciscan Formation forms the bedrock in the mountains and under other valley formations.

Faulting occurred in Mendocino County, lowering an area in the Coast Ranges. This area became filled with gravels and sands from creeks in the mountains and became the Cache Formation. Toward the end of the Cache Formation’s deposition, faulting created a depression that combined with lava flows created the basin that contains Clear Lake. Volcanic activity occurred intermittently through the Pleistocene with the extrusion of a number of separate lava flows, beginning the deposition of the Clear Lake Pleistocene Volcanics,



including Mount Konocti and the surrounding area. Other depressions and valleys in the Coast Ranges began to be filled with sands, silts and gravels carried by streams, resulting in the deposition of alluvial basins.

The Burns Valley Basin is in the southeastern portion of Lake County and is the Shoreline Inventory Unit. It is bordered by the Franciscan Formation to the north, Clear Lake to the west and the Cache Formation to the south and east. There are three water-bearing formations in the Burns Valley Basin, including Quaternary Alluvium, Quaternary Terrace Deposits and Lower Lake Formation. Quaternary alluvium occurs in the valley lowlands and consist of silt, sand and gravel. This layer is thickest in the southern portion of the basin at approximately 50 feet. Groundwater from this layer is used for domestic use and is unconfined.

Quaternary Terrace Deposits occur on the sides of the alluvial plain at approximately 15 feet above the valley floor. Further research is necessary to qualify groundwater in this formation. The Lower Lake Formation consists of lake deposits underlying the alluvial and terrace deposits. It mainly consists of fine sands, silts and thick interbeds of marl and limestone. The maximum thickness is 200 feet and has low permeability. Groundwater from this layer can be pumped at a few hundred gallons per minute.

4.0 Hydrology

The average annual precipitation ranges from 25 inches to 35 inches per year and the average annual air temperature ranges between 55 to 59 °F in the project area. Surface water is limited to ephemeral drainages within the project area.

Groundwater Hydrogeology

Groundwater typically fluctuates between 2-10 feet below ground surface (bgs) from spring to fall. The DWR estimates the usable storage capacity to be 4,000 acre-feet (DWR 1960). Agricultural demand is typically around 14 acre-feet per year. As of 2006, there were 86 domestic wells and 13 irrigation wells in the Burn Valley Basin, with half of the domestic wells measuring less than 75 feet bgs and half of the irrigation wells measuring less than 250 feet bgs.

Groundwater Wells

As of March 2006, there are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately half of these domestic wells are shallower than 75 feet deep, and approximately half of the irrigation wells are shallower than 250 feet deep.

On December 11, 2005 a domestic well was completed at the subject site. The 200 feet bgs well was drilled with first water encountered at 120 feet bgs and a completed static water level of 125 feet bgs. The estimated yield for the well was 30 gallons per minute.

A well performance report from March 2021 shows the static water level of the well is 113.5 feet bgs. After pumping at a rate of 23 gallons per minute for 1.5 hours, the pumping level decreased from 133.5 feet bgs to 143.2 feet bgs. The well returned to 121 feet bgs after 5 minutes of recovery.



5.0 FINDINGS

2250 Ogulin Canyon has approximately 12.95 acres of surface land that is located over loosely consolidated gravel deposits in the Burns Valley (Figure 3).

The 2019 SGMA report rates Burns Valley as a Very Low Priority groundwater basin. Current groundwater data suggests that the Burns Valley Groundwater Basin fully recharges annually.

Section 28.1 of the Lake County, California – Code of Ordinances - Regulation of the Extraction and Exportation of Groundwater from Lake County. Section 1.11 States:

“The County seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the County’s important groundwater resources that the County requires a Permit to extract or otherwise capture groundwater for any use outside the County. This chapter requires a Permit for the export and use of groundwater outside the County and is not intended to regulate groundwater in any other way.”

Groundwater pumped for irrigation on 2250 Ogulin Canyon will not be used for export out of the County.

The expected annual water use for the cannabis cultivation project would be 511,400 gallons per square foot (gsf) per year with usage including cultivation (455,000 gsf per year), processing (24,000 gsf), and a nursery (32,400 gsf per year). The well yields 30 gallons per minute (15,768,000 gallons per year) and is monitored by a flow through meter (**Appendix C**).

There are no additional impacts on the Burns Valley Basin from the project, nor impacts of water use for this project to the surrounding areas.

6.0 CONCLUSIONS AND RECOMMENDATIONS

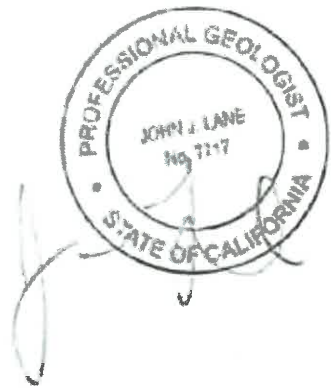
It is Chico Environmental’s opinion that the completed well is of sufficient yield to irrigate 17,500 square-feet of cannabis at 2250 Ogulin Canyon. Additionally, it appears that the overlying property possesses a sufficient quantity of groundwater for seasonal irrigation that would not adversely overdraft the Burns Valley Groundwater Basin, affect downgradient groundwater users or other well users in the vicinity.



7.0 QUALIFICATIONS AND SIGNATURE

I am a Professional Geologist with the State of California. Chico Environmental has performed this assessment under my supervision in accordance with generally accepted environmental practices and procedures, as of the date of this report. I have employed the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental professionals practicing in this area. The conclusions contained within this assessment are based upon site conditions readily observed or were reasonably ascertainable and present at the time of the site inspection.

The conclusions and recommendations stated in this report are based upon personal observations made by employees of Chico Environmental and upon information provided by others. I have no reason to suspect or believe that information provided is inaccurate.



John Lane, P.G. No. 7717
Chico Environmental Science & Planning
jlane@chicoenvironmental.com
(530) 899-2900



8.0 REFERENCES

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Camp Dresser and McKee, In Cooperation with the California Department of Water Resources, Northern District, Lake County Watershed Protection District Lake County Groundwater Management Plan March 31th, 2006.

Jennings, C.W., Strand, R.G., and Rogers, T.H., 1977, Geologic map of California: California Division of Mines and Geology, scale 1:750,000

Monitoring Plan Lake County, California by Lake County Watershed Protection District California Statewide Groundwater Elevation Monitoring System, March 20, 2012.

United States Geological Survey, 2018. Lower Lake Quadrangle, Calif., 1:24,000 Scale Topographic Map.



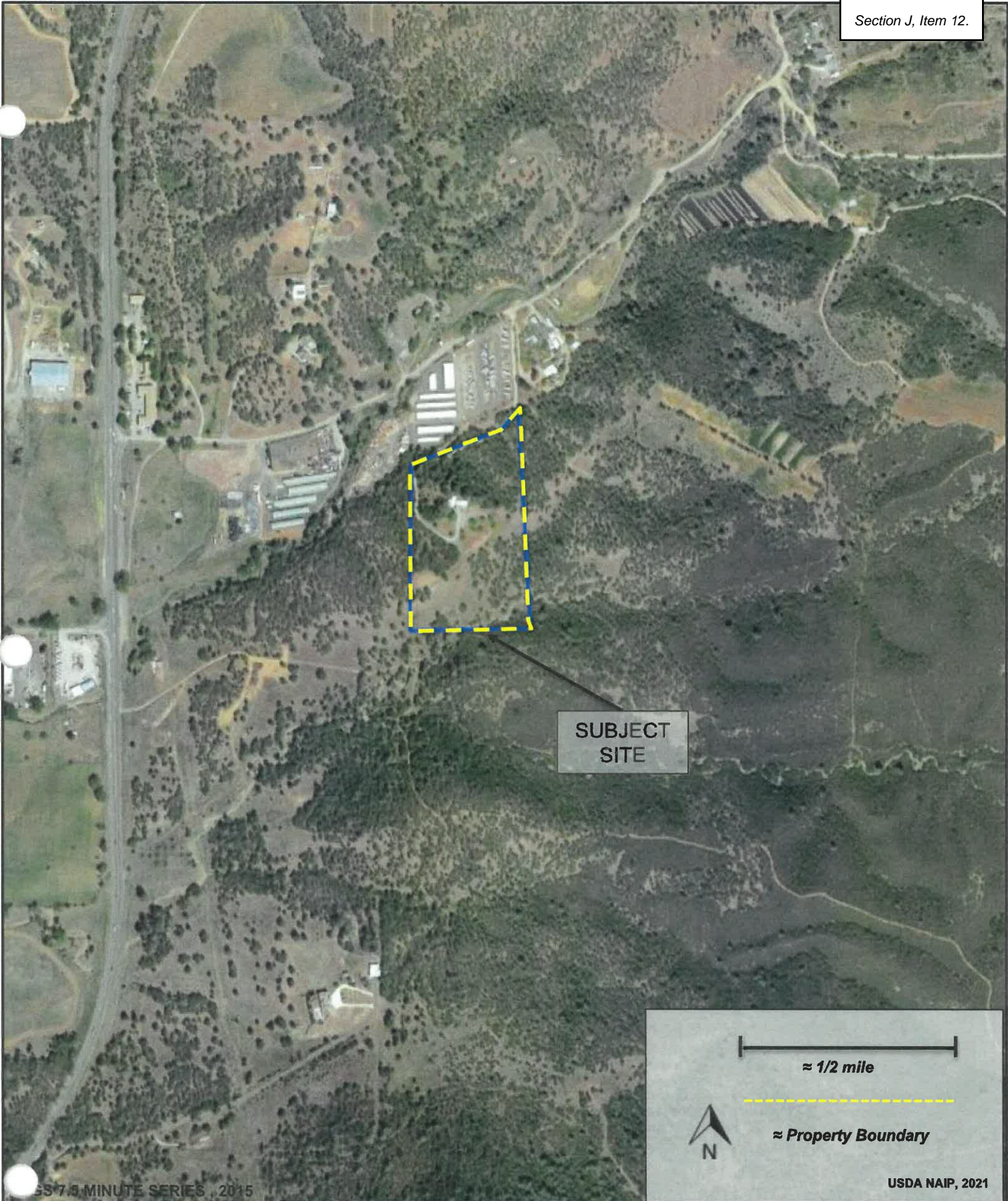
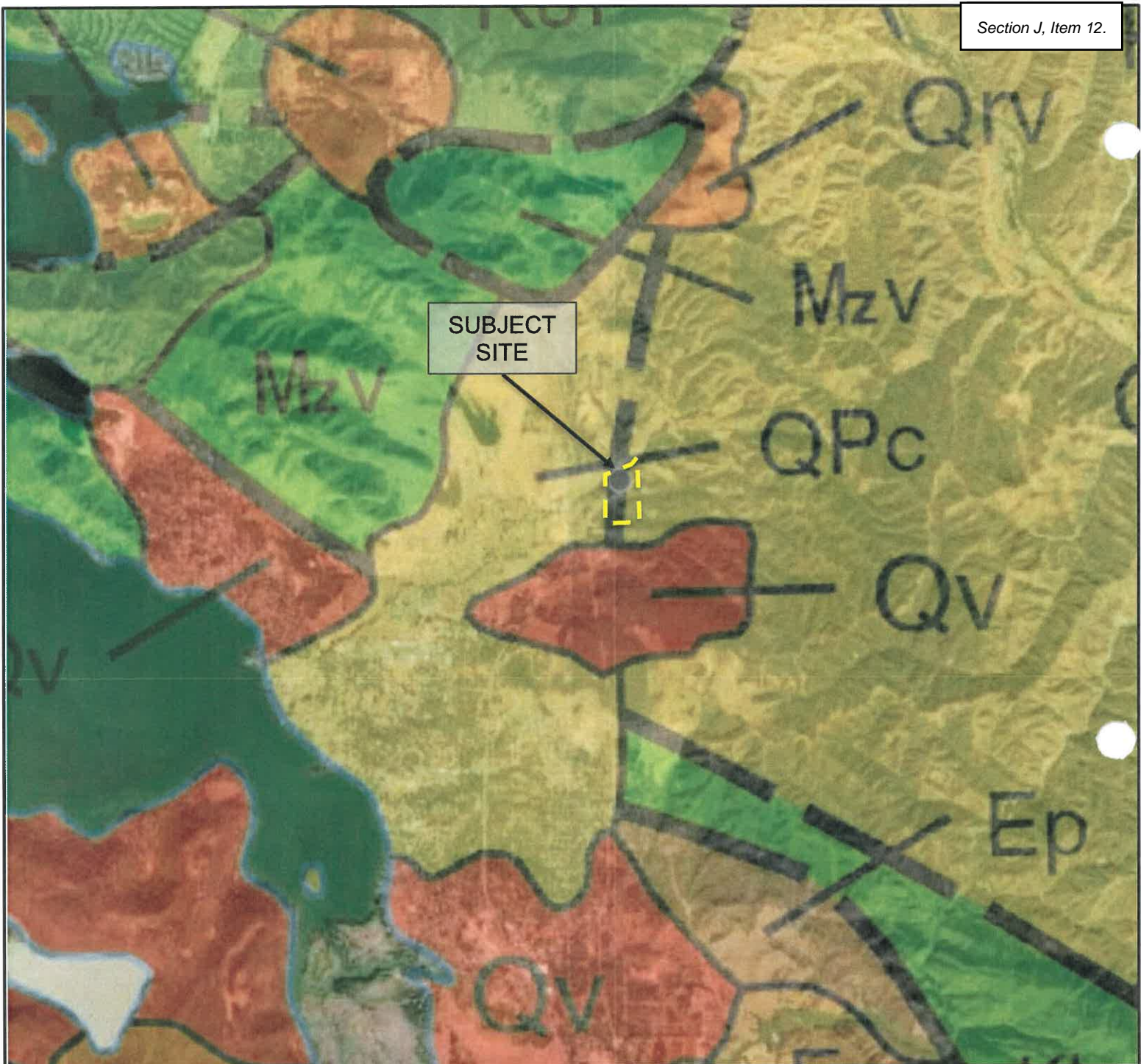




FIGURE 1: GENERAL LOCATION MAP
2250 Ogulin Canyon
Clearlake, CA 95422



- Qv** Quaternary volcanic flow rocks; minor pyroclastic deposits
- Q** Alluvium, lake, playa, and terrace deposits; unconsolidated and semi-consolidated
- QPc** Pleistocene and/or Pliocene sandstone, shale, and gravels deposits; mostly loosely consolidated
- MzV** Undivided Mesozoic volcanic and metavolcanic rocks
Andesite and rhyolite flow rocks, greenstone, volcanic breccia and other pyroclastic rocks; in part strongly metamorphosed. Includes volcanic rocks of Franciscan Complex: basaltic pillow lava, diabase, greenstone, and minor pyroclastic rocks


N


≈ 2 miles



≈ Property Boundary

FIGURE 2: SITE GEOLOGY
2250 Ogulin Canyon
Clearlake, CA 95422

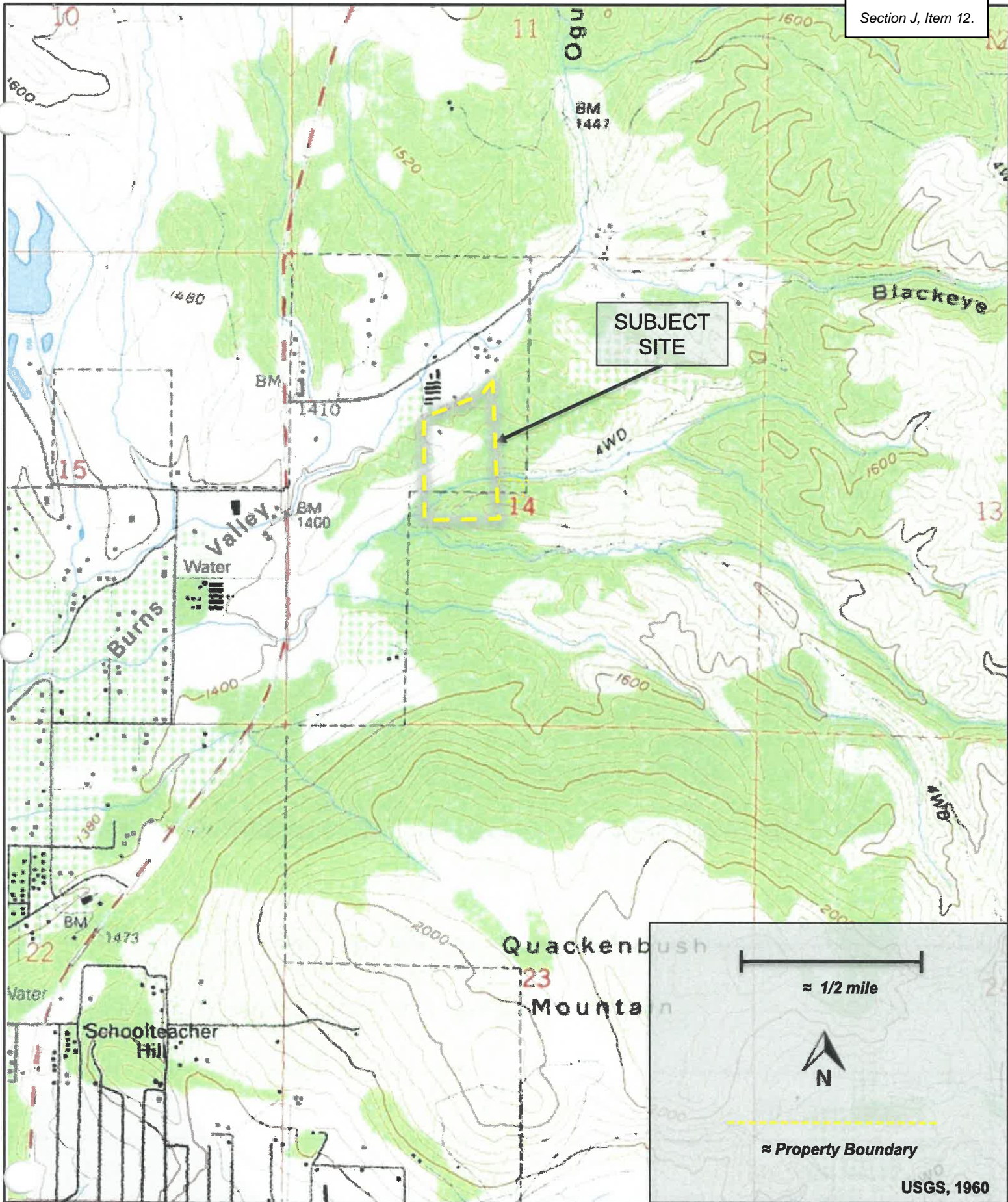
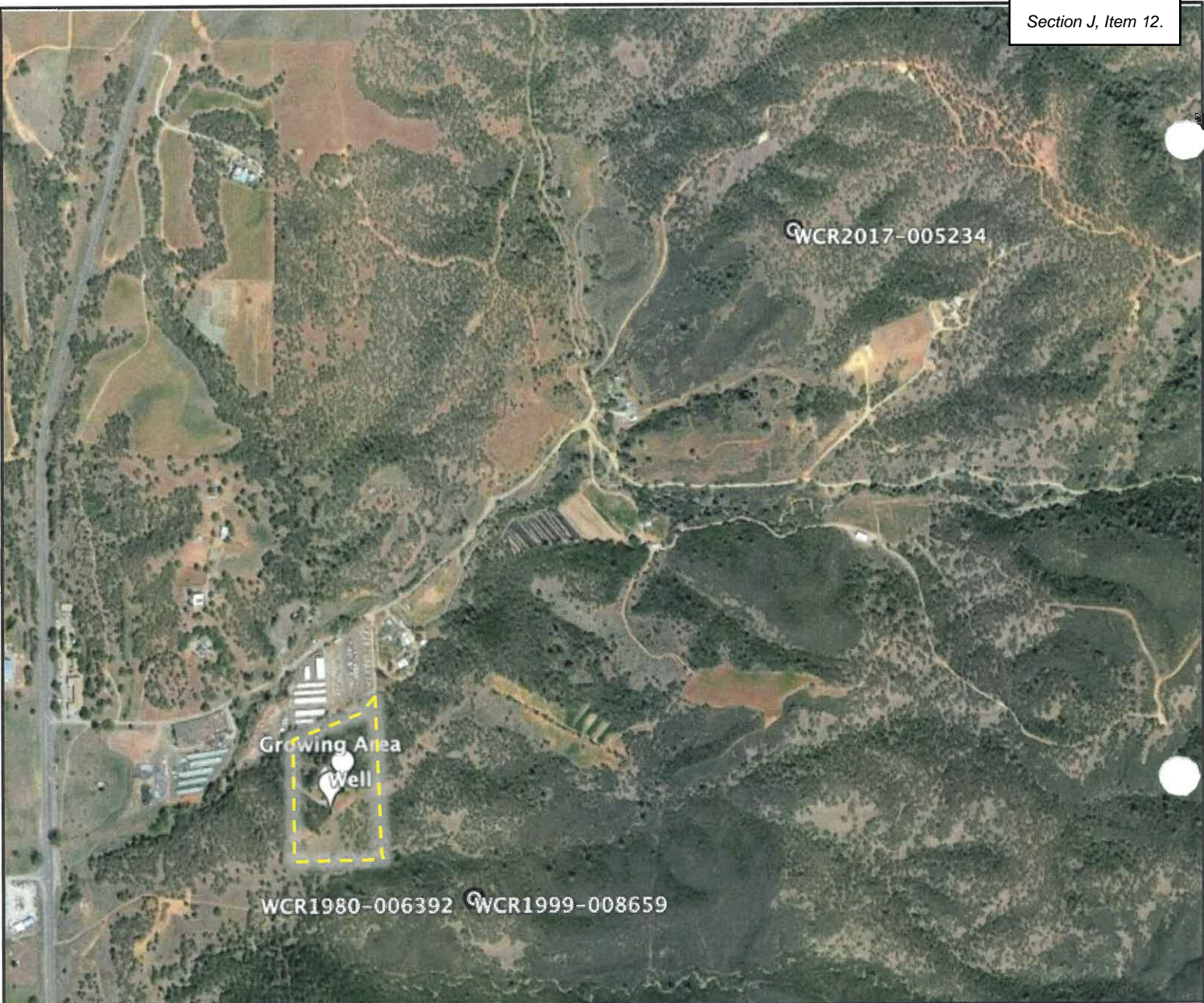



FIGURE 3: TOPOGRAPHIC MAP
2250 Ogulin Canyon
Clearlake, CA 95422



 \approx Property Boundary

 \approx 1/2 mile


N
USDA NAIP, 2021

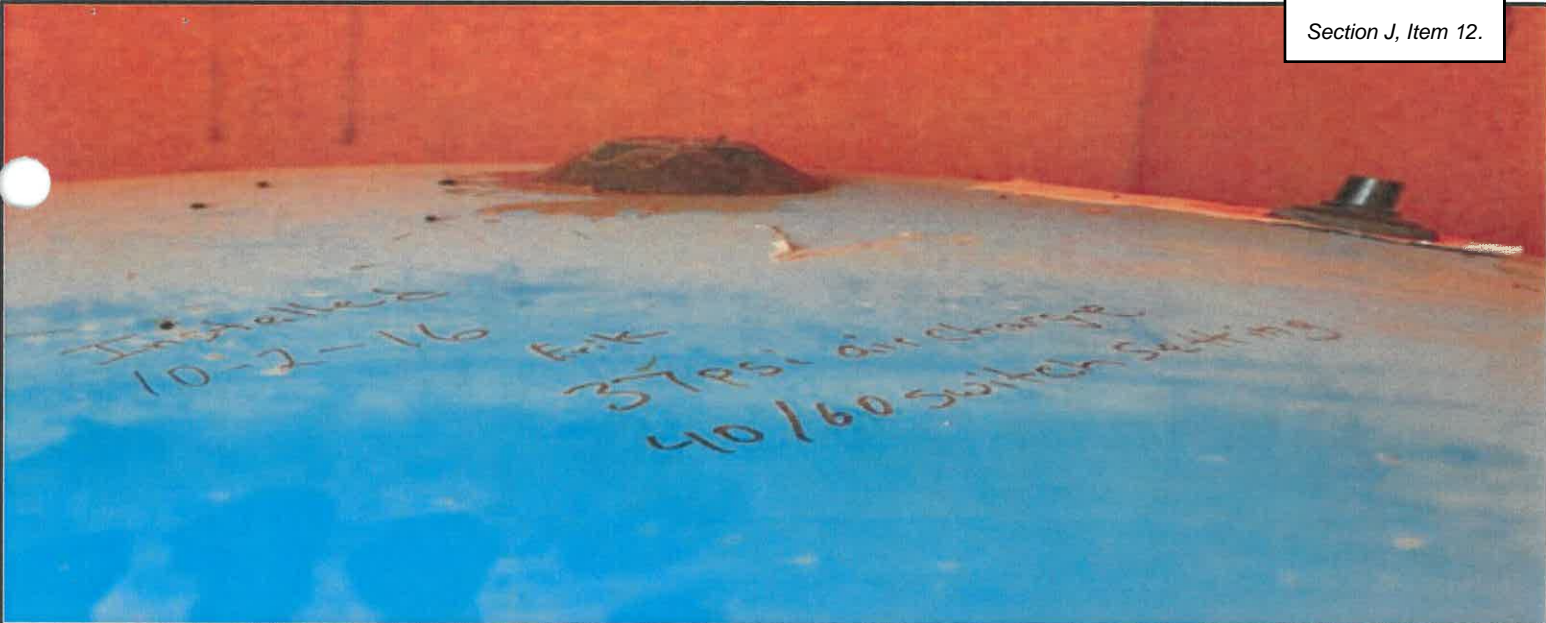
	WCR1980-006392	WCR1999-008659	WCR2017-005234
Well depth (ft)	110	240	372
Water depth (ft)	-	-	225

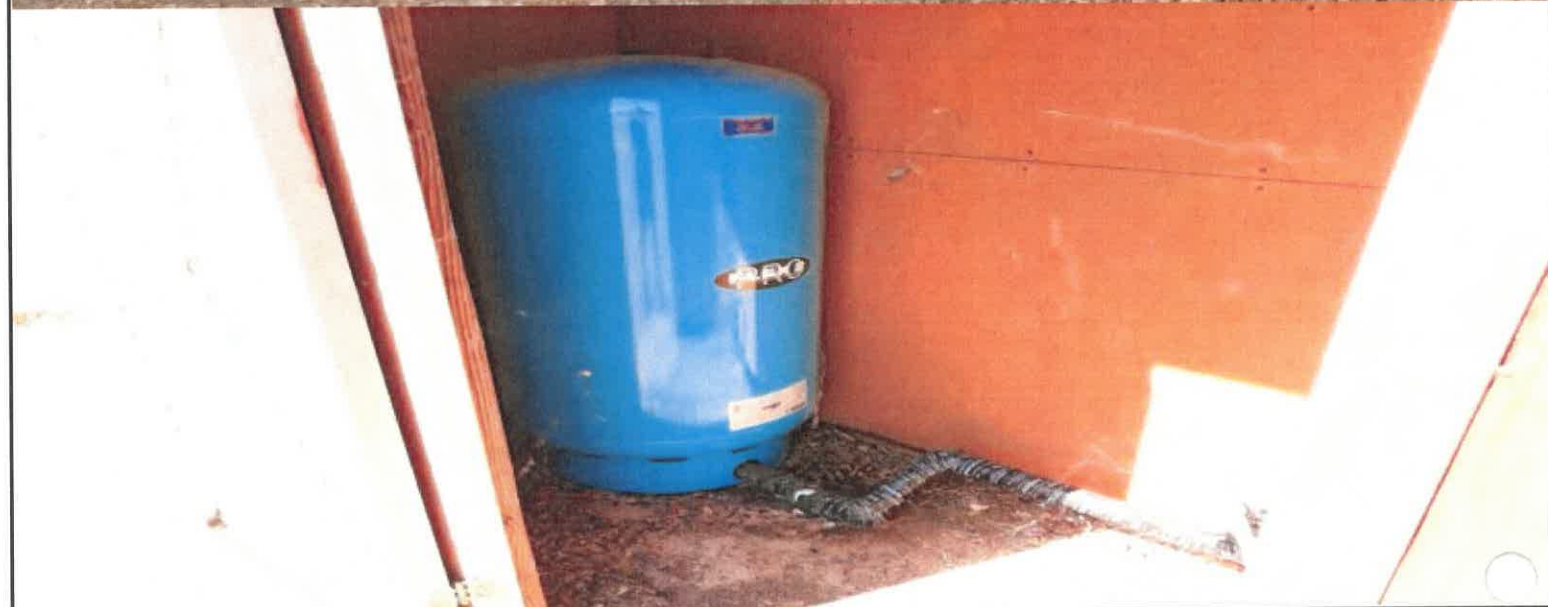
FIGURE 4: WELL MAP
2250 Ogulin Canyon
Clearlake, CA 95422

APPENDIX A: SITE PHOTOGRAPHS



SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422





SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422

APPENDIX B: WELL COMPLETION REPORTS

Table with columns: WCR Number, Agency, Project Name, Dates, Permit Type, Applicant, Description, Fee, Status, and Other. The table lists numerous water control records, including permit applications, renewals, and cancellations, with associated fees and administrative notes.

Table with multiple columns containing alphanumeric codes, descriptions, dates, and other identifiers. The table is organized into several vertical sections.

Clearlake Harvest Company, LLC
2250 Ogulin Canyon
Clearlake, CA 95422
Assessors Parcel No. 010-044-19

Zoning: Industrial/Cannabis Overlay
County: Lake

Water Source/Well Log

Notes: *Water source is a groundwater well. There has not been a meter on this well, but we have an order with the same company that did the Well Performance Report to install a flow meter and a Dipper well sounder 200' Water Level Meter.*

Attachments:

- *Well Completion Report – Dec 2005*
- *Well Performance Report – March 2021*
- *Well Equipment Report – March 2021*

QUADRUPPLICATE
For Local Requirements

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet
No. 1096367

010-044-14V
DWR USE ONLY - DO NOT FILL IN
STATE WELL NO./STATION NO.
LATITUDE LONGITUDE
APN/TRACT/OTHER

Page ___ of ___
Owner's Well No. _____
Date Work Began _____, Ended _____
Local Permit Agency _____
Permit No. _____ Permit Date _____

GEOLOGIC LOG			WELL OWNER		
ORIENTATION (±) <input checked="" type="checkbox"/> VERTICAL <input type="checkbox"/> HORIZONTAL <input type="checkbox"/> ANGLE _____ (SPECIFY)	DRILLING METHOD _____	FLUID _____	Name _____	Mailing Address _____	
DEPTH FROM SURFACE FL IG FI	DESCRIPTION <i>Describe material, grain size, color, etc.</i>		CITY _____	STATE _____	ZIP _____
_____	_____		WELL LOCATION		
_____	_____		Address _____		
_____	_____		City _____		
_____	_____		County _____		
_____	_____		APN Book _____ Page _____ Parcel _____		
_____	_____		Township <u>13 N</u> Range <u>7 W</u> Section <u>14</u>		
_____	_____		Lat _____ N Long _____ W		
<p style="text-align: center;">RECEIVED JUN 22 2006 Environmental Health</p>			LOCATION SKETCH		
<p style="text-align: center;">WATER LEVEL & YIELD OF COMPLETED WELL</p>			DEPTH TO FIRST WATER _____ (F1) BELOW SURFACE DEPTH OF STATIC WATER LEVEL _____ (F1) & DATE MEASURED _____ ESTIMATED YIELD * _____ (GPM) & TEST TYPE _____ TEST LENGTH _____ (Hrs) TOTAL DRAWDOWN _____ (F1) * May not be representative of a well's long-term yield.		
TOTAL DEPTH OF BORING _____ (Feet)			TOTAL DEPTH OF COMPLETED WELL _____ (Feet)		

DEPTH FROM SURFACE FL to FL	BORE-HOLE DIA (Inches)	CASING (S)				INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	DEPTH FROM SURFACE FL to FL	ANNULAR MATERIAL			
		TYPE (±)								TYPE			
		BLANK	SCREEN	CON-DUCTOR	PL PIPE					CE-MENT	BEI-TONITE	FILL	FILTER PACK
										(±)	(±)	(±)	(TYPE/SIZE)
1.0	7.75	X				4.0	1.60		1.0				
1.0	7.75	X				4.0	1.60		1.0				
1.0	7.75	X				4.0	1.60		1.0				

ATTACHMENTS (±)
 Geologic Log
 Well Construction Diagram
 Geophysical Log(s)
 Soil/Water Chemical Analyses
 Other _____
 ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT
 I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.
 NAME _____
 (PERSON, FIRM, OR CORPORATION) (TITLED OR POSITION)
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 Signed _____ DATE SIGNED _____
 C-57 LICENSED WATER WELL CONTRACTOR C-57 LICENSE NUMBER _____



Well Test

Job Name:	Erin McCarrick	Well Diameter:	4.5" PVC
Location:	2250 Ogulin Canyon Rd	Static Water Level:	113.5"
Operator:	RH Hess	Well Depth:	200"
Original Meter Reading:	6468	Pump Setting:	N/A
Final Meter Reading:	8436	Pump:	2 HP sub
Total gallons pumped:	1968	Pump running upon arrival?	Yes <input type="checkbox"/> No <input type="checkbox"/> X <input checked="" type="checkbox"/>

Date	Time	GPM	Pumping Level	Color	Comments
3/31/21	12:00	23	133.5'	Clear	
	12:01	23	136.4'	Clear	
	12:02	22.5	143.6'	Clear	
	12:04	22	143.2'	Clear	
	12:05	22	143.2'	Clear	
	12:06	22	143.2'	Clear	
	12:07	22	143.2'	Clear	
	12:08	22	143.2'	Clear	
	12:09	22	143.2'	Clear	
	12:10	22	143.2'	Clear	
	12:12	22	143.2'	Clear	
	12:20	22	143.2'	Clear	
	12:30	22	143.2'	Clear	
	12:40	22	143.2'	Clear	
	12:50	22	143.2'	Clear	
	13:00	22	143.2'	Clear	
	13:10	22	143.2'	Clear	
	13:20	22	143.2'	Clear	
Stop	13:30	22	143.2'	Clear	
	13:31	Start recovery	139.6'		
	13:32		136'		
	13:33		128'		
	13:34		123.6'		
	13:35		121'		

System Equipment Evaluation

Equipment:	Functional	Deficient	Not Observ	
Well Pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 Phase <input type="checkbox"/> L-1 <input type="checkbox"/> L-2 <input type="checkbox"/> L-3 1 Phase 2 Wire <input type="checkbox"/> L-1 <input type="checkbox"/> L-2 HP: 2 1 Phase 3 Wire <input checked="" type="checkbox"/> R <u>2.6</u> Y <u>11.7</u> B <u>10.6</u> Model #: N/A Volts: R-242.5 Ohms: <u>2.9</u> <u>7.0</u> Service Amps: 60
Pressure Tank(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: Bladder <input checked="" type="checkbox"/> Galv <input type="checkbox"/> Air Charge: Model #: H2P120 Date Code: 2/10/16 Type: Poly Diameter:
Drop pipe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: 1 1/4 Type: Poly
Storage Tank(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Size: Brand: Diameter:
Booster Pump:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HP: Volts: Amps: Run Start Up: Model #:
Pump House	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location on property: Right side of driveway (4x8)
Control Box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volts: 230 HP: 2 Overload/Heater Setting:
Water Treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List:
Well Seal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: 4.5 Steel <input type="checkbox"/> PVC <input checked="" type="checkbox"/>
Well Casing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: 4.5 Steel <input type="checkbox"/> PVC <input checked="" type="checkbox"/>
Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: 1 1/4 Insulated? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Pressure Switch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Size: M1 Setting: 40/60
Pressure Gauge:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Model: 100 psi gauge

Additional notes or recommendations:

Section J, Item 12.



Cramer Enterprises

LIC#984176

APPENDIX C: WATER AVAILABILITY REPORT

Water Availability Report

2250 Ogulin Canyon

Clearlake, CA 95422

APN: 010-044-19

July 2021

Background:

In consideration of the drought facing the State of California, it is important and necessary to evaluate the available water to all projects coming before the City of Clearlake.

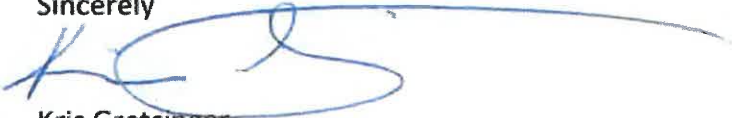
Therefore, Clearlake Harvest Company is happy to provide an estimate of the water usage required for the commercial cannabis operation and the available water for said operation.

This summary report estimates the water usage for this project, the well capability, and the water usage of this project compared to other crops. This report uses well reports and availability pertinent to this property and relevant information from government agencies, academia to inform the conclusion of available water for the proposed commercial cannabis operation.

Clearlake Harvest Company has also hired a hydrologist from Chico Environmental to come out to the property the last week of July to do a formal report.

Please do not hesitate to reach out with any questions or concerns.

Sincerely



Kris Gretsing

Clearlake Harvest Company

info@chcfarms.com

707-292-6781

Property:

2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

Proposed Operation:

- 17,500 square feet of Mixed Light Indoor in greenhouses
 - Most cultivation will not happen until 2022
- 6,000 square feet of processing
- 2,400 square feet of nursery

Proposed water usage:

- 17,500 square feet of Cultivation
 - 26 gallons/sf/year totaling 455,000 gallons/year
 - This estimate is based on the experience of the cultivators working with CHC. In the farms they have worked on in the past, they employ water conservation techniques such as:
 - Dry farming
 - Targeted drip and/or emitter irrigation
 - Watering during cool hours of the day
 - Timed water storage and usage
 - The goal of CHC is to use existing water conservation techniques, embrace new technology, and closely monitor water use to reduce the estimated water usage to 20-24 gallons/sf/year.
- 6,000 square feet of Processing
 - According to the US Energy Information Administration, a warehouse and storage building uses 4 gallons/square foot/year¹. In the processing building, this equates to 24,000 gallons/year.
- 2,400 square foot Nursery
 - There is only about 1800 square feet of area where immature plants will be that will need water.
 - As these plants are smaller and do not go through a full growing cycle, they will only use about 18 gallons/sf/year.
 - For an operation of 1800 square feet, this is 32,400 gallons per year
- Total Estimated Water Usage:
 - The total estimated water usage for this proposed operation is 511,400 gallons for the calendar year.

¹ <https://www.eia.gov/consumption/commercial/reports/2012/water/>

Water Supply and availability:

- There is an existing well onsite for domestic, commercial, and agricultural use.
- It operates at 30 gallons/minute. See included Well Completion Report
- A Well Performance Report was completed on 3/31/21 and showed sufficient recovery. See included Well Performance Report

Comparison to previous use:

- The previous use of the property was for scenic purposes. The lawn was kept green and at one point there was a pool where the proposed processing building would be.
- The Site Green Acre Lawn Care estimates the gallons used to water a 10,000 square foot lawn to be 6,000 gallons of water per week². This is 312,000 for 10,000 square feet and an average of 31 gallons/square foot.
- The water use of Clearlake Harvest Company is estimated to be less than that of watering a lawn.

Comparison to other Crops:

- The Press Democrat took a look at cannabis compared to other crops. The article noted that the average California Crop use = 2.97 acre feet/acre/year.³
- One acre foot = 326,000 gallons so the average California crop is using 968,220 gallons/year/acre.

Water Tracking:

- Clearlake Harvest Company has a well meter and a sonar on order from Cramer Industries. Water to all buildings or operations on site will be tracked and monitored.

Water Conservation:

- Utilize water storage to reduce water use during summer season.
- Stager growing season through indoor/mixed light greenhouses to reduce water use during summer season.
- CHC intends to have a portion of the plants in the ground which mimics outdoor growing and facilitate the need for less water as the roots can find the water they need (Dry farming).
- Targeted drip and/or emitter irrigation
- Watering during cool hours of the day.
- Utilizing advanced greenhouse technology to maintain climate and potentially recapture water/condensation for reuse.
- Abide by general water saving tips and techniques.⁴

Other References:

Washington Post: <https://www.washingtonpost.com/news/wonk/wp/2015/06/26/forget-almonds-look-at-how-much-water-californias-pot-growers-use/>

The Daily Californian: <https://www.dailycal.org/2021/07/14/uc-berkeley-study-finds-marijuana-farms-require-less-water-than-previously-assumed/>

Journal of Environmental Management: <https://www.sciencedirect.com/science/article/pii/S0301479720308847>

CA Water Board: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html

² <https://www.greenacelawnca.com/resources/best-practices-watering-lawn/>

³ <https://www.pressdemocrat.com/article/specialsections/these-are-the-california-crops-that-use-the-most-water/>

⁴ <https://water.ca.gov/water-basics/conservation-tips>

QUADRUPPLICATE
For Local Requirements

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet
No. 1096367

010-044-14V
DWR USE ONLY -- DO NOT FILL IN

STATE WELL NO./STAT ON NO.	
LATITUDE	LONGITUDE
APN/TROTH/OTHER	

Page _____ of _____
Owner's Well No. _____
Date Work Began _____, Ended _____
Local Permit Agency _____ Permit Date _____
Permit No. _____

GEOLOGIC LOG			WELL OWNER		
ORIENTATION (±) _____	VERTICAL _____	HORIZONTAL _____	ANGLE _____ (SPECIFY)	Name _____	Address _____
DEPTH FROM SURFACE	DRILLING METHOD	FLUID	DESCRIPTION	CITY _____	STATE _____
ft. to ft.			<i>Describe material, grain size, color, etc.</i>	Address _____	WELL LOCATION
				City _____	County _____
				APN Book _____ Page _____ Parcel _____	Township _____ Range _____ Section _____
				Lat _____ Long _____	
				LOCATION SKETCH	
				ACTIVITY (±)	
				NEW WELL _____	
				MODIFICATION REPAIR	
				Deepen _____	
				Clear (Specify) _____	
				DESIGN (Describe Procedure and Material Used) (GEOLOGIC LOG)	
				USES (±)	
				WATER SUPPLY	
				Domestic _____	
				Irrigation _____	
				MONITORING _____	
				TEST WELL _____	
				LANDFILL PROTECTION _____	
				HEAT EXCHANGE _____	
				DIRECT FLUSH _____	
				INJECTION _____	
				VAPOR EXTRACTION _____	
				SPRINKLER _____	
				REGULATION _____	
				OTHER (SPECIFY) _____	
				WATER LEVEL & YIELD OF COMPLETED WELL	
				DEPTH TO FIRST WATER _____ (ft) BELOW SURFACE	
				DEPTH OF STATIC WATER LEVEL _____ (ft) & DATE MEASURED _____	
				ESTIMATED YIELD _____ (GPM) & TEST TYPE _____	
				TEST LENGTH _____ (min) TOTAL DRAWDOWN _____ (ft)	
				* May not be representative of a well's long term yield.	

DEPTH FROM SURFACE		BORE-HOLE DIA (inch)	CASING (S)				DEPTH FROM SURFACE		ANNULAR MATERIAL TYPE			
ft. to ft.	ft.		MATERIAL / GRADE	INTERNAL DIAMETER (inch)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (inch)	ft. to ft.	ft.	GR. MENT (±)	SOFT (±)	FILL (±)	FILTER PACK TYPE(SIZE)

ATTACHMENTS (±)

- Geologic Log
- Well Construction Diagram
- Geophysical Logs
- Soil/Water Chemical Analyses
- Other _____

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME _____
(PRINT NAME OF SUPERVISOR) (TYPE OR PRINT)

ADDRESS _____ CITY _____ STATE _____

Signed _____ DATE _____

CERTIFICATE NUMBER _____

DWR 248 REV. 12-05 IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

PC003054



LIC#984176

Well Test

Operator Name:	Erin McCarrick	Well Diameter:	4.5" PVC
Location:	2250 Ogulin Canyon Rd	Static Water Level:	113.5"
Operator:	RH Hess	Well Depth:	200"
Original Meter Reading:	6468	Pump Setting:	N/A
Final Meter Reading:	8436	Pump:	2 HP sub
Total gallons pumped:	1968	Pump running upon arrival?	Yes No X

Date	Time	GPM	Pumping Level	Color	Comments
11/31/21	12:00	23	133.5'	Clear	
	12:01	23	136.4'	Clear	
	12:02	22.5	143.6'	Clear	
	12:04	22	143.2'	Clear	
	12:05	22	143.2'	Clear	
	12:06	22	143.2'	Clear	
	12:07	22	143.2'	Clear	
	12:08	22	143.2'	Clear	
	12:09	22	143.2'	Clear	
	12:10	22	143.2'	Clear	
	12:12	22	143.2'	Clear	
	12:20	22	143.2'	Clear	
	12:30	22	143.2'	Clear	
	12:40	22	143.2'	Clear	
	12:50	22	143.2'	Clear	
	13:00	22	143.2'	Clear	
	13:10	22	143.2'	Clear	
13:20	22	143.2'	Clear		
Stop	13:30	22	143.2'	Clear	
	13:31	Start recovery	139.6'		
	13:32		136'		
	13:33		128'		
	13:34		123.6'		
	13:35		121'		

System Equipment Evaluation

Equipment:	Functional	Deficient	Not Observ
Well Pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Tank(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drop pipe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storage Tank(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Booster Pump:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pump House	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Control Box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Well Seal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well Casing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Switch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure Gauge:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 Phase L-1 L-2 L-3
 1 Phase 2 Wire L-1 L-2
 HP: 2 1 Phase 3 Wire R 2.6 Y 11.7 B 10.6
 Model #: N/A
 Volts: R-242.5 Ohms: 2.9 7.0 Service Amps: 60
 Size: Bladder Galv Air Charge: Model #: H2P120 Date Code: 2/10/16
 Size: 1 1/4 Type: Poly
 Brand: Diameter:
 HP: Volts: Amps: Start Up: Model #:
 Run
 Location on property: Right side of driveway (4x8)
 Volts: 230 HP: 2 Overload/Heater Setting:
 List:
 Size: 4.5 Steel PVC
 Size: 4.5 Steel PVC
 Size: 1 1/4 Insulated? Yes No
 Size: M1 Setting: 40/60
 Model: 100 psi gauge

Section J, Item 12.

Additional notes or recommendations:



Cramer Enterprises

LIC#984176



Cramer Enterprises
 977 20th st.
 Lakeport, CA 95453 US
 (707) 349-8575
 eric.cramer@yahoo.com
 www.cramerent.com

Estimate 2000

Section J, Item 12.

ADDRESS	SHIP TO
Erin McCarrick	Erin McCarrick
P.O. Box 2116	2250 Ogulin Canyon Rd
Clearlake, CA 95422 USA	Clearlake, CA 95422 USA

DATE 05/06/2021	TOTAL \$2,153.56
---------------------------	----------------------------

DESCRIPTION	QTY	RATE	AMOUNT
labor to install a flow meter in gallons and a static water level meter.	1	550.00	550.00
1 Badger meter gallon flow meter	1	440.26	440.26T
1 x 2 ford brass meter coupler	2	44.64	89.28T
Dipper well sounder 200' Water Level Meter	1	890.00	890.00T
Misc. Material	1	55.00	55.00T

Amps_____, Ohms_____, HP_____, Volts_____, Air
 Charge_____, Pressure Setting _____

SUBTOTAL 2,024.54
TAX 129.02

Late Fee of 1.5% per month will be charged on any invoice
 over 30 days

TOTAL **\$2,153.56**

THANK YOU

Accepted By

Accepted Date

CSLB # 984176



REPORT OF FINDINGS - HYDROLOGY ANALYSIS

Site Information:

2250 Ogulin Canyon
Clearlake, CA 95422
APNs: 010-044-19

Prepared for:

Clearlake Harvest Company

Prepared by:

Chico Environmental Science & Planning
333 Main Street, Suite 260
Chico, CA 95928
(530) 899-2900

Prepared: August 4, 2021



1.0 INTRODUCTION

Chico Environmental prepared this Report of Findings to determine groundwater availability at 2250 Ogulin Canyon in Clearlake, CA (“subject property” or “site”). The approximately 12.95-acre site is situated in Burns Valley Groundwater Basin, a rural portion of southeastern Lake County, California (**Figure 1**). One 200 feet below ground surface (bgs), 4 ½ inch casing diameter domestic groundwater well is located on APN 010-044-19. The well was installed on December 12, 2005. A well test and system equipment evaluation were conducted on March 31, 2021. The purpose of this investigation is to determine if the aquifer has sufficient quantity to support outdoor cannabis cultivation for 17,500 square-feet of the 12.95-acre property.

2.0 BACKGROUND

Chico Environmental conducted a site visit to the site on July 28, 2021 (**Appendix A**). Chico Environmental reviewed Well Completion Reports within Lake County from DWR (**Appendix B**). Chico Environmental also reviewed Lake County groundwater ordinances, the California State Sustainable Groundwater Management Act (SGMA), geology maps (**Figure 2**), topography maps (**Figure 3**) and groundwater well locations (**Figure 4**).

3.0 GEOLOGY

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

The subject property is located in the Coast Range Geomorphic Province of California. The Coast Range is comprised largely of the Franciscan Complex which represents an accretionary complex formed by long-term subduction of an oceanic plate under the western margin of the North American craton. The Franciscan complex is composed of three distinguishable belts: the eastern belt, the central belt, and the coastal belt. Formation of the accretionary complex began during the late Jurassic in the eastern belt and has continued into the Miocene along the western coastal belt. The complex trends NNW and is bounded by the San Andreas Fault to the east and by the coastal range fault to the west. The coast range fault separates the Franciscan complex with the partly coeval Great Valley sequence.

Faulting occurred in Mendocino County, lowering an area in the Coast Ranges. This area became filled with gravels and sands from creeks in the mountains and became the Cache Formation. Toward the end of the Cache Formation’s deposition, faulting created a depression that combined with lava flows created the basin that contains Clear Lake. Volcanic activity occurred intermittently through the Pleistocene with the extrusion of a number of separate lava flows, beginning the deposition of the Clear Lake Pleistocene Volcanics,

including Mount Konocti and the surrounding area. Other depressions and valleys in the Coast Ranges began to be filled with sands, silts and gravels carried by streams, resulting in the deposition of alluvial basins.

The Burns Valley Basin is in the southeastern portion of Lake County and is the Shoreline Inventory Unit. It is bordered by the Franciscan Formation to the north, Clear Lake to the west and the Cache Formation to the south and east. There are three water-bearing formations in the Burns Valley Basin, including Quaternary Alluvium, Quaternary Terrace Deposits and Lower Lake Formation. Quaternary alluvium occurs in the valley lowlands and consist of silt, sand and gravel. This layer is thickest in the southern portion of the basin at approximately 50 feet. Groundwater from this layer is used for domestic use and is unconfined.

Quaternary Terrace Deposits occur on the sides of the alluvial plain at approximately 15 feet above the valley floor. Further research is necessary to qualify groundwater in this formation. The Lower Lake Formation consists of lake deposits underlying the alluvial and terrace deposits. It mainly consists of fine sands, silts and thick interbeds of marl and limestone. The maximum thickness is 200 feet and has low permeability. Groundwater from this layer can be pumped at a few hundred gallons per minute.

4.0 Hydrology

The average annual precipitation ranges from 25 inches to 35 inches per year and the average annual air temperature ranges between 55 to 59 °F in the project area. Surface water is limited to ephemeral drainages within the project area.

Groundwater Hydrogeology

Groundwater typically fluctuates between 2-10 feet below ground surface (bgs) from spring to fall. The DWR estimates the usable storage capacity to be 4,000 acre-feet (DWR 1960). Agricultural demand is typically around 14 acre-feet per year. As of 2006, there were 86 domestic wells and 13 irrigation wells in the Burn Valley Basin, with half of the domestic wells measuring less than 75 feet bgs and half of the irrigation wells measuring less than 250 feet bgs.

Groundwater Wells

As of March 2006, there are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately half of these domestic wells are shallower than 75 feet deep, and approximately half of the irrigation wells are shallower than 250 feet deep.

On December 11, 2005 a domestic well was completed at the subject site. The 200 feet bgs well was drilled with first water encountered at 120 feet bgs and a completed static water level of 125 feet bgs. The estimated yield for the well was 30 gallons per minute.

A well performance report from March 2021 shows the static water level of the well is 113.5 feet bgs. After pumping at a rate of 23 gallons per minute for 1.5 hours, the pumping level decreased from 133.5 feet bgs to 143.2 feet bgs. The well returned to 121 feet bgs after 5 minutes of recovery.



5.0 FINDINGS

2250 Ogulin Canyon has approximately 12.95 acres of surface land that is located over loosely consolidated gravel deposits in the Burns Valley (Figure 3).

The 2019 SGMA report rates Burns Valley as a Very Low Priority groundwater basin. Current groundwater data suggests that the Burns Valley Groundwater Basin fully recharges annually.

Section 28.1 of the lake County, California – Code of Ordinances - Regulation of the Extraction and Exportation of Groundwater from Lake County. Section 1.11 States:

“The County seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the County's important groundwater resources that the County requires a Permit to extract or otherwise capture groundwater for any use outside the County. This chapter requires a Permit for the export and use of groundwater outside the County and is not intended to regulate groundwater in any other way.”

Groundwater pumped for irrigation on 2250 Ogulin Canyon will not be used for export out of the County.

The expected annual water use for the cannabis cultivation project would be 511,400 gallons per square foot (gsf) per year with usage including cultivation (455,000 gsf per year), processing (24,000 gsf), and a nursery (32,400 gsf per year). The well yields 30 gallons per minute (15,768,000 gallons per year) and is monitored by a flow through meter (**Appendix C**).

There are no additional impacts on the Burns Valley Basin from the project, nor impacts of water use for this project to the surrounding areas.

6.0 CONCLUSIONS AND RECOMMENDATIONS

It is Chico Environmental’s opinion that the completed well is of sufficient yield to irrigate 17,500 square-feet of cannabis at 2250 Ogulin Canyon. Additionally, it appears that the overlying property possesses a sufficient quantity of groundwater for seasonal irrigation that would not adversely overdraft the Burns Valley Groundwater Basin, affect downgradient groundwater users or other well users in the vicinity.



7.0 QUALIFICATIONS AND SIGNATURE

I am a Professional Geologist with the State of California. Chico Environmental has performed this assessment under my supervision in accordance with generally accepted environmental practices and procedures, as of the date of this report. I have employed the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental professionals practicing in this area. The conclusions contained within this assessment are based upon site conditions readily observed or were reasonably ascertainable and present at the time of the site inspection.

The conclusions and recommendations stated in this report are based upon personal observations made by employees of Chico Environmental and upon information provided by others. I have no reason to suspect or believe that information provided is inaccurate.



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(530) 899-2900



8.0 REFERENCES

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Cardwell, G.T., 1958. Geology and Ground Water in the Santa Rosa and Petaluma Valley Areas, Sonoma County, California. USGS Water Supply Paper 1427.

Camp Dresser and McKee, In Cooperation with the California Department of Water Resources, Northern District, Lake County Watershed Protection District Lake County Groundwater Management Plan March 31th, 2006.

Jennings, C.W., Strand, R.G., and Rogers, T.H., 1977, Geologic map of California: California Division of Mines and Geology, scale 1:750,000

Monitoring Plan Lake County, California by Lake County Watershed Protection District California Statewide Groundwater Elevation Monitoring System, March 20, 2012.

United States Geological Survey, 2018. Lower Lake Quadrangle, Calif., 1:24,000 Scale Topographic Map.



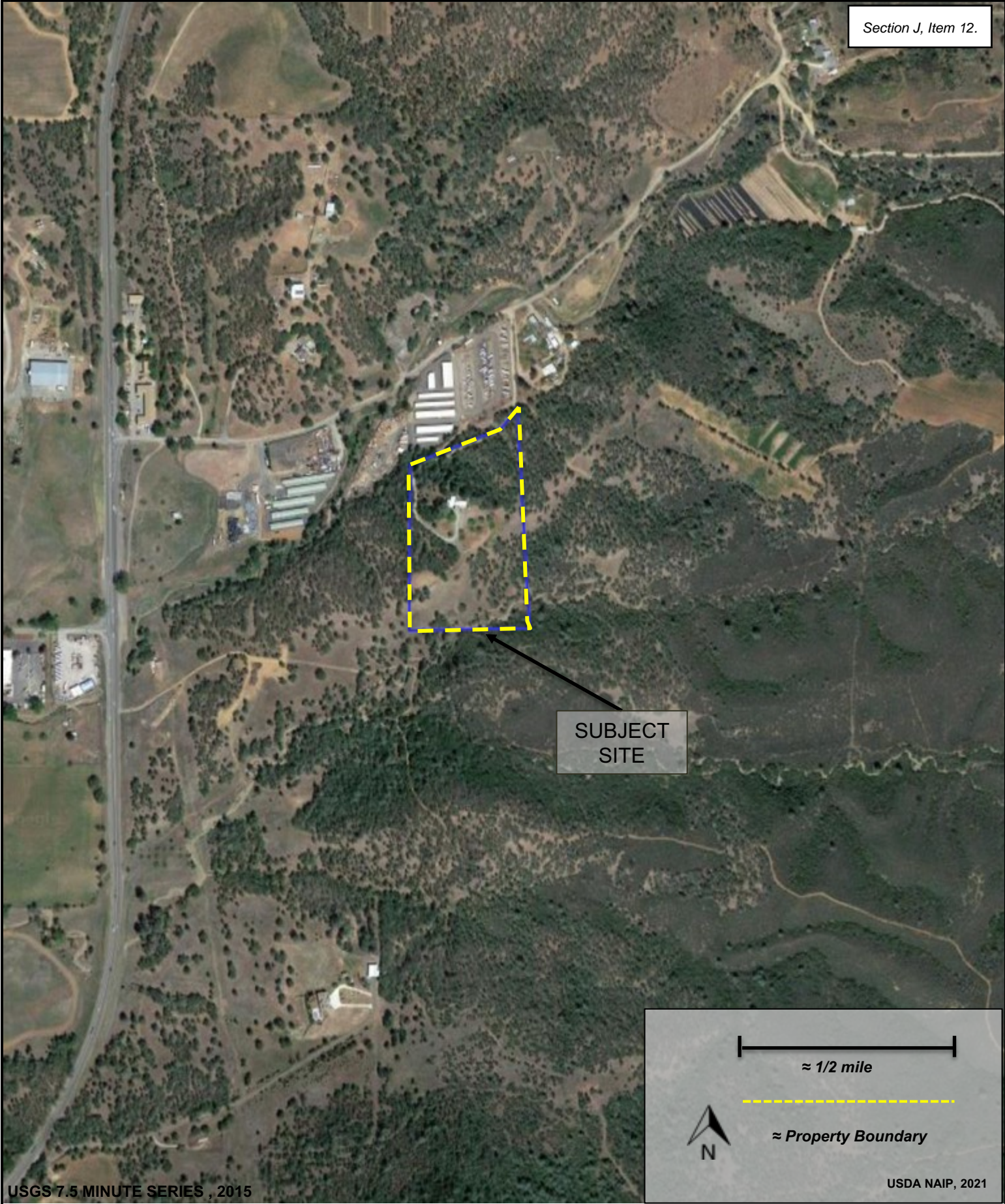
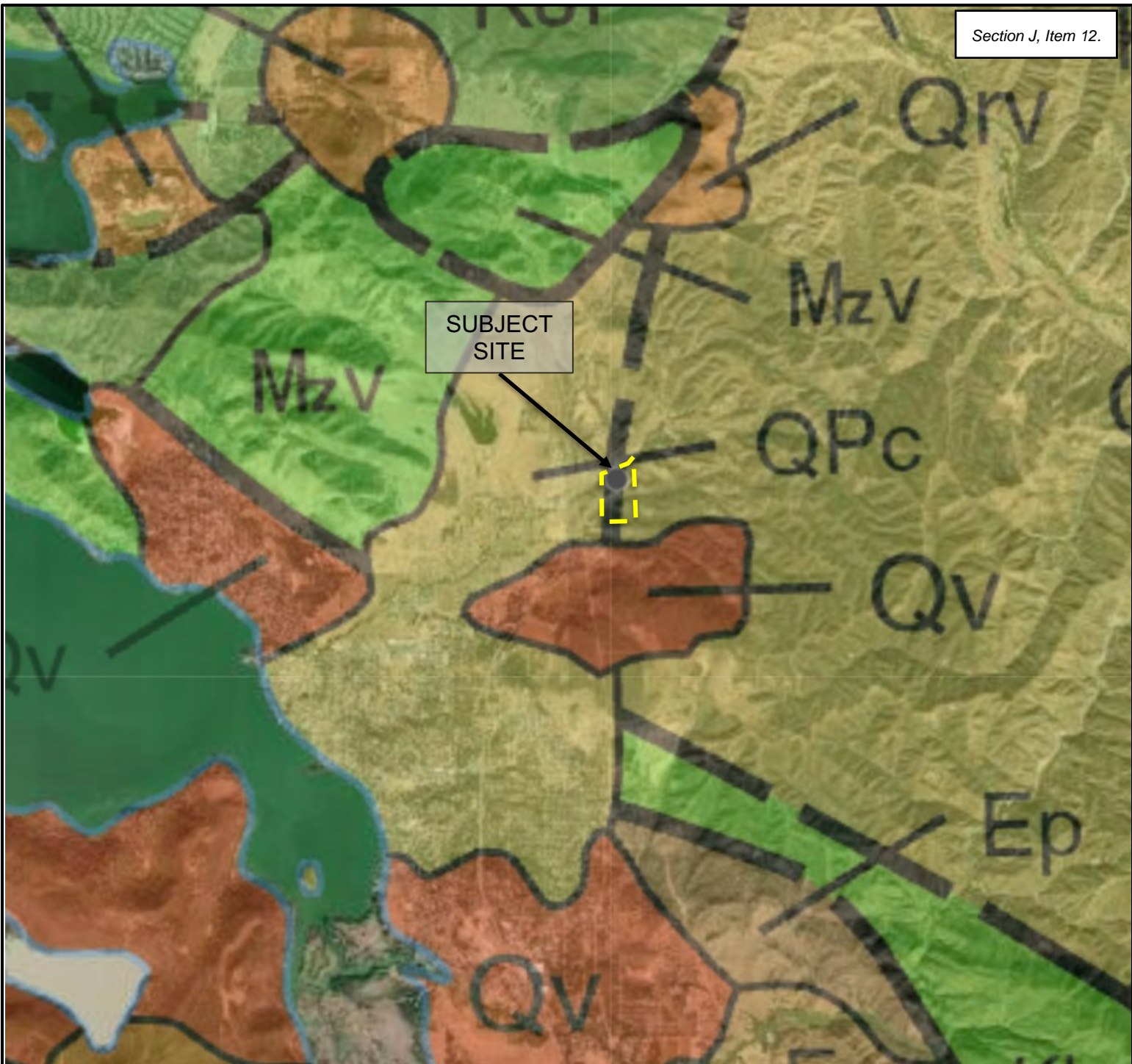



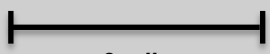
FIGURE 1: GENERAL LOCATION MAP
2250 Ogulin Canyon
Clearlake, CA 95422



SUBJECT SITE

- Qv** Quaternary volcanic flow rocks; minor pyroclastic deposits
- Q** Alluvium, lake, playa, and terrace deposits; unconsolidated and semi-consolidated
- QPc** Pleistocene and/or Pliocene sandstone, shale, and gravels deposits; mostly loosely consolidated
- Mzv** Undivided Mesozoic volcanic and metavolcanic rocks. Andesite and rhyolite flow rocks, greenstone, volcanic breccia and other pyroclastic rocks; in part strongly metamorphosed. Includes volcanic rocks of Franciscan Complex: basaltic pillow lava, diabase, greenstone, and minor pyroclastic rocks


 N


 ≈ 2 miles

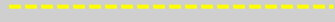

 ≈ Property Boundary

FIGURE 2: SITE GEOLOGY
 2250 Ogulin Canyon
 Clearlake, CA 95422

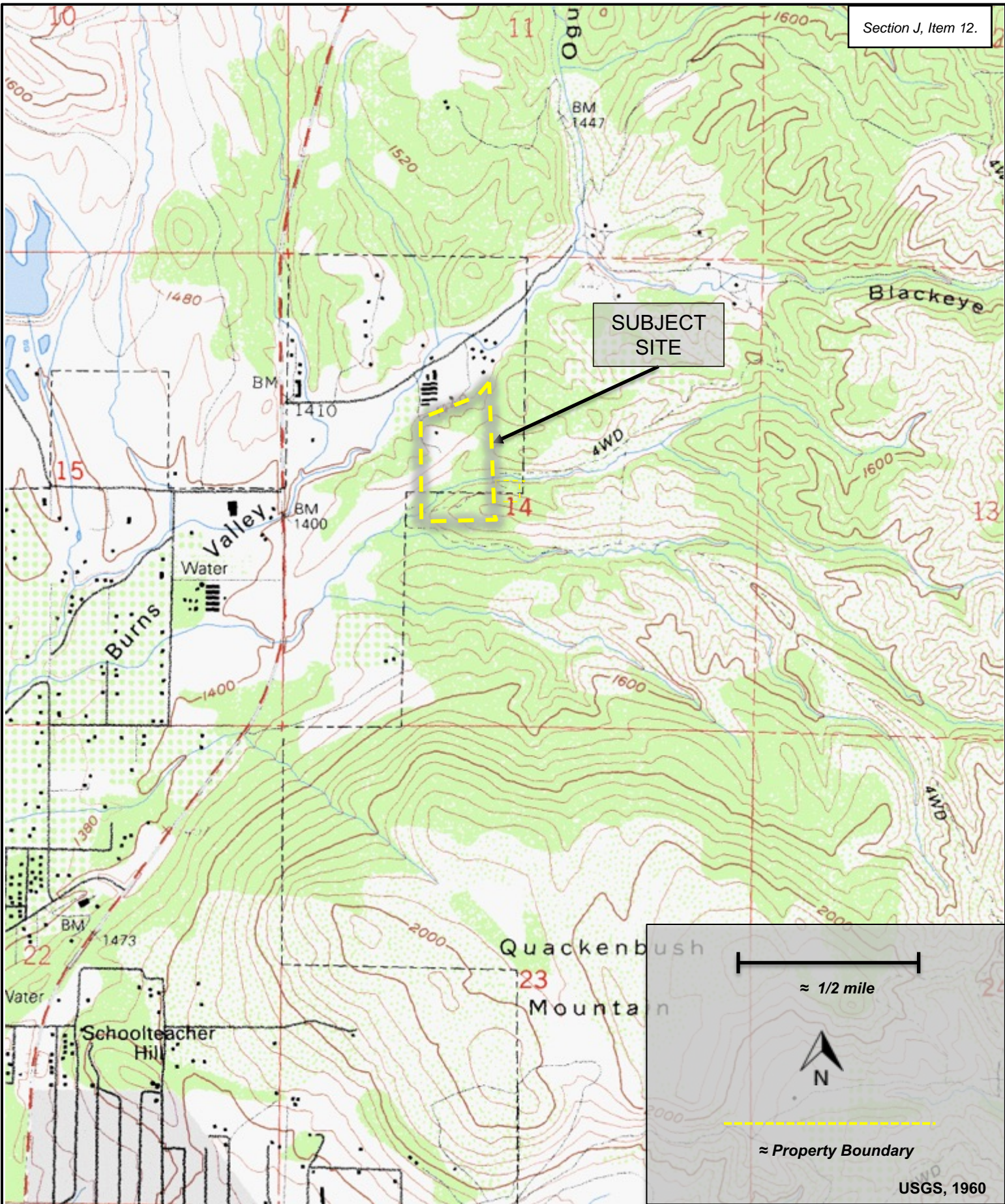




FIGURE 3: TOPOGRAPHIC MAP
2250 Ogulin Canyon
Clearlake, CA 95422




 ≈ Property Boundary


 ≈ 1/2 mile



USDA NAIP, 2021

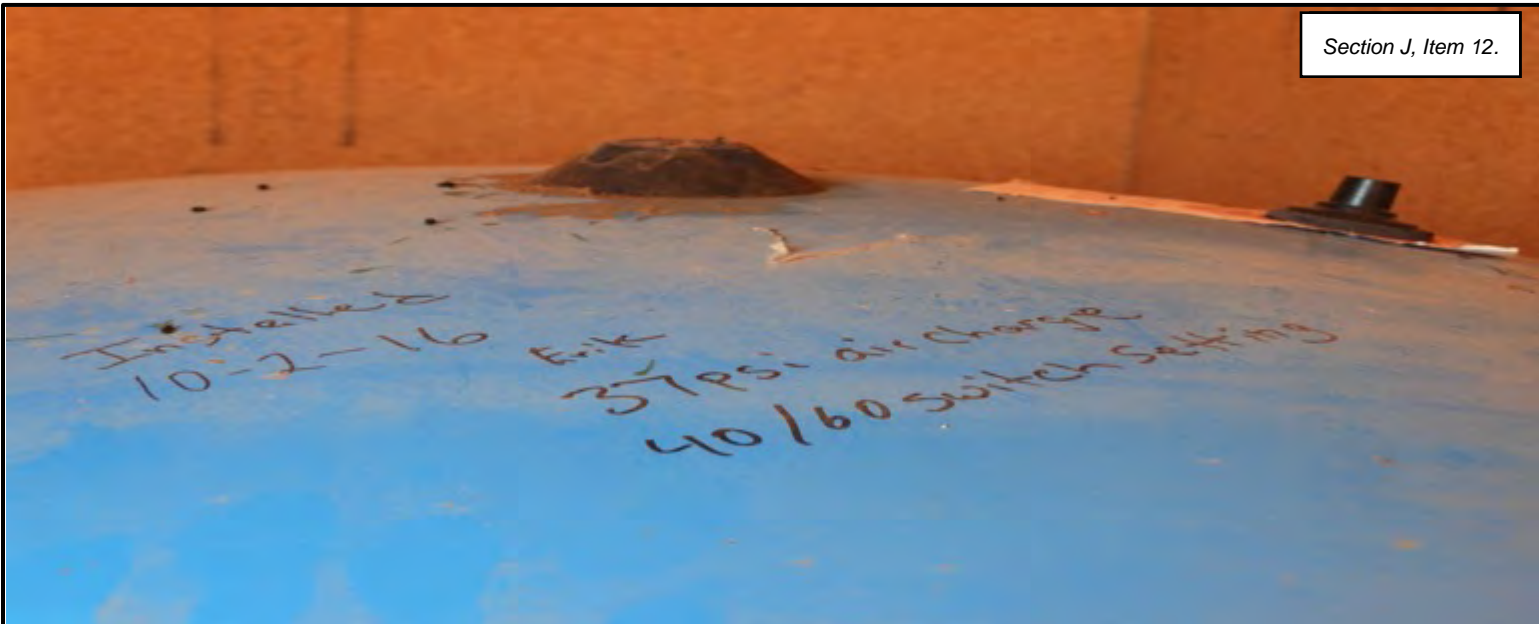
	WCR1980-006392	WCR1999-008659	WCR2017-005234
Well depth (ft)	110	240	372
Water depth (ft)	-	-	225

FIGURE 4: WELL MAP
 2250 Ogulin Canyon
 Clearlake, CA 95422

APPENDIX A: SITE PHOTOGRAPHS



SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422





SITE PHOTOGRAPHS – July 28, 2021
2250 Ogulin Canyon
Clearlake, CA 95422

APPENDIX B: WELL COMPLETION REPORTS

Table with columns: WCR Number, Agency, Location, County, Local Agency, Permit/Region Office, Planned Use/Former/Driller Name, Decimals, Denom, Loc, Towns, Range, Sides, Baseline, M, APN, Date Work, Total Complet, Top Of Perforate, Bottom of Perforate, Casing, Drilling Method, Static Water, Total Draw, Test T, Pump Test, L Well Y, Well Unit of Measure. The table contains numerous rows of data for various well permits across different counties and agencies.

Section J, Item 12.

WCR2006-1089186	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990128	-122.58457	13N	07W	15	Mount Diablo(010-030)	10/19/2006	165	125	165	4	Direct Potar Air	20	0	GPM		
WCR2004-1075331	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981708	-122.60075	13N	07W	21	Mount Diablo(40-32-37)	10/27/2004	85	75	95	6	Direct Potar Air	5	0	100		
WCR1776-243	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Unknown	38.976345	-122.62182	13N	07W	15	Mount Diablo		172				Other not sp	Other not specified				
WCR2000-740349	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/RICKY CANEPA CAEPA AND SONS INC	38.990338	-122.62173	13N	07W	21	Mount Diablo 10-3-32	5/15/2000	400	4	5	20	10	Direct Potar	700	GPM		
WCR1984-5297273	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	38.981708	38.981708	122.64075	13N	07W	21	Mount Diablo				
WCR1985-80317	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/R AND B DRILLING	38.981708	-122.64075	13N	07W	21	Mount Diablo	5/31/1985	57				Other not sp	Other not specified				
WCR1973-3697	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LAKE DELAP POINTS WEST DRILLING	38.976329	-122.64042	13N	07W	16	Mount Diablo	1/31/1977	150				Other not sp	Other not specified				
WCR1974-23853	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LOVSONE LOVSONE WEL DRG VNTAGE INC	38.981728	-122.62182	13N	07W	21	Mount Diablo	3/31/1974	116				Other not sp	Other not specified				
WCR1991-3050296	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981728	-122.62182	13N	07W	21	Mount Diablo	39-448-2/30/1991	335	215	335		Other not sp	Other not specified	25	GPM		
WCR1993-8114231	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981708	-122.64075	13N	07W	21	Mount Diablo	3/31/1993	38	116	38		Other not sp	Other not specified	13	GPM		
WCR2000-761668	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/RICKY CANEPA CAEPA AND SONS INC	38.990338	-122.62173	13N	07W	21	Mount Diablo 10-3-32	3/14/2000	380	170	380		10	Direct Potar	2000	GPM		
WCR2006-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.975559	-122.58477	13N	07W	13	Mount Diablo(010-030)	6/5/2006	240	200	240		4	Direct Potar Air	50	GPM		
WCR2006-1089122	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990501	-122.63134	13N	07W	21	Mount Diablo	100-0031/10/1/2006	360	360	360		4	Direct Potar Air	4	GPM		
WCR2006-1089188	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.990128	-122.58457	13N	07W	12	Mount Diablo(010-030)	10/19/2006	403	363	403		4	Direct Potar Air	42	GPM		
WCR2011-E0141621	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	IGREG DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo(040-033)	11/6/2011					Other not sp	Other not specified			
WCR1974-68478	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	HUMMEL WELL DRILLING	38.976329	-122.64042	13N	07W	16	Mount Diablo	4/30/1974	85				Other not sp	Other not specified			
WCR1976-141527	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981728	-122.62182	13N	07W	21	Mount Diablo	6/30/1976	69				Other not sp	Other not specified				
WCR2006-1089187	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.976345	-122.62182	13N	07W	15	Mount Diablo(039-344)	10/16/2006	100	83	103		4	Direct Potar	20	GPM		
WCR1982-247	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Unknown	BROWN, RICHARDSON AND SONS INC	38.981708	-122.64075	13N	07W	21	Mount Diablo	10/31/1982	50				Other not sp	Other not specified			
WCR1976-141535	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981708	-122.64075	13N	07W	21	Mount Diablo	6/30/1976	60				Other not sp	Other not specified				
WCR1976-108483	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	FROB DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo	6/30/1976	50				Other not sp	Other not specified			
WCR2011-E0141607	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	IGREG DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo(040-033)	11/7/2011					Other not sp	Other not specified			
WCR2007-1993138	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	14	Mount Diablo(010-056)	4/26/2007	190	140	180		4	Direct Potar	80	GPM		
WCR1974-56265	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10/31/1974	75				Other not sp	Other not specified				
WCR1993-304395	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-32-15/21/1993	19	4	19		Other not sp	Other not specified				
WCR1989-527275	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	IGARY S. JOHNSON ENVIRONMET CONSULTANT	38.981708	-122.64075	13N	07W	21	Mount Diablo	39-55-52/7/1989	20	5	20		2	Auger			
WCR1986-4465164	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	39-341-7/4/1986	85	65	85		4	Direct Potar	50	GPM		
WCR1980-333719	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.976345	-122.62182	13N	07W	15	Mount Diablo	39-333-2/10/1/1980	92	52	92		Other not sp	Other not specified	75	36		
WCR2006-0008239	Main	Main County Environmental Health Services - DWR North Central R/Monitoring	RSI RSI	38.98	-122.58	02N	06W	31	Mount Diablo(6-61-31)	10/6/2006	20	10	20		2	Auger	10		
WCR1977-110258	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981708	-122.64075	13N	07W	21	Mount Diablo		58				Other not sp	Other not specified				
WCR1996-445213	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/MC MULLEN DAN WELL DRILLING	38.981708	-122.64075	13N	07W	21	Mount Diablo	39-591-1/30/1996	58	38	58		4	Direct Potar	29	12		
WCR2004-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10/16/2004	180	300	180		3	Direct Potar	40	GPM		
WCR2002-771935	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-32-16/2/2002	20	5	20		2	Other not sp	Other not specified			
WCR2007-E0043186	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-32-16/2/2002	20	5	20		2	Other not sp	Other not specified			
WCR2007-E0043187	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-32-16/2/2002	20	5	20		2	Other not sp	Other not specified			
WCR1984-4043396	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-3-32/16/2/1984	99	59	99		80	99	99	Alr	3	20
WCR2007-E0043181	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981728	-122.62182	13N	07W	22	Mount Diablo(039-077)	10/31/2007	97	55	95		5	Direct Potar	87	40		
WCR2007-E0043182	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo(010-044)	8/29/2007	200	40	200		4	Direct Potar	50	GPM		
WCR2007-E0043183	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.980071	-122.62182	13N	07W	21	Mount Diablo	3-5-31/4/2000	360	170	360		10	Direct Potar	2000	GPM		
WCR2009-1074880	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo(010-042)	3/19/2009	30	140	220		4	Other not sp	Other not specified	60	GPM
WCR1987-107738	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-4-18/1/1987	30				Other not sp	Other not specified				
WCR1989-719754	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-4-22/1/1989	65	25	65		3	Auger				
WCR2008-107354	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	WATER DEVELOPMENT CORPORATION	38.981708	-122.64075	13N	07W	21	Mount Diablo(039-167)	3/4/2008	25	10	25		2	Auger			
WCR1984-424023	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	39-322-6/16/1984	40	73	40		3	Direct Potar	15	GPM		
WCR2000-228021	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/FROB BROS DRILLING INC	38.990128	-122.58457	13N	07W	12	Mount Diablo(010-021)	12/11/1999	240	200	240		4	Direct Potar Air	100	GPM		
WCR2010-95204	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981708	-122.64075	13N	07W	21	Mount Diablo(039-082)	9/20/2010	70	51	70		4	Direct Potar	100	GPM		
WCR1974-241	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Unknown	IGARY S. JOHNSON ENVIRONMET CONSULTANT	38.976345	-122.62182	13N	07W	15	Mount Diablo	10/31/1974	40				Other not sp	Other not specified			
WCR1976-93455	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/E. LOVSONE LOVSONE WEL DRG VNTAGE INC	38.976345	-122.62182	13N	07W	15	Mount Diablo		175				Other not sp	Other not specified				
WCR2004-1075332	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/E. LOVSONE LOVSONE WEL DRG VNTAGE INC	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-45-10/27/2004	95	75	95		6	Direct Potar	100	GPM		
WCR1991-369466	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/MC MULLEN DAN WELL DRILLING	38.976345	-122.62182	13N	07W	15	Mount Diablo	39-374-1/10/1991	80				Other not sp	Other not specified				
WCR1977-11402	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/LOUSE P. BOUSACA, DOUSE AND DRILL	38.976329	-122.64075	13N	07W	16	Mount Diablo	12/31/1976	80				Other not sp	Other not specified				
WCR2006-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-3-32/16/2/1986	100	230	100		4	Direct Potar	14	GPM		
WCR2006-1090370	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.990501	-122.63134	13N	07W	21	Mount Diablo	10-3-32/16/2/2006	107	67	107		4	Direct Potar	50	GPM		
WCR1980-79881	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/WEKS DRILLING AND PUMP CO	38.981728	-122.62182	13N	07W	22	Mount Diablo	6/30/1980	228				Other not sp	Other not specified				
WCR2004-712136	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.981708	-122.64075	13N	07W	21	Mount Diablo	39-321-1/14/2004	70	170	70		6	Direct Potar	70	GPM		
WCR2000-71341	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Domesic/HERMAN LARRY DRILLING CO	38.990128	-122.58457	13N	07W	12	Mount Diablo	10-3-31-11/17/2000	170	150	170		6	Direct Potar	200	GPM		
WCR2002-771938	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Monitoring	38.981708	-122.64075	13N	07W	21	Mount Diablo	40-32-16/2/2002	20	5	20		2	Other not sp	Other not specified			
WCR2011-E0141622	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Other Destroyed	IGREG DRILLING & TESTING INC	38.981708	-122.64075	13N	07W	21	Mount Diablo(040-033)	11/7/2011					Other not sp	Other not specified			
WCR2008-96208	Main	Main County Environmental Health Services - DWR North Central R/Monitoring	RSI RSI	38.98	-122.58	02N	06W	31	Mount Diablo(6-61-31)	10/6/2008	20	7	20		2	Auger	7		
WCR2003-228377	Lake	Lake County Health Services Department - Environment/DWR Northern Region/Water Supply/Irrigation/RICKY CANEPA CAEPA AND SONS INC	38.990338	-122.62173	13N														

Section J, Item 12.

WCR2006-d	1096367		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(HERMAN LARRY DRILLING CO	38.975973	-122.60328	13N	07W	14	Mount Diablo	010-044	2/10/2006	200	120	200	4	Direct Potar	Air				30	GPM	
WCR1976-d	141462A		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo		6/3/1976	60					Other not sp	Other not specified					
WCR2000-d	756810		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(MC MULLEN DAN WELL DRILLING	38.976292	-122.64042	13N	07W	16	Mount Diablo	010-036	9/18/2000	220	180	220	4	Direct Potar	Air				15	GPM	
WCR1989-d	713856		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976345	-122.62182	13N	07W	15	Mount Diablo	10-42-20	6/17/1999	200	80	200	5	Direct Potar	Bentonite				10	GPM	
WCR1979-d	58419		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.976392	-122.64042	13N	07W	16	Mount Diablo		6/3/1979	75					Other not sp	Other not specified					
WCR1975-d	118794		Lake	Lake County Health Services Department - Environmen	DWR Northern Region	Water Supply Domestic	(WEEKS DRILLING AND PUMP CO	38.961708	-122.64075	13N	07W	21	Mount Diablo		4/30/1975	43	14	45			Other not sp	Other not specified				20	GPM



JACOBSZOOM & ASSOCIATES, INC.

natural resource planning & management



Biological Assessment Report

Prepared For:

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Date: May 6, 2021

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Section 1.0: Introduction

This biological assessment was prepared by Jacobszoon and Associates Inc. for Erin McCarrick for the purpose of obtaining a City of Clearlake commercial cannabis permit and CalCannabis State cultivation license. The project site is located approximately 3 miles Northeast of Clearlake within Section 14, Township 13N, Range 7W, Mount Diablo Base and Meridian, in the Lower Lake USGS 7.5-minute quadrangle at 2250 Ogulin Canyon Rd Clearlake, CA, 95422, APN: 010-044-190 (Appendix D: Map 1: Vicinity; Map 2: Parcel Map). A site visit was conducted on April 19, 2021 for proposed areas for development in relation to cannabis.

The purpose of this study was to identify and map areas within the parcel that are potential sensitive natural communities and to locate special-status plants and special-status animal habitats to determine if they would be directly or potentially impacted by the existing project or any proposed expansions. The Study Area referred to within this report comprises a combined area of approximately 12.97 acres and includes a residential structure, two graded areas, an area containing ornamental mulberry trees proposed for removal for greenhouse development, and a Class III watercourse. (Appendix C: Photographs: Photos: 1-5; Appendix D: Map 3: Study Area).

The Study Area is divided into five (5) study areas based generally on geographic arrangement, biological communities present and/or land use (see Appendix D: Map 3, Study Area):

- Study Area 1 consists of the residential structure that is intended for use as an office with a nursery located within the garage.
- Study Area 2 consists of a proposed cultivation location where the island of mulberry trees centered in the driveway. A 10,000 square foot greenhouse is proposed for development.
- Study Area 3 consists of a graded area adjacent to the proposed 10,000 square foot greenhouse that will contain a small processing building.
- Study Area 4 consists of a 75,000 square foot area proposed to house either 25,000 or 30,000 square feet of greenhouse for cultivation.
- Study Area 5 consists of a Class III watercourse spanning the southeast corner of the parcel.

This report includes the following:

- Regulations and Project Description (Section 2)
- Field Survey Methodology (Section 3)
- Study Area Setting (Section 4)
- Field Survey Results (Section 5)
- Assessment Summary and Recommendations (Section 6)
- Tables of Special-Status Plants and Wildlife within CNDDDB nine quads (Appendix A)
- List of Species Observed (Appendix B)
- Representative Photographs of Study Area (Appendix C)
- Supporting Maps (Appendix D)
- Supporting Documents (Appendix E)



Section 2.0: Regulations and Descriptions

2.1 Regulatory Setting

In addition to the requirements of the City of Clearlake's Ordinance, the project shall comply with Federal, State, and local regulations designed to protect sensitive natural resources. The following natural resources are protected under one or more of several Federal and/or State regulations and should be considered when designing and/or implementing the proposed project within the Study Area:

Essential Fish Habitat: protected through changes to the Magnuson-Stevens Fishery Conservation and Management Act to maintain sustainable fisheries in the United States, administered by National Marine Fisheries Service (NMFS):

- Includes habitats (rivers, creeks, estuaries) that may support anadromous fish (fish migrating from ocean habitat into freshwater river habitat), as well as commercially and/or ecologically valuable fishes.

Local Regulations: The City of Clearlake's Marijuana Dispensary Regulations (Article 5-20 Sec. 1-27) stipulates and outlines rules set forth by the City Council for the purpose of the cultivation of cannabis.

- The City of Clearlake Code Ordinance No. 201-2017, Amending Article 5-20 of the Clearlake Municipal Code provides parameters for commercial cannabis cultivation within the City and definitions dispensary, medical marijuana collective, and bud tending room. Additionally, the Ordinance describes subcategories including but not limited to Enforcement, Development, Standards and Restrictions, Permits Required, and Development Standards for the cultivation of commercial cannabis within the City.

Streams, Lakes, and Riparian Habitat: protected under the California Fish and Game Code (CFG), administered by the California Department of Fish and Wildlife (CDFW):

- Includes creeks and rivers (bodies where water flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life), and vegetation adjacent to and associated with (riparian habitat).

Waters of the State: protected under the State Water Resources Control Board (SWRCB) Cannabis General Order (CANGO).

Waters of the U.S.: protected under the Clean Water Act (CWA), administered by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps):

- Includes wetlands, streams, rivers, and other aquatic habitats meeting the guidance issued by the Corps.



2.2 Natural Communities and Sensitive Natural Communities

Sensitive Natural Communities: protected under the California Fish and Game Code (CFGC), administered by California Department of Fish and Wildlife (CDFW 2020):

- Includes terrestrial vegetation or plant communities that are ranked by NatureServe and considered “threatened” or “endangered” by CDFW, lists of such are included in *List of Vegetation Alliances and Associations* (CDFW 2020).

2.3 Special-Status Species

Special-status Plant and Wildlife Species including Critical Habitat: protected under one or more of the Federal Endangered Species Act (ESA), California Endangered Species Act (CESA), California Environmental Quality Act (CEQA), administered by the U.S. Fish and Wildlife Service (USFWS), and/or CDFW:

- Includes plants listed under the ESA and/or CESA, or those plants ranked by the California Native Plant Society (CNPS) as Rank 1, 2, 3 and 4.
- Includes wildlife listed under the ESA and/or CESA, and wildlife listed by CDFW as Species of Special Concern, Fully Protected Species, and/or Special-status including Invertebrates, Birds of Conservation Concern listed by USFWS, Species of Concern listed by National Marine Fisheries Service (NMFS), Western Bat Working Group (WBWG).

Section 3.0: Field Survey Methodology

3.1 Assessment Methods

The biological resource assessment is designed to identify sensitive communities within the Study Area and determine the existence or potential occurrence for special-status species. The assessment is also designed to address the potential for cumulative impacts to biological resources that may occur as a result of the project and to make recommendations to reduce or mitigate potential impacts.

The biological resource assessment includes the analysis and comparison of existing habitat conditions within the Study Area and the documented range and habitat requirements of sensitive plant and wildlife species described in CDFW’s California Wildlife Habitat Relationships System (CWHR).

Jacobszoon & Associates Inc. environmental technician Becca Cosmero conducted a biological resource assessment of the Study Area on April 19, 2021, consisting of approximately three (3). The Study Area was assessed to document: (1) the on-site plant communities, (2) existing conditions and their ability to provide suitable habitat for any special-status plant or wildlife species, and (3) if sensitive biological communities (e.g. wetlands, vernal pools) are present.

Plant species observed during the site assessment were recorded and are listed in Appendix B. Plants listed in Appendix B were identified using *The Jepson Manual: Vascular Plants of California 2nd Edition* (Baldwin et al. 2012) to the taxonomic level necessary to determine rarity.



The names provided in this biological assessment report follow *The Jepson Flora Project* (JFP 2020). It is important to note the assessment was conducted outside of the blooming period for some plants within the vicinity of the Study Area and does not constitute a full and seasonally appropriate botanical assessment.

3.2 Database and Resource Descriptions

Prior to conducting field surveys, available reference materials were reviewed, including the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) *Web Soil Survey*, the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), the Foster Mountain 7.5' USGS quadrangle topographic maps, and the most recent available aerial imagery. The 100-year flood zone was assessed using the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL). The location of streams and watercourses within the project vicinity were reviewed using datasets from California Streams and the California Department of Forestry and Fire Protection (CAL FIRE).

Existing vegetative communities were reviewed using CDFW's Vegetation Classification and Mapping Program (VegCAMP) data for the potential existence and location of sensitive biological communities including Mendocino Cypress (*Hesperocyparis pygmaea*) and related sensitive vegetation. Where VegCAMP data was not available, existing vegetative communities were reviewed using USDA Forest Service Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG) data.

Databases queried for the occurrence of special-status species include the USFWS Information for Planning and Consultation (IPaC), California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (online edition, v8-03 0.39), and the California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) Spotted Owl Data Viewer, RareFind and Quick Viewer processed and unprocessed data (online edition, v5.96.99). The CNDDDB consists of mapped overlays of all known populations of sensitive plants and wildlife. The database is continually updated with new sensitive species population data.

The CNPS database produces a list of sensitive plants that have population occurrences registered within the scoping range. Various habitat characteristics are included with each listed species, including location of the Study Area with regard to the geographic range of sensitive plant species, location(s) of known populations of sensitive plant species as mapped in the CNDDDB, soils of the Study Area, elevation, presence/absence of special habitat features (vernal pools, serpentine/volcanic soils, etc.) and plant communities existing within the Study Area.

While use of the CNPS inventory does not eliminate the need for an in-season botanical survey, it can, when used in conjunction with other information, provide a strong indication of the suitability of a site as habitat for sensitive plant species. The CNDDDB consists of mapped overlays of all known populations of sensitive plants and wildlife (Appendix D, Map 6: CNDDDB Vicinity). The database is continually updated with new sensitive species population data.



California Wildlife Habitat Relationships (CWHR) Predicted Habitat Suitability is a dataset accessed through CNDDDB BIOS Commercial/Spotted Owl Viewer that represents areas of suitable habitat within species' documented ranges. Examination of the CWHR dataset was applied when: 1) the data is available for the species of concern, and 2) when there is a moderate to high potential for an animal to occur on or within 100 feet of the Study Area. CWHR examines whether the areas being examined in the biological assessment is habitat which *may* support a species of special concern. Habitat suitability ranks of Low (less than 0.34), Medium (0.34-0.66) and High (greater than 0.66) suitability are based on the mean expert opinion suitability value for each habitat type for breeding, foraging, and cover (CDFW 2021).

3.3 Database Resource Assessment

A scoping of the CNDDDB and CNPS Inventory of Rare and Endangered Plants was performed to identify existing and historical occurrences of special status species and sensitive terrestrial communities within the project vicinity.

The scoping extended to nine quads surrounding and including the Lower Lake 7.5-minute USGS Quadrangle and included the Lower Lake, Benmore Canyon, Clearlake Highlands, Wilson Valley, Clearlake Oaks, Wilbur Springs, Whispering Pines, Middletown, Jericho Valley 7.5-minute USGS Quadrangles. In addition, a 0.25-mile radius scoping area was completed for the identification of northern spotted owl (*Strix occidentalis caurina*, NSO) Activity Centers. No spotted owl territories (Activity Centers) are located within the 0.25-mile buffer.

Prior to the site visit, the databases listed above were accessed to determine whether sensitive biological communities, special-status species or other sensitive areas were documented within the vicinity of the Study Area (Appendix D: Map 6: CNDDDB Vicinity). During the site visit, existing habitat conditions were evaluated and used to assess the potential for presence of special-status species. The potential for each special-status species to occur in the Study Area was then evaluated according to the following criteria:

- **No Potential:** Habitat on and adjacent to the Study Area is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- **Unlikely:** Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the Study Area is unsuitable or of very poor quality. The species is not likely to be found on-site.
- **Moderate Potential:** Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the Study Area is suitable. The species has a moderate probability of being found on-site.
- **High Potential:** All the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the Study Area is highly suitable. The species has a high probability of being found on-site.
- **Present:** Species is observed on the site or has been recorded (i.e. CNDDDB) on-site recently.



A complete list of all special-status species and communities listed in the nine-quad scoping of the CNDDDB and CNPS as well as those listed in an official USFWS IPaC search of the project area is included in Appendix A: Scoping Table of Special-Status Species and Communities and Potential to occur within the Study Area, and in supporting documents within Appendix E.

3.4 Biological Communities

Biological communities present within the Study Area were classified based on existing plant community descriptions described by Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986), USDA Forest Service Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG) system, and the Manual of California Vegetation Online Edition (MCV2 Alliances, CNPS 2021b).

However, in some cases it may be necessary to identify variants of community types or to describe non-vegetated areas that are not described in the literature. Biological communities were classified as sensitive or non-sensitive as defined by CEQA and other applicable laws and regulations.

The currently accepted vegetation classification system for the state that is standardly used by CDFW, CNPS, and other state and federal agencies, organizations, and consultants for survey and planning purposes is the *Manual of California Vegetation* (MCV; Sawyer, Keeler-Wolf, and Evans 2009). Unlike Holland, this vegetation classification system is based on the standard National Vegetation Classification System (NVCS) and includes alliances (a floristically defined vegetation unit identified by its dominant and/or characteristic species) and associations (the finer level of classification beneath alliance).

Although the CNDDDB still maintains records of some of the old Holland vegetation types, these types are no longer the accepted standard, and the CDFW Vegetation Classification and Mapping Program (VegCAMP) has published more recent vegetation lists for the state based on a standardized vegetation classification system that is currently being developed for California and which is consistent with the MCV classification system. Global and state rarity rankings have been assigned for various types on the recent VegCAMP lists.

3.4.1 Non-sensitive Biological Communities

Non-sensitive biological communities are those communities that are not afforded special protection under CEQA, and other Federal, State, and local laws, regulations, and ordinances. These communities may, however, provide suitable habitat for some special-status plant or wildlife species, and are described in Section 5.1.



3.4.2 Sensitive Biological Communities

Sensitive biological communities include those that are listed in CNDDDB as well as MCV2 alliances or associations with state ranks of S1-S3. Aquatic resources (e.g. watercourses, ponds, wetlands, vernal pools, etc.) are also considered sensitive biological communities and are afforded special protections under CEQA and other Federal, State, and local laws, regulations, and ordinances. Sources for assessing sensitive terrestrial or aquatic natural communities include *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986), *List of Vegetation Alliances* (CDFW, 2020), *A Manual of California Vegetation* (CNPS 2021b), California Streams, USFWS National Wetlands Inventory (NWI), and National Flood Hazard Layer (NFHL).

Sensitive Natural Communities

CDFW considers any MCV2 alliance or association with a state rank of S1-S3 a sensitive natural community. Global and state rankings are defined below.

Global Ranking:

- ♣ G1-Critically Imperiled: At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- ♣ G2-Imperiled: At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- ♣ G3-Vulnerable: At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
- ♣ G4-Apparently Secure: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- ♣ G5-Secure: Common; widespread and abundant.

State Ranking:

- ♣ S1-Critically Imperiled: Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.
- ♣ S2-Imperiled: Imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state.
- ♣ S3-Vulnerable: Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the state.
- ♣ S4-Apparently Secure: Uncommon but not rare in the state; some cause for long-term concern due to declines or other factors.
- ♣ S5-Secure: Common, widespread, and abundant in the state.



Critical Habitat

Critical habitat is a term defined by the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. Federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species, but which are needed for the species' recovery, are protected by the prohibition against adverse modification of critical habitat.

Aquatic Resources

Watercourses and other waterbodies were classified using guidance from the *California Forest Practice Rules 2020* (FPR). Wetlands are determined using the USFWS National Wetland Inventory (NWI) database and are defined in the 1987 USACE Wetlands Delineation Manual as "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands generally include swamps, marshes, bogs, and similar areas. Wet areas are areas with observed hydrophytic vegetation and/or other hydrologic indicators that suggest the area is influenced by ponding or flooding for a significant amount of time throughout the growing season. Wet areas should be given the same protections as wetlands for the purposes of this assessment until a wetland delineation is conducted to confirm the presence and extent of wetlands.

3.5 Special-status Species

Special-status plants (native, vascular and non-vascular) and animals assessed are of limited abundance in California, with known occurrence or distribution in Mendocino County, and were derived from the following lists:

- Federal listed or threatened or endangered plants or species of concern (FT, FE, FSC)
- California State listed or rare, threatened, or endangered plants or species of concern (SR, ST, SE, SP, SSC)
- Board of Forestry Sensitive (BFS)
- California Department of Fish and Wildlife (CDFW) Status animals: Fully Protected, Species of Special Concern and Watch List (FP, SSC, WL)
- California Native Plant Society Rare Plant Rank (CRPR) list 1A species (plants presumed extirpated in California, and either rare or extinct elsewhere)
- California Native Plant Society Rare Plant Rank (CRPR) list 1B species (plants rare, threatened or endangered in California and elsewhere)
- California Native Plant Society Rare Plant Rank (CRPR) list 2A species (plants presumed extirpated in California but more common elsewhere)
- California Native Plant Society Rare Plant Rank (CRPR) list 2B species (plants rare, threatened, or endangered in California but more common elsewhere)
- California Native Plant Society Rare Plant Rank (CRPR) list 3 (plants which more information is needed- a review list)



- California Native Plant Society Rare Plant Rank (CRPR) list 4 (plants of limited distribution – a watch list)

Rare, threatened, and endangered plants are not necessarily limited to those species which have been “listed” by state and federal agencies but should include any species that, based on all available data, is rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is “**endangered**” when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is “**threatened**” when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is “**rare**” when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its habitat continues to deteriorate.

The site assessment is intended to identify the presence or absence of suitable habitat for special-status species known to occur within the Study Area. The site visit does not constitute a full season protocol-level survey and is not intended to determine the actual presence or absence of a species. If a special-status species is observed during the site visit, its presence will be recorded and discussed. All plant and wildlife species observed were recorded and are included in Appendix B.

Section 4.0: Study Area Setting

4.1 Climate and Hydrology

The project site is located approximately 3 miles northeast of Clearlake, CA within Section 11, Township 16N, Range 13W, Mount Diablo Base Meridian, in the Lower Lake USGS 7.5-minute quadrangle at 2250 Ogulin Canyon Road Clearlake, California 95422, APN: 010-044-190 (Appendix D: Map 1: Vicinity). The Study Areas contain one (1) Class III watercourse within the Kelsey Creek-Clearlake watershed (HUC 10-1802011603). The average annual precipitation falls between 25 to 35 inches, the average annual air temperature falls between 55 to 59 degrees F, and the average frost-free period ranges around 160 to 200 days.

4.2 Topography and Soils

The Study Area is located at approximately 880-1,680 feet in elevation and is underlain by three (3) soil mapping units, according to the United States Department of Agriculture, Natural Resources Conservation Service’s *Web Soil Survey*: Manzanita Loam, 15 to 25 percent slopes (Map Unit Symbol 161); Phipps complex, 15 to 30 percent slopes (Map Unit Symbol 196); Phipps complex, 30 to 50 percent slopes (Map Unit Symbol 197). (Appendix D: Map 7, Soil Map). A description of the soil series are as follows:

Manzanita Loam, 15 to 25 percent slopes (Map Unit Symbol 161): This map unit covers 0.1 acres of the parcel and consists of very deep, well drained soils formed in alluvium. Permeability of this soil series is slow with an available water capacity from 7.5 to 10.5 inches. These soils have a severe hazard for erosion with rapid surface runoff. The elevation range is 1400 to 1600 feet in elevation.



Phipps complex, 15 to 30 percent slopes (Map Unit Symbol 196): This map unit covers about 0.1 percent of the parcel and consists of about 60 percent Phipps clay loam, loamy substratum, and 15 percent Phipps loam. Phipps clay loam and Phipps loam are deep, well-drained soils formed in alluvium. Permeability of this soil series is slow with an available water capacity from 8 to 12 inches. These soils have a severe hazard for erosion with rapid surface runoff. The subsoil has a high shrink-swell potential. These soils occur on uplifted, dissected hills and are susceptible to slumping and gullyng. Native vegetation is mostly oaks and annual grasses. Included in this unit are small areas of Forbesville and Bally soils as well as small areas of olive grey clay soils that form deep, wide cracks when dry. The elevation range is 1100 to 2000 feet in elevation.

Phipps complex, 30 to 50 percent slopes (Map Unit Symbol 197): This map unit covers much of the property spanning 12.8 acres of the parcel. This map unit consists of about 50 percent Phipps clay loam, loamy substratum, and 15 percent Phipps loam. Included in this unit are small areas of Forbesville and Bally soils with small areas of olive gray clayey soils that form deep, wide cracks when dry. These soils occur on uplifted, dissected hills and are susceptible to slumping and gullyng. Permeability of this soil series is slow with an available water capacity from 8 to 12 inches. These soils have a severe hazard for erosion with rapid surface runoff. Vegetation is mostly oaks and annual grasses such as wild oat or soft chess. The elevation range is 1100 to 2000 feet in elevation.

4.3 Biota and Land Use

Regionally, the Study Area has historically been used primarily for watershed and wildlife habitat, as well as for recreation areas and livestock grazing (USDA Web Soil Survey, 2021). The native vegetation is mostly interior live oak with scattered gray pine with sloped hillsides of annual grasses and forbs.

Section 5 provides a detailed account of the biological communities found on-site, including sensitive and non-sensitive biological communities and additionally the special-status flora and fauna with potential to occur within the Study Area.

Section 5.0: Field Survey Results

5.1 Biological Communities

The Study Area and immediate surroundings were assessed during a site visit on April 19, 2021 to determine local biological communities present and develop a comprehensive list of all plant and wildlife species observed. Biological communities referred to in this report include Holland 1986 descriptions, USFS CALVEG classifications, and the Manual of California Vegetation (MCV2) alliance descriptions.

Holland Descriptions:

The Study Area is within Blue Oak Woodland and Valley and Foothill Grassland habitat as best classified by the habitat classification system described by Holland 1986. Descriptions of these habitat types are as follows:



- Blue Oak Woodland: Highly variable woodland dominated by *Quercus douglasii*, usually including other oaks and *Pinus sabiniana*. Stands vary from open savannas with grassy understories to dense woodlands with shrubby understories. Usually found below 3000-4000 feet. Interdigitates on more mesic sites at lower elevations with Valley and Foothill Grasslands, where it is largely confined to north slopes and canyons.
- Valley and Foothill Grassland: Introduced, annual Mediterranean grasses and native herbs. On most sites the native bunch grass species, such as needle grass, have been largely or entirely supplanted by introductions. Stands rich in natives usually found on unusual substrates, such as serpentinite or somewhat alkaline soils.

USFS CALVEG Classifications:

According to USDA Forest Service CALVEG mapping delineation, the regionally dominant vegetation type within the Study Area is comprised of Annual Grasses & Forbs, Blue Oak, and Gray Pine (Appendix D: Map 4: CALVEG Classification). Descriptions of these vegetation types are as follows:

- Annual Grasses and Forbs: Small areas of dry grasslands are found scattered extensively throughout private lands and intermixed with agriculturally managed sites across the Coast Ranges. Species include introduced and native annual grasses such as Brome (*Bromus spp.*), Bluegrass (*Poa spp.*), Wildoats (*Avena spp.*), Fescue (*Vulpia spp.*), Dogtail (*Cynosurus spp.*), Barley (*Hordeum murinum*), Needlegrass (*Nasella spp.*), Oatgrass (*Danthonia spp.*), and a variety of forbs such as Checker Mallow (*Sidalcea spp.*), Brodiaea (*Brodiaea spp.*), Wild Hyacinth (*Dipterostemon spp.*), Yampah (*Perideridia spp.*) and Mariposa Lily (*Calochortus spp.*). Oregon White Oak (*Quercus garryana*) stands are often adjacent to some upland annual grasslands.
- Blue Oak Alliance: Blue Oak (*Quercus douglasii*) dominates this low elevation interior hardwood type, which generally occurs below about 2,700 feet in elevation. This type has been mapped most abundantly in the Clear Lake hills and valleys. It grades into the gray pine (*Pinus sabiniana*) alliance at its higher elevations. Other typical associates include Oregon white oak (*Q. garryana*), California black oak (*Q. kelloggii*), and low elevation shrubs such as chamise (*Adenostoma fasciculatum*), shrub oaks (*Quercus spp.*), and annual and perennial grasses.
- Gray Pine Alliance: Stands in which gray pine (*Pinus sabiniana*) is the dominant conifer are typically diverse and very open with a mixture of hardwoods such as Blue oak (*Quercus douglasii*), Oregon white oak (*Quercus garryana*), canyon live oak (*Quercus chrysolepis*), Pacific madrone (*Arbutus menziesii*) and low elevation chaparral shrubs such as chamise (*Adenostoma fasciculatum*), shrub oaks (*Quercus spp.*), whiteleaf and common manzanitas (*Arctostaphylos viscida*, *A. manzanita*) and wedgeleaf ceanothus (*Ceanothus cuneatus*). Annual grasslands are sometimes found adjacent to gray pine stands and may form the ground layer in open stands. These are often associated with ultramafic soils.



MCV2 Alliances:

Biological communities observed were classified using the Manual of California Vegetation Online Edition (MCV2 Alliances, CNPS 2021b) (Appendix D: Map 5: MCV2 Alliance Classification). Three (3) MCV2 Alliance communities were observed on site:

- *Quercus douglasii* Forest and Woodland Alliance
- *Cercocarpus montanus* Shrubland Alliance
- *Nasella spp.*-*Melica spp.* Herbaceous Alliance

Please refer to Appendix C (Photographs: Photos: 6-10) for photographs of each MCV2 Alliance community. Detailed descriptions of these communities are as follows:

- *Quercus douglasii* Forest and Woodland Alliance (Blue Oak Woodland): *Quercus douglasii* (blue oak) is dominant or co-dominant in tree canopy with *Aesculus californica*, *Juniperus californica*, *Pinus sabiniana*, *Quercus agrifolia*, *Quercus lobata*, *Quercus wizlizeni*.
 - Vegetation Layers: Trees <20 m with conifers < 35 m; canopy is intermittent to continuous or savanna-like. Shrub layer is sparse to intermittent. Herbaceous layer is sparse or grassy and forbs are present seasonally.
 - Membership Rules:
 - *Quercus douglasii* >50% relative cover in the tree canopy, other hardwoods or conifers may be <30% relative cover in tree canopy.
 - Global Rarity Rank: G4
 - State Rarity Rank: S4
- *Cercocarpus montanus* Shrubland Alliance (Birch leaf mountain mahogany chaparral): *Cercocarpus montanus* is dominant or co-dominant in the shrub or small tree canopy with *Adenostoma fasciculatum*, *Adenostoma sparsifolium*, *Arctostaphylos glandulosa*, *Arctostaphylos glauca*, *Artemisia californica*, *Ceanothus crassifolius*, *Ceanothus cuneatus*, *Cercocarpus montanus* $\geq 30\%$ relative cover, and other chaparral shrubs may be equally important in cover, including *Adenostoma fasciculatum* and *Ceanothus spinosus*.
 - Vegetation Layers: Shrubs < 5 meters; canopy is single or two tiered and open to continuous. Herbaceous layer is sparse or grassy.
 - Membership Rules:
 - Both *C. montanus* and *Eriogonum fasciculatum* between 30 and 60% relative cover in the shrub canopy.
 - *Cercocarpus montanus* > 30% relative cover with no other shrub species exceeding it in cover, or *C. montanus* and *Arctostaphylos glauca* with equal relative cover.
 - *Cercocarpus montanus* > 30% relative cover, and other chaparral shrubs may be equally important cover, including *Adenostoma fasciculatum* and *Ceanothus spinosus*.
 - Global Rank Rarity: G5
 - State Rank Rarity: S4



- *Nassella spp.-Melica spp.* Herbaceous Alliance (Needle grass- Melic grassland): *Melica californica*, *Melica torreyana*, *Nassella cernua*, *Nassella lepida* and/or *Nassella pulchra* is dominant or characteristically present in the herbaceous layer with other perennial grasses and herbs including *Aristida ternipes*, *Astragalus spp.*, *Avena spp.*, *Bromus spp.*, *Calamagrostis koelerioides*, *Calochortus spp.*, *Calystegia spp.*, *Chlorogalum pomeridianum*, *Clarkia spp.*, *Corethrogyne filaginifolia*, *Croton setigerus*, *Cryptantha spp.*, *Daucus pusillus*, *Dichelostemma capitatum*, *Elymus glaucus*, *Eriogonum spp.*, *Erodium spp.*, *Eschscholzia californica*, *Festuca californica*, *Hirschfeldia incana*, *Holocarpha virgata*, *Hordeum brachyantherum*, *Koeleria macrantha*, *Lasthenia spp.*, *Plantago spp.*, *Poa secunda*, *Sanicula spp.*, *Sisyrinchium bellum*, *Trifolium spp.* and/or *Vulpia spp.* Emergent trees and shrubs may be present at low cover .
 - Vegetation Layers: Herbs <1 mete; cover is open to continuous.
 - Membership Rules:
 - *Nassella pulchra* > 5% absolute cover as a characteristic to dominant species in the herbaceous layer.
 - *Nassella pulchra* usually > 10% relative cover of the herbaceous layer.
 - *Nassella pulchra* or *Nassella cernua* is characteristically present in the herbaceous layer with at least 2% absolute cover.
 - *Nassella pulchra* or other *Nassella sp.* has a clear presence in the stand with > 5% absolute cover in the herbaceous layer.
 - *Nassella cernua* > 30% relative cover in the herbaceous layer as a characteristic grass.
 - *Melica californica* and/or *Nassella pulchra* > 30% relative cover in the herbaceous layer. Other species including *Achnatherum lemmonii*, *Avena spp.*, *Bromus spp.*, *Hemizonia congesta*, *Lolium perenne*, *Plantago erecta*, and/or *P. lanceolata* may intermix as dominant, co-dominant or characteristic taxa in associations of this alliance.
 - *Melica torreyana* > 30% relative cover in the herbaceous layer and is commonly associated with serpentinite soils.
 - Global Rarity Rank: G3
 - State Rarity Rank: S3

A complete list of all plant and wildlife species observed within the Study Area was compiled during the site visit on April 19, 2021. The list of species observed is included in Appendix B: List of Species Observed. Biological communities observed within the Study Area during the site visit were classified using the MCV2 classification system and mapped, shown in Appendix D (Map 5: MCV2 Alliance Classifications).



5.1.1 Non-sensitive Biological Communities

Non-sensitive biological communities are those communities that are not afforded special protection under CEQA, and other Federal, State, and local laws, regulations, and ordinances. The Study Area is comprised of two (2) non-sensitive biological community, as classified under the MCV2 system:

- Quercus douglasii Forest and Woodland Alliance (Blue Oak Woodland): This community is the dominant habitat type occurring throughout the parcel and represents the margins of each Study Area. Global Rarity Ranking: G4; State Rarity Ranking: S4.
- Cercocarpus montanus Shrubland Alliance (Birch leaf mountain mahogany chaparral): Small stands of this alliance can be found along the margins of the dried Class III watercourse. Global Rarity Ranking: G5; State Rarity Ranking: S4.

Descriptions of these communities are listed above in section 5.1, Biological Communities, and include the Manual of California Vegetation (MCV2) alliance descriptions.

5.1.2 Sensitive Biological Communities

Sensitive biological communities include those that are listed in CNDDDB as well as observed MCV2 alliances or associations with state ranks of S1-S3 and are listed on CDFW's *List of California Sensitive Natural Communities* (CDFW 2020). Aquatic resources (e.g. watercourses, ponds, wetlands, vernal pools, etc.) are also considered sensitive biological communities and are afforded special protections under CEQA and other Federal, State, and local laws, regulations, and ordinances. Two (2) sensitive biological communities were observed during the on-site assessment including purple needlegrass (*Nasella pulchra*) grassland and a Class III watercourse.

Sensitive Terrestrial Communities:

There was one (1) sensitive terrestrial community observed on site during the biological assessment on April 19, 2021. Sensitive terrestrial communities observed within the vicinity of the Study Areas are listed and discussed below:

- Nasella spp.- Melica spp. Herbaceous Alliance (Needle grass-Melic grass Grassland): This community represents the open grassland habitat found adjacent to Study Area 4 and 5 and comprising much of the grassland present within the property. Global Rarity Ranking: G3; State Rarity Ranking: S3.

Sensitive Mesic/Aquatic Communities:

Aquatic resources, communities, and habitats (e.g. watercourses, ponds, wetlands, vernal pools, etc.) are considered sensitive biological communities and are afforded special protections under CEQA and other Federal, State, and local laws, regulations, and ordinances. Aquatic habitats present within the Study Area could provide suitable aquatic or riparian habitats for sensitive flora and fauna.

One sensitive aquatic community is present within the Study Area and was observed and mapped on-site (Appendix D: Map 3, Study Area; Map 9, Aquatic Resource Protections). Watercourses and other waterbodies are classified using guidance from *the California Forest Practice Rules 2020* (FPR).



Watercourses: An unnamed Class III channel spans the southeastern corner of the parcel. This watercourse has historically been dry for approximately a decade. This watercourse contains a dry gravelly bottom and is surrounded by a blue oak woodland, grassland, and pockets of birch leaf mountain mahogany chaparral.

Recommendations to avoid or mitigate potential impacts to aquatic resources are discussed in Section 6.0, Assessment Summary and Recommendations.

5.2 Special-status Species

5.2.1 Special-status Plant Species

Upon review of the resource databases listed in Section 3.2, forty-one (41) special-status plant species have been documented within the vicinity of the Study Area. Please refer to Appendix A for a table of all special-status plant species which occur within a nine-quad search surrounding the Study Area and additional discussion of the potential for each species to occur within the Study Area. Special-status species documented within five miles of the Study Area are depicted in the CNDDDB Vicinity map (Appendix D: Map 6, CNDDDB Vicinity).

Of the forty-one (41) special-status plant species within the vicinity of the Study Area, twenty-one (21) special-status plant species have a moderate to high potential to occur within the Study Area. The remaining twenty (20) special-status plant species documented within the vicinity of the Study Area are unlikely to occur or do not have the potential to occur due to one or more of the following reasons:

- Hydrologic conditions (e.g., vernal pools, riverine) necessary to support the special-status plant species are not present within the Study Area.
- Edaphic conditions (soils, e.g., rocky outcrops, serpentinite) necessary to support the special-status plant species are not present within the Study Area.
- Topographic conditions (e.g., montane) necessary to support the special-status plant species are not present within the Study Area.
- Unique pH conditions (e.g., alkali scalds, acidic bogs) necessary to support the special-status plant species are not present within the Study Area.
- Associated vegetation communities (e.g., interior chaparral, tidal marsh) necessary to support the special-status plant species are not present within the Study Area.
- The Study Area is geographically isolated (e.g., outside of required elevations, coastal environment) from the documented range of the special-status plant species.
- Ecological conditions (last recorded observations, human-made or natural disturbance) have encroached on species to a point to cause presumed extinction.

The habitat requirements for the twenty-one (21) special-status plant species with moderate or high potential to occur within the Study Area is described in the table below:



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Plants			
bent-flowered fiddleneck <i>Amsinckia lunaris</i> Rank 1B.2	Cismontane woodland, valley and foothill grassland, coastal bluff scrub. Elevation ranges from 10 to 2609 feet (3 to 795 meters). An annual herb, the blooming period is from Mar-Jun.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
twig-like snapdragon <i>Antirrhinum virga</i> Rank 4.3	Chaparral, lower montane coniferous forest, often found in rocky openings. <i>A. virga</i> has a serpentine affinity (2.8, moderate). Elevation ranges from 328 to 6611 feet (100 to 2015 meters). A perennial herb, the blooming period is from Jun-Jul.	Moderate Potential. The Study Area contains marginal areas representing chaparral habitat with a gravelly-dry creek bottom amongst gray pine woodland that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
Konocti manzanita <i>Arctostaphylos stanfordiana ssp. elegans</i> Rank 1B.3	Chaparral, cismontane woodland, lower montane coniferous forest, often on volcanic soils. Elevation ranges from 738 to 6004 feet (225 to 1830 meters). A shrub, the blooming period is from Mar-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) within the elevation range for this species to utilize.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Raiche's manzanita <i>Arctostaphylos stanfordiana ssp. raichei</i> Rank 1B.1	Chaparral, lower montane coniferous forest (openings), rocky, serpentine sites, often on slopes and ridges. <i>A. stanfordiana ssp. raichei</i> has a serpentine affinity (2.6, moderate). Elevation ranges from 1591 to 3511 feet (485 to 1070 meters). A perennial evergreen shrub, the blooming period is from Feb-Apr.	Moderate Potential. The Study Area contains marginal areas of chaparral habitat along a gray pine woodland that may be supportive of this species; however, serpentine does not occur throughout the Study Areas.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>Brewer’s milk-vetch <i>Astragalus breweri</i> Rank 4.2</p>	<p>Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland. Often in grassy flats, meadows moist in spring, and open slopes in chaparral. Commonly on or near volcanic or serpentine sites. <i>A. breweri</i> has a serpentine affinity (3.2, moderate). Elevation ranges from 296 to 2395 feet (90 to 730 meters). An annual herb, the blooming period is from Apr-Jun.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland, foothill grassland, with pockets of chaparral species) for this species to utilize; however, serpentine soil is not present within the Study Area.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>Rattan’s milk-vetch <i>Astragalus rattanii</i> var. <i>rattanii</i> Rank 4.3</p>	<p>Chaparral, cismontane woodland, lower montane coniferous forest, often found on open grassy hillsides, gravelly flats in the valleys and gravel bars of stream beds. Elevation ranges from 99 to 2707 feet (30 to 825 meters). A perennial herb, the blooming period is from Apr-Jul.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassy hillsides) for this species to utilize.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>big-scale balsamroot <i>Balsamorhiza macrolepis</i> Rank 1B.2</p>	<p>Chaparral, valley and foothill grassland, cismontane woodland, sometimes on serpentine (ultramafic). <i>B. macrolepis</i> has a serpentine affinity (2.5, strong indicator). Elevation ranges from 115 to 4807 feet (35 to 1465 meters). A perennial herb, the blooming period is from Mar-Jun.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species to utilize. Serpentine soil is not present within the Study Area.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>small-flowered calycadenia <i>Calycadenia micrantha</i> Rank 1B.2</p>	<p>Chaparral, valley and foothill grassland, meadows and seeps, often found on rocky talus or scree, sparsely vegetated areas, roadsides and sometimes on serpentine. Elevation ranges from 1427 to 4610 feet (435 to 1405 meters). An annual herb, the blooming period is from Jun-Sep.</p>	<p>Moderate Potential. The Study Area does these habitat components along the margins of the dry watercourse and may therefore be supportive of this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.</p>



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>pink creamsacs <i>Castilleja rubicundula</i> var. <i>rubicundula</i> Rank 1B.2</p>	<p>Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, often in openings of chaparral or grasslands, sometimes on serpentine. Elevation ranges from 66 to 3002 feet (20 to 915 meters). An annual herb, the blooming period is from Apr-Jun.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species to utilize; however, serpentine soil is not present within the Study Area.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>Calistoga ceanothus <i>Ceanothus divergens</i> Rank 1B.2</p>	<p>Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, often found in openings of chaparral or grasslands, sometimes on serpentine. Elevation ranges from 66 to 3002 feet (20 to 915 meters). <i>C. divergens</i> has a serpentine affinity (2.0, moderate). A shrub, the blooming period is from Feb-Apr.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>deep-scarred cryptantha <i>Cryptantha excavate</i> Rank 1B.1</p>	<p>Cismontane woodland, often found on sandy, gravelly, dry streambanks. Elevation ranges from 591 to 1231 feet (180 to 375 meters). An annual herb, the blooming period is from Apr-May.</p>	<p>Moderate Potential. The dry gravelly watercourse within the Study Area contains cismontane woodland margins and may be supportive of this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>congested-headed hayfield tarplant <i>Hemizonia congesta</i> ssp. <i>congesta</i> Rank 1B.2</p>	<p>Valley and foothill grassland, often in fallow fields, sometimes along roadsides. <i>H. congesta</i> ssp. <i>congesta</i> has a weak serpentine affinity (1.3, weak). Elevation ranges from 17 to 1706 feet (5 to 520 meters). An annual herb, the blooming period is from Apr-Nov.</p>	<p>Moderate Potential. The Study Area contains grassland and roadsides that may support this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Colusa layia <i>Layia septentrionalis</i> Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, scattered colonies in fields and grassy slopes in sandy or serpentine soil. Elevation ranges from 49 to 3609 feet (15 to 1100 meters). An annual herb, the blooming period is from Apr-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
bristly leptosiphon <i>Leptosiphon acicularis</i> Rank 4.2	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland. Elevation ranges from 181 to 4922 feet (55 to 1500 meters). An annual herb, the blooming period is from Apr-Jul.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Jepson's leptosiphon <i>Leptosiphon jepsonii</i> Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland often found in open-to-partially shaded grassy slopes on volcanic soil or the periphery of serpentine substrates (ultramafic). Elevation ranges from 181 to 2805 feet (55 to 855 meters). An annual herb, the blooming period is from Mar-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassland slopes) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Milo Baker's lupine <i>Lupinus milo-bakeri</i> Rank 1B.1	Cismontane woodland, valley and foothill grassland, often along roadsides, in ditches, dry gravelly areas along roads and along small streams. Elevation ranges from 1247 to 1411 feet (380 to 430 meters). An annual herb, the blooming period is from Jun-Sept.	Moderate Potential. The Study Area contains cismontane woodland with grasslands, roadsides, and gravelly dry stream banks that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
Mt. Diablo cottonweed <i>Micropus amphiboles</i> Rank 3.2	Valley and foothill grassland, cismontane woodland, chaparral, broadleaved upland forest, often on bare, grassy, or rocky slopes. Elevation ranges from 148 to 2707 feet (45 to 825 meters). The blooming period is Mar-May.	Moderate Potential. The Study Area contains grassland and woodland habitat occurring on slopes that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19.



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>cotula navarretia</p> <p><i>Navarretia cotulifolia</i></p> <p>Rank 4.2</p>	<p>Chaparral, cismontane woodland, valley and foothill grassland, often on adobe soils. Elevation ranges from 13 to 6004 feet (4 to 1830 meters). An annual herb, the blooming period is from May-Jun.</p>	<p>Moderate Potential. The Study Area contains cismontane woodland and grassland within the elevation range that is supportive of this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.</p>
<p>Jepson's navarretia</p> <p><i>Navarretia jepsonii</i></p> <p>Rank 4.3</p>	<p>Chaparral, valley and foothill grassland, cismontane woodland, often found on habitat edges, drying flats and sometimes on serpentine (ultramafic). Elevation ranges from 558 to 2805 feet (175 to 855 meters). An annual herb, the blooming period is from Apr-Jun.</p>	<p>Moderate Potential. The Study Area contains many habitat edges between the gravelly dry watercourse and cismontane or grassland habitat that may be supportive of this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>Keck's checkerbloom</p> <p><i>Sidalcea keckii</i></p> <p>Rank 1B.1</p>	<p>Cismontane woodland, valley and foothill grassland, often on grassy slopes in blue oak (<i>Quercus douglasii</i>) woodland or sometimes on serpentine-derived clay soils. Elevation ranges from 279 to 1657 feet (85 to 505 meters). <i>S. keckii</i> has a serpentine affinity (3, moderate). An annual herb, the blooming period is from Apr-May.</p>	<p>Moderate Potential. The Study Areas occur within a rolling blue oak woodland with conifers and grassland throughout that is supportive of this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.</p>
<p>oval-leaved viburnum</p> <p><i>Viburnum ellipticum</i></p> <p>Rank 2B.3</p>	<p>Chaparral, cismontane woodland, lower montane coniferous forest. Elevation ranges from 706 to 4593 feet (215 to 1400 meters). A shrub, the blooming period is from May-Jun.</p>	<p>Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species.</p>	<p>Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.</p>

No special-status plant species were observed within the Study Area during the Biological Assessment.



5.2.2 Special-status Animal Species

A total of thirty-eight (38) special-status wildlife species have been documented within the vicinity of the Study Area. Please refer to Appendix A for a table of all special-status wildlife species which occur within the vicinity of the Study Area and discussion of the potential for each species to occur within the Study Area. Special-status species documented within five miles of the Study Area are depicted in the CNDDDB Vicinity map (Appendix D: Map 6, CNDDDB Vicinity).

Of the thirty-eight (38) special-status wildlife species within the vicinity of the Study Area, fourteen (14) special-status wildlife species recorded have a moderate to high potential to occur within the Study Area. The remaining twenty-four (24) special-status wildlife species documented within the vicinity of the Study Area are unlikely to occur or do not have the potential to occur due to one or more of the following reasons:

- Aquatic Habitats (e.g., streams, rivers, vernal pools) necessary to support special-status wildlife species are not present within the Study Area.
- Vegetation Habitats (e.g., forested area, riparian, grassland) that provide nesting and/or foraging resources necessary to support special-status wildlife species are not present within the Study Area.
- Physical Structures and Vegetation (e.g., caves, old-growth trees) that provide nesting, cover, and/or foraging habitat necessary to support special-status wildlife species are not present within the Study Area.
- Host Plants (e.g., *Cirsium sp.*) that provide larval and nectar resources necessary to support special-status wildlife species are not present within the Study Area.
- Historic and Contemporary Disturbance (e.g., cattle grazing, agriculture) deter the presence of the special-status wildlife species from occupying the Study Area.
- The Study Area is outside the documented nesting range of special-status wildlife species.

The fourteen (14) special-status wildlife species with moderate or high potential to occur within the Study Area are described in the table below.

SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Amphibians			
California giant salamander <i>Dicamptodon ensatus</i> CDFW: SSC IUCN: NT	<i>Dicamptodon ensatus</i> occur south of the Mendocino County line. <i>D. ensatus</i> occur in meadows and seeps, north coast coniferous forest and riparian forested habitats in or near clear, cold permanent and semi-permanent streams and seepages. Adults leave terrestrial habitats to reproduce, and both the reproduction and larval stages are aquatic with breeding occurring mostly in the spring.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Medium (0.66) suitability for this species and may provide suitable migration habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>red-bellied newt</p> <p><i>Taricha rivularis</i></p> <p>CDFW: SSC IUCN: LC</p>	<p><i>T. rivularis</i> inhabits coastal forests, typically in redwood (<i>Sequoia sempervirens</i>) forest habitat although also found in other forest types (hardwood etc.). Adults are terrestrial and fossorial. Transformed juveniles leave aquatic environments and go into hiding in underground shelters, often until ready to reproduce. Breeding occurs in streams often with relatively strong flows.</p>	<p>High Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (1) suitability for this species and may provide suitable migration habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. Recommendations for this species are described in Section 6.0.</p>
Avifauna			
<p>Cooper's hawk</p> <p><i>Accipiter cooperii</i></p> <p>CDFW: WL IUCN: LC</p>	<p><i>A. cooperii</i> are forest and woodland birds, often in open, interrupted or marginal woodlands; however, they can be found in cismontane woodland, riparian forest/woodland and upper montane coniferous forested habitats. Nest sites mainly in riparian growths of deciduous trees (i.e., canyon bottoms on river flood plains) and in oak woodland habitat.</p>	<p>High Potential. According to the CWHR Predicted Habitat Suitability Map, The Study Area falls within High (0.55-0.67) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. It is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between Mar and Aug 31.</p>
<p>golden eagle</p> <p><i>Aquila chrysaetos</i></p> <p>BLM: S CDF: S CDFW: FP, WL IUCN: LC USFWS: BCC</p>	<p><i>A. chrysaetos</i> inhabit rolling foothills, mountain areas, sage-juniper flats and desert. This species frequently nests in cliff-walled canyons and large trees in open areas.</p>	<p>High Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (0.77) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.</p>



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>prairie falcon</p> <p><i>Falco mexicanus</i></p> <p>CDFW: SS IUCN: LC USFWS: BCC</p>	<p>Prairie falcons breed in open country wherever they find bluffs and cliffs to nest on, including alpine habitat to about 11,000 feet. Breeding habitats include grasslands, shrub steppe desert, areas of mixed shrubs and grasslands, or alpine tundra that supports abundant ground squirrel or pika (<i>Ochotona princeps</i>) populations. Winter habitat includes grasslands, sage scrub, dry-farmed wheat fields, irrigated cropland, and cattle feedlots.</p>	<p>High Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (1) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.</p>
<p>osprey</p> <p><i>Pandion haliaetus</i></p> <p>CDF: S CDFW: WL IUCN: LC</p>	<p><i>P. haliaetus</i> are strictly associated with large, fish-bearing waters, primarily in ponderosa pine and mixed conifer stands. Foraging habitat consists of open, clear waters, rivers, lakes, reservoirs, estuaries, lagoons, swamps, marshes, and bays. Diet consists almost exclusively live fish. Large trees, snags, and blown-out treetops are used for cover and nesting. Nests are located on or near the tops of trees, snags, cliffs, or human-made structures.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Low (0.11) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.</p>
<p>purple martin</p> <p><i>Progne subis</i></p> <p>CDFW: SSC IUCN: LC</p>	<p><i>P. subis</i> often inhabit tall old-growth trees or snags in coniferous forests with multilayered canopy and are second-cavity nesters using old woodpecker cavities, crevices in rocks, trees and cactus. Typically, <i>P. subis</i> forage in open areas near water.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Low to High (0.11-0.89) suitability for this species. There are woodpecker cavities present that may be utilized by this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.</p>



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Insects			
western bumble bee <i>Bombus occidentalis</i> State: CE USFS: S Xerces: IM	<i>B. occidentalis</i> are generalist pollinators and occur in a variety of habitat types, mainly open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows, as well as along stream banks and roadsides or other disturbed areas. Typically nests underground in abandoned rodent burrows or other cavities. Rangelwide, example food plants of <i>Bombus occidentalis</i> include <i>Ceanothus</i> , <i>Centaurea</i> , <i>Chrysothamnus</i> , <i>Cirsium</i> , <i>Geranium</i> , <i>Grindellia</i> , <i>Lupinus</i> , <i>Melilotus</i> , <i>Monardella</i> , <i>Rubus</i> , <i>Solidago</i> , and <i>Trifolium</i> .	Moderate Potential. The Study Area contains open grassy habitat with nearby shrubs and foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
Mammals			
pallid bat <i>Antrozous pallidus</i> BLM: S CDFW: SSC IUCN: LC USFS: S WBWG: H	<i>A. pallidus</i> are found in deserts, grasslands, shrublands, woodlands, and forests. Most common in open, forages along river channels. Roosting sites include crevices in rocky outcrops and cliffs, caves, mines, basal hollows in large conifers and various human structures such as bridges, barns, and buildings (including occupied buildings). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (0.66-0.77) suitability for this species and does not provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
Townsend’s big-eared bat <i>Corynorhinus townsendii</i> BLM: S CDFW: SSC IUCN: LC USFS: S WBWG: H	<i>C. townsendii</i> is associated with a wide variety of habitats from deserts to mid-elevation mixed coniferous-deciduous forest, basal hollows in large conifers. Females form maternity colonies in buildings, caves and mines and males roost singly or in small groups. Foraging occurs in open forest habitats where they glean moths from vegetation.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Low (0.33) to Moderate (0.66) suitability for this species and does provide open foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.



SPECIES	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
<p>Western Red Bat</p> <p><i>Lasiurus blossevillii</i></p> <p>CDFW:SSC IUCN:LC WBWG:H</p>	<p><i>L. blossevillii</i> roosts primarily in trees, often 2-40ft above the ground from sea level through mixed conifer forests. Typical habitats include cismontane woodland, lower montane coniferous forest, riparian forests and woodlands. This species prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Moderate (0.66) suitability for this species. There are suitable mosaics of trees adjacent to the Study Areas that may support this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021.</p>
<p>hoary bat</p> <p><i>Lasiurus cinereus</i></p> <p>CDFW: SSC IUCN: LC WBWG: M</p>	<p><i>L. cinereus</i> are yearlong residents of Mendocino County. This bat is one of the few bats known to both migrate south for winter and to hibernate locally. Hoary bat daytime roosts are typically dense foliage of medium to large sized trees. This bat occupies a variety of habitats including dense forest, forest edges, coniferous forests, deserts, and broadleaf forests.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Moderate (0.55) to High (1) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021.</p>
<p>long-eared myotis</p> <p><i>Myotis evotis</i></p> <p>CDFW: SSC BLM:S IUCN: LC WBWG: M</p>	<p><i>M. evotis</i> is found in all brush, woodland and forested habitats from sea level to approximately 9,000 feet in elevation. Foraging occurs along habitat edges, in open spaces and over water. This species prefers coniferous woodlands and forests, and roosts primarily in caves. Nursery colonies are often found within buildings, crevices, spaces under bark and snags.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Medium (0.66) suitability for this species and may provide suitable foraging habitat for this species.</p>	<p>Not Observed. No signs of bat presence were observed within the Study Area. Visual encounter surveys are recommended prior to development. If <i>L. blossevillii</i> are observed CDFW shall be notified.</p>
<p>fringed myotis</p> <p><i>Myotis thysanodes</i></p> <p>BLM: S CDFW: SSC IUCN: LC USFS: S WBWG: H</p>	<p><i>M. thysanodes</i> are widespread in California, occurring in a wide variety of habitats including pinyon-juniper, valley foothill hardwood and hardwood-conifer, generally found at 1300-2200m elevations (4000-7000ft). They forage around streams, lakes, and ponds. Typical roosting habitat include caves, mine tunnels, rock crevices and old buildings.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of High (0.77) suitability for this species and does provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021.</p>



No special status animal species were observed within the Study Area during the biological site assessment.

Section 6.0: Assessment Summary and Recommendations

6.1 Biological Communities

The Study Area is comprised predominantly of two (2) non-sensitive biological communities, one (1) sensitive terrestrial community determined during an on-site biological assessment on April 19, 2021 (Appendix D: Map 5, MCV2 Alliance Classifications; Map 10: Aquatic Resource Protections).

Non-Sensitive Communities:

Under the MCV2 alliance classification system, a site visit on April 19, 2021 determined that non-sensitive communities within the Study Area are best classified as *Quercus douglasii* Forest and Woodland Alliance (Blue Oak Woodland) & *Cercocarpus montanus* Shrubland Alliance (Birch leaf mountain mahogany chaparral). Detailed descriptions of these biological communities are discussed in section 5.1. There are no recommendations for non-sensitive communities.

Sensitive Terrestrial Communities:

Sensitive biological communities include those that are listed in CNDDDB as well as observed MCV2 alliances or associations with state rarity ranks of S1-S3 and are listed on CDFW's *List of California Sensitive Natural Communities* (CDFW 2020). Under the MCV2 alliance classification system, a site visit on April 19, 2021 determined that the sensitive terrestrial community observed adjacent to Study Areas 4 and 5 is best classified as *Nasella spp.- Melica spp.* Herbaceous Alliance (Needle grass-Melic grass Grassland). Detailed descriptions of these biological communities are discussed in section 5.1.

There are no recommendations for this sensitive terrestrial community.

Sensitive Aquatic Communities:

Aquatic resources, communities, and habitats (e.g. watercourses, ponds, wetlands, vernal pools, etc.) are considered sensitive biological communities and are afforded special protections under CEQA and other Federal, State, and local laws, regulations, and ordinances. Aquatic habitats present within the Study Area could provide suitable aquatic or riparian habitats for sensitive flora and fauna. All existing cannabis cultivation on the parcel should be located outside of the State Water Resources Control Board's (SWRCB) setbacks and the NFHL 100-year flood zone to protect aquatic resources (Appendix D: Map 8: National Flood Hazard, Map 9: National Wetland Inventory, Map 10: Aquatic Resource Protections).

Watercourse: There is one unnamed Class III watercourse spanning the southeastern corner of the parcel that was dry upon observation during the biological site assessment. This watercourse has historically been dry for approximately a decade.



Recommendations for watercourses are listed below:

- It is recommended that all earthwork adjacent to any watercourse adhere to standard methods of erosion and sediment control and, if possible, to complete all work while the channel is dry to reduce sediment load downstream.
- It is recommended that any work within a watercourse with the potential to impact aquatic resources be conducted in compliance with s CDFW's Lake and Streambed Alteration Agreement.
- It is recommended that future expansions or development associated with this project be located outside of the NFHL 100-year flood zone as well as SWRCB setbacks.

6.2 Special-status Species

Twenty-one (21) special-status plant species and fourteen (14) special-status wildlife species have a moderate or high potential to occur within the Study Area based on habitat present. No special status plant or wildlife species were observed within the Study Area during the biological site assessment.

6.2.1 Special-status Plant Species

Fourteen (14) special status plant species have a moderate or high potential to occur within the Study Area: Purdy's onion (*Allium fimbriatum purdyi*), bent-flowered fiddleneck (*Amsinkia lunaris*), dimorphic snapdragon (*Antirrhinum subcordatum*), twig-like snapdragon (*Antirrhinum virga*), Knoch's manzanita (*Arctostaphylos stanfordiana elegans*), Raiche's manzanita (*Arctostaphylos stanfordiana raichei*), Brewer's milk-vetch (*Astragalus breweri*), Rattan's milk-vetch (*Astragalus rattanii rattanii*), big-scale balsamroot (*Balsamorhiza macrolepis*), small-flowered calycadenia (*Calycadenia micrantha*), four-petaled pussypaws (*Calyptridium quadripetalum*), pink creamsacs (*Castilleja rubicundula rubicundula*), Calistoga ceanothus (*Ceanothus divergens*), deep-scarred cryptantha (*Cryptantha excavate*), congested-headed hayfield tarplant (*Hemizonia congesta congesta*), Colusa layia (*Layia septentrionalis*), bristly leptosiphon (*Leptosiphon acicularis*), Jepson's leptosiphon (*Leptosiphon jepsonii*), Milo Baker's lupine (*Lupinus milo-bakeri*), Mt. Diablo cottonweed (*Micropus amphiboles*), cotula navarretia (*Navarretia cotulifolia*), Jepson's navarretia (*Navarretia leucocephala bakeri*), Keck's chekerbloom (*Sidalcea keckii*), oval-leaved viburnum (*Viburnum ellipticum*).

No special-status species were observed during the biological site assessment. The biological site visit was conducted during the blooming period for some but not all species with potential to occur and does not constitute a full season protocol-level botanical survey. It is recommended that further botanical surveys during the appropriate blooming period for the above-listed species (May – November) be conducted prior to any groundbreaking activities for any future proposed development in an effort to reduce incidental take of any sensitive or native species within the Study Area.



6.2.2 Special-status Wildlife Species

Seventeen (17) special-status wildlife species have a moderate or high potential to occur within the Study Area, including: Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), osprey (*Pandion haliaetus*), purple martin (*Progne subis*), western bumblebee (*Bombus occidentalis*), pallid bat (*Antrosous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western red bat (*Lasiurus blossevillii*), hoary bat (*Lasiurus cinereus*), long-eared myotis (*Myotis eyotis*), and fringed myotis (*Myotis thysanodes*). While these special-status species have the potential to occur within the Study Area, none were observed during the biological site assessment.

Amphibians

No special-status amphibian species were observed within the Study Area during the biological site assessment.

Avifauna

The existing cultivation areas and watercourses do not have the potential to impact any special-status avifauna species. Avifauna species observed during the biological survey include: California scrub jay, wild turkey, song sparrow, acorn woodpecker, American crow (Appendix B: List of Species Observed). Future development within the Study Area may have the potential to significantly impact bird species such as Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), osprey (*Pandion haliaetus*), purple martin (*Progne subis*), if present.

Most non-game bird species in California are protected under the Migratory Bird Treaty Act (MBTA) which prohibits the deliberate destruction of active nests belonging to protected species. Groundbreaking activities, specifically vegetation removal, and mechanical noise within the Study Area during avian breeding periods could significantly impact nesting bird species.

Recommendations for special-status avian species and migratory bird species are listed below:

- It is recommended that any active bird nest not be removed, relocated, or otherwise disturbed for any purpose until all fledglings have left the nest.
- It is recommended that nesting bird surveys be conducted by a qualified biologist prior to the commencement of any activity that results in the removal of vegetation during nesting bird season. Nesting bird season is between March 1st and August 31st of any year.

No special-status avifauna species were observed within the Study Area during the biological site assessment.

Fish

The Study Area does not contain any fish bearing watercourses or waterbodies.

Insects

One (1) special-status insect species, Western bumble bee (*Bombus occidentalis*), has a moderate potential to occur within the Study Area. If a special-status insect nest is observed, it is recommended that active nests not be removed, relocated, or otherwise disturbed until the nest becomes inactive.



Recommendations for special-status insect species are listed below:

- If special-status insect nests are observed, it is recommended that active nests not be removed, relocated, or otherwise disturbed until the nest becomes inactive.

No special-status insects or nests were observed within the Study Area during the biological site assessment.

Mammals

Future development within the Study Area has the potential to impact mammalian species, particularly pallid bat (*Antrosous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western red bat (*Lasiurus blossevillii*), hoary bat (*Lasiurus cinereus*), long-eared myotis (*Myotis eyotis*), and fringed myotis (*Myotis thysanodes*) for which there is suitable habitat present within the Study Area.

Project activities within the areas proposed for cannabis development will not have any physical effects on roosting habitat for special-status bat species. However, special-status bat species such as *L. cinereus* may be especially sensitive to noise disturbance associated with project activities. It is recommended that if evidence of bat roosts is observed (i.e. bat guano, ammonia odor, grease stained cavities) around trees or structures, pre-construction bat surveys should be conducted by a qualified biologist to address any potential occurrence of this species.

Recommendations for special-status bat species:

- It is recommended that if evidence of bat roosts are observed (i.e. bat guano, ammonia odor, grease stained cavities) around trees or structures, pre-construction bat surveys should be conducted by a qualified biologist to address any potential occurrence of this species.
- If suitable roosting habitat for special-status bats will be affected by project activities, a qualified wildlife biologist will conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include trees within 0.25 mile of project activities.

No special-status mammals or roosts were observed during the biological site assessment.

Reptiles

Future development within the Study Area does not have the potential to impact special-status reptile species. No special-status reptiles were observed during the biological site assessment.



6.3 Wildlife Corridors

No change to foraging or wintering habitat for migratory birds is expected because of the existing cultivation or proposed expansions. Additionally, no significant impacts to migratory corridors for amphibian, aquatic, avian, mammalian, or reptilian species is expected as a result of the proposed cannabis development.

6.4 Critical Habitat

The Study Area does not contain and is not adjacent to critical habitat for any Federal or State-listed species (Appendix E: USFWS IPAC Official Species List).



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Becca Cosmero is an environmental technician at Jacobszoon and Associates Inc. with three years of professional experience in fisheries management, biological monitoring, and ecological restoration. Prior to working with Jacobszoon and Associates, Becca has worked with FISHBIO to monitor and study predator populations threatening salmonids within the Stanislaus and Tuolumne Rivers, Sequoia Ecological Consulting as an on-call biologist, and Grassroots Ecology as an AmeriCorps intern. She received a Rare Plant and Vegetation Sampling certificate from the California Native Plant Society in March 2019. She received a Bachelor's of Science in Biology with an emphasis in Ecology and Evolutionary Studies from the University of California, Merced in 2018.

Sincerely,

Becca Cosmero
Environmental Technician
Jacobszoon & Associates, Inc.



Appendix A: Table of Potential for Special-Status Plants and Wildlife within the Study Area



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Amphibians				
California giant salamander <i>Dicamptodon ensatus</i>	CDFW: SSC IUCN: NT	<i>Dicamptodon ensatus</i> occur south of the Mendocino County line. <i>D. ensatus</i> occur in meadows and seeps, north coast coniferous forest and riparian forested habitats in or near clear, cold permanent and semi-permanent streams and seepages. Adults leave terrestrial habitats to reproduce and both the reproduction and larval stages are aquatic with breeding occurring mostly in the spring.	No Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area does not rank in suitability for this species. There are not watercourses with water present on the property.	Not Present. This species was not observed during the biological assessment on April 19, 2021.
foothill yellow-legged frog <i>Rana boylei</i>	BLM: S CDFW: SSC IUCN: NT USFS: S	<i>R. boylei</i> occupy a diverse range of ephemeral and permanent streams, rivers, and adjacent moist terrestrial habitats. Occupied streams are often partly shaded, low gradient, and dominated by coarse, unconsolidated rocky substrates. Adults breed and tadpoles develop in slow water velocity habitats. Dispersing juvenile and adult frogs will seek refugia in Class II streams pre-and-post breeding.	Unlikely. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Low (0.33) suitability for this species and does not provide suitable habitat for this species. The Class III watercourse spanning the southern boundary of the parcel has not supported running water in approximately ten years according to previous landowner.	Not Present. This species was not observed during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
California red-legged frog <i>Rana draytonii</i>	FT CDFW: SSC IUCN: VU	California red-legged frogs (CRLF) primarily inhabit permanent or nearly permanent water sources (quiet streams, marshes, and ponds) containing shorelines with extensive vegetation. Breeding tends to occur primarily in ponds, less likely in streams, and happens from November to April. This ranid frog will also use upland habitats outside of the breeding season and may be discovered under logs, rocks, and other debris during wet conditions.	Unlikely. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Low (0.33) suitability for this species and does not provide suitable habitat for this species.	Not Present. This species was not observed during the biological assessment.
red-bellied newt <i>Taricha rivularis</i>	CDFW: SSC IUCN: LC	<i>T. rivularis</i> inhabits coastal forests, typically in redwood (<i>Sequoia sempervirens</i>) forest habitat although also found in other forest types (hardwood etc.). Adults are terrestrial and fossorial. Transformed juveniles leave aquatic environments and go into hiding in underground shelters, often until ready to reproduce. Breeding occurs in streams often with relatively strong flows.	No Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area does not rank in suitability for this species. There are not watercourses with water present on the property.	Not Present. This species was not observed during the biological assessment on April 19, 2021.
Avifauna				
Cooper’s hawk <i>Accipiter cooperii</i>	CDFW: WL IUCN: LC	<i>A. cooperii</i> are forest and woodland birds, often in open, interrupted, or marginal woodlands; however, they can be found in cismontane woodland, riparian forest/woodland and upper montane coniferous forested habitats. Nest sites mainly in riparian growths of deciduous trees (i.e., canyon bottoms on river flood plains) and in oak woodland habitat.	High Potential. According to the CWHR Predicted Habitat Suitability Map, The Study Area falls within High (0.55-0.67) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. It is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between Mar and Aug 31.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
golden eagle <i>Aquila chrysaetos</i>	BLM: S CDF: S CDFW: FP, WL IUCN: LC USFWS: BCC	<i>A. chrysaetos</i> inhabit rolling foothills, mountain areas, sage-juniper flats and desert. This species frequently nests in cliff-walled canyons and large trees in open areas.	High Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (0.77) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.
western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT CDFW: SSC NABCI: RWL USFWS: BCC	<i>C. alexandrinus nivosus</i> inhabit barren to sparsely vegetated sandy beaches, salt pond levees, Great Basin standing waters, wetlands and shores of large alkali lakes. Nesting habitat consists of sandy, gravelly or friable soils usually within a natural or scraped depression on dry ground. Diet consists of terrestrial and aquatic invertebrates.	No Potential. According to the CWHE Predicted Habitat Suitability Map, the Study Area is outside the known distribution range for this species.	Not Present. This species was not observed during the biological assessment on April 19, 2021.
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FT SE BLM: S USFS: S USFWS: BCC	<i>C. americanus occidentalis</i> use wooded habitat with dense cover and water nearby, including woodlands with low, scrubby vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes. This species makes their nests along horizontal branches or the fork of a tree or large shrub, often between 3 to 90 feet (1 to 28 meters).	No Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area is outside the known distribution range for this species.	Not Present. This species was not observed during the biological assessment; there are no further recommendations.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
prairie falcon <i>Falco mexicanus</i>	CDFW: SSC IUCN: LC USFWS: BCC	Prairie falcons breed in open country wherever they find bluffs and cliffs to nest on, including alpine habitat to about 11,000 feet. Breeding habitats include grasslands, shrub steppe desert, areas of mixed shrubs and grasslands, or alpine tundra that supports abundant ground squirrel or pika (<i>Ochotona princeps</i>) populations. Winter habitat includes grasslands, sage scrub, dry-farmed wheat fields, irrigated cropland, and cattle feedlots.	High Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (1) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.
bald eagle <i>Haliaeetus leucocephalus</i>	BLM: S CDF: S CDFW: FP IUCN: LC USFS: S USFWS: BCC	<i>H. leucocephalus</i> require large bodies of water or free-flowing rivers with abundant fish and adjacent snags, cliffs, or perches. Perches are often high in large-limbed trees on snags, broken-topped trees, or on rocks near water. Nests are found in large, old-growth, or dominant live trees with open branches. Nest stands frequently have less than 40% canopy, with some foliage shading the nest, and are within a mile of a permanent water source. In the winter, they roost communally in dense, sheltered, remote conifer stands often within 10 to 12 miles from feeding areas. In winter, bald eagles can also be seen in dry, open uplands if there is access to open water for fishing.	Unlikely. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Low (0.22) suitability for this species and does not provide suitable habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
osprey <i>Pandion haliaetus</i>	CDF: S CDFW: WL IUCN: LC	<i>P. haliaetus</i> are strictly associated with large, fish-bearing waters, primarily in ponderosa pine and mixed conifer stands. Foraging habitat consists of open, clear waters, rivers, lakes, reservoirs, estuaries, lagoons, swamps, marshes, and bays. Diet consists almost exclusively live fish. Large trees, snags, and blown-out treetops are used for cover and nesting. Nests are located on or near the tops of trees, snags, cliffs, or human-made structures.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Low (0.11) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.
purple martin <i>Progne subis</i>	CDFW: SSC IUCN: LC	<i>P. subis</i> often inhabit tall old-growth trees or snags in coniferous forests with multilayered canopy and are second-cavity nesters using old woodpecker cavities, crevices in rocks, trees and cactus. Typically, <i>P. subis</i> forage in open areas near water.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Low to High (0.11-0.89) suitability for this species. There are woodpecker cavities present that may be utilized by this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
northern spotted owl <i>Strix occidentalis caurina</i>	FT, ST CDF: S IUCN: NT NABCI: YWL	<i>S. occidentalis caurina</i> are year-round residents in dense, structurally complex forests, primarily with old-growth conifers. Nests on snags and within tree cavities, and often is associated with existing structures (old raptor nests, squirrel nests and <i>A. pomo</i> nests).	No Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area does not provide suitable habitat for this species.	Not Present. This species was not observed during the biological assessment on April 19, 2021. Prior to construction activities, it is recommended that nesting bird surveys are performed within 14 days of initial ground disturbance or vegetation removal, if construction is proposed to occur between March 1 and August 31.
Fish				
Sacramento perch <i>Archoplites interruptus</i>	CDFW: SSC AFS: TH	<i>A. interruptus</i> prefer sloughs and slow-flowing streams, existing in Clear Lake and Alameda Creek/Calaveras Reservoir and Sonoma Reservoir in the Russian River watershed. Sacramento perch are most often found in warm reservoirs and ponds where summer temperature range from 18-28°C.	No Potential. The required habitat (Class I watercourses) is not located within or adjacent to the Study Area. The Study Area does not provide suitable habitat for this species.	Not Present. This species was not observed during the biological assessment.
Delta smelt <i>Hypomesus transpacificus</i>	FT CE AFS: TH IUCN: EN	<i>H. transpacificus</i> is a small fish, endemic to California and only occurs in the San Francisco estuary. The Delta Smelt life cycle follows the four seasons-spring spawning in fresh water, summer migration/rearing in the low salinity zone, fall maturation in the low salinity zone, and winter upstream migration shortly before spawning.	No Potential. The required habitat (Class I watercourses) is not located within or adjacent to the Study Area. The Study Area does not provide suitable habitat for this species.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Clear Lake tule perch <i>Hysteroecarpus traskii lagunae</i>	CDFW: SSC	<p><i>H. traskii lagunae</i> are endemic to three (3) highly altered lakes (Clear Lake, Lower Blue Lake, and Upper Blue Lake); however, it is expected that they are only commonly found in Upper Blue Lake. Clear Lake and Lower Blue Lake are typically warm (summer temperatures 25-28°C) and shallow, with primarily sandy or soft bottom substrates. Upper Blue Lake is similar but is also clearer and colder. A key habitat requirement of <i>H. traskii lagunae</i> is cover, especially for pregnant females and small juveniles. This species is typically found in small shoals in deep (3+ m) tule beds, among rocks (especially along steep rocky shores), or among the branches of fallen trees.</p>	<p>No Potential. The required habitat (Class I watercourses) is not located within or adjacent to the Study Area. The Study Area does not provide suitable habitat for this species.</p>	<p>Not Present. There are no recommendations for this species.</p>
Clear Lake hitch <i>Lavinia exilicauda chi</i>	ST AFS: VU USFS: S	<p><i>L. exilicauda chi</i> are found exclusively in Clear Lake, Lake County, and associated ponds. This species spawns in tributary streams flowing into Clear Lake. Individuals over 80 days old (4-5 cm SL) are often found in the limnetic zone of Clear Lake; juveniles occupy near-shore shallow waters with protective aquatic vegetation. <i>L. exilicauda chi</i> requires clean, fine-to-medium gravel substrate for spawning and egg-laying, in lower reaches of intermittent tributary streams, mostly in sections that dry up in summer.</p>	<p>No Potential. The required habitat (Class I watercourses) is not located within or adjacent to the Study Area. The Study Area does not provide suitable habitat for this species.</p>	<p>Not Present. There are no recommendations for this species.</p>



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Mollusks				
western ridged mussel <i>Gonidea angulata</i>	CDFW: SSC	<i>G. angulata</i> inhabits cold creeks and streams from low-to-mid elevations that are seasonally and not continuously turbid. <i>G. angulata</i> requires a host species to reproduce and disperse and can be found in diverse substrates from firm mud to coarse particles. Documented fish hosts for this species include hardhead (<i>Mylopharodon conocephalus</i>), pit sculpin (<i>Cottus pitensis</i>), and Tule perch (<i>Hysterocarpus traski</i>).	No Potential. The required habitat (Class I watercourses) is not located within or adjacent to the Study Area. The Study Area does not provide suitable habitat for this species.	Not Present. There are no recommendations for this species.
Clear Lake pyrg <i>Pyrgulopsis ventricosa</i>	CDFW: SSC	<i>P. ventricosa</i> inhabits springs and small spring-fed streams, where it is found on vegetation. It was historically widespread in the Clear Lake region but currently it is restricted to the Seigler Creek drainage in the south end of the Clear Lake basin.	No Potential. The required habitat (Class I watercourses) is not located within the Seigler Creek drainage.	Not Present. There are no recommendations for this species.
Insects				
western bumble bee <i>Bombus occidentalis</i>	State: CE USFS: S Xerces: IM	The habitat for this species is described as open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows. typically nests underground in abandoned rodent burrows or other cavities Rangeland, example food plants of <i>Bombus occidentalis</i> include <i>Ceanothus</i> , <i>Centaurea</i> , <i>Chrysothamnus</i> , <i>Cirsium</i> , <i>Geranium</i> , <i>Grindellia</i> , <i>Lupinus</i> , <i>Melilotus</i> , <i>Monardella</i> , <i>Rubus</i> , <i>Solidago</i> , and <i>Trifolium</i> .	Moderate Potential. The Study Area contains open grassy habitat with nearby shrubs and foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
brownish dubiraphian riffle beetle <i>Dubiraphia brunnescens</i>	CDFW: SSC	Found within the Upper Cache watershed (HUC 18020116+) within Lake county, CA, the brownish dubiraphian riffle beetle occurs in shallow water among submerged roots of various species of aquatic plant life (including <i>Salex sp.</i>) and on rocky shores.	No Potential. The Study Area does not contain running water and is not located within the Upper Cache watershed.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
Borax Lake cuckoo wasp <i>Hedychridium milleri</i>	CDFW: SSC	The Borax Lake cuckoo wasp are found in the vicinity of Borax Lake in Lake County. They fly mainly in the hottest and driest months of summer, preferring subtropical and Mediterranean climates. They favor dry areas and sandy soils.	No Potential. The Study Area is not located near Borax Lake.	Not Present. There are no recommendations for this species.
Wilbur Springs minute moss beetle <i>Ochthebius recticulus</i>		This species is located in moss or accumulations of moist/wet dead leaves and sticks/twigs along the margins of streams, rivers, sinkholes, poos and ponds.	No Potential. The Study Area does not contain moist or wet habitat that would support this species.	Not Present. There are no recommendations for this species.
Wilbur Springs shore fly <i>Paracoenia calida</i>	CDFW: SSC	This species is found only in hot sulphur springs (Wilbur Hot Springs).	No Potential. The Study Area is not located within the vicinity of Wilbur Hot Springs.	Not Present. There are no recommendations for this species.
Wilbur Springs shorebug <i>Saldula usingeri</i>		This species occurs in springs and creeks with high concentrations of sodium, chloride, and lithium, such as soda springs. It is found only on the wet substrate of spring outflows.	No Potential. The Study Area does not contain springs or creeks to support this species.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Ricksecker’s water scavenger beetle <i>Hydrochara rickseckeri</i>	CDFW: SSC	<p><i>H. rickseckeri</i> habitat is considered unknown, and individuals have been observed in artificial ponds as well as vernal ponds. Adults of the species are capable of flight; however, are aquatic by nature. All known collection records (CNDDDB) are from 27 December to 30 July (most in April and May), which would correspond to when vernal pools are most likely to contain water.</p>	<p>No Potential. The required habitat (vernal pools) is not located within or adjacent to the Study Area.</p>	<p>Not Present. There are no recommendations for this species.</p>
Mammals				
pallid bat <i>Antrozous pallidus</i>	BLM: S CDFW: SSC IUCN: LC USFS: S WBWG: H	<p><i>A. pallidus</i> are found in deserts, grasslands, shrublands, woodlands, and forests. Most common in open, forages along river channels. Roosting sites include crevices in rocky outcrops and cliffs, caves, mines, basal hollows in large conifers and various human structures such as bridges, barns, and buildings (including occupied buildings). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.</p>	<p>Moderate Potential.. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (0.66-0.77) suitability for this species and does not provide suitable foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021.</p>



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	BLM: S CDFW: SSC IUCN: LC USFS: S WBWG: H	<p><i>C. townsendii</i> is associated with a wide variety of habitats from deserts to mid-elevation mixed coniferous-deciduous forest, basal hollows in large conifers. Females form maternity colonies in buildings, caves and mines and males roost singly or in small groups. Foraging occurs in open forest habitats where they glean moths from vegetation.</p>	<p>Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Low (0.33) to Moderate (0.66) suitability for this species and does provide open foraging habitat for this species.</p>	<p>Not Observed. This species was not observed during the biological assessment on April 19, 2021.</p>
silver-haired bat <i>Lasionycteris noctivagans</i>	CDFW: SSC IUCN: LC WBWG: M	<p><i>L. noctivagans</i> is primarily a coastal and montane forest dweller, feeding over streams, ponds, and open brushy areas. This species roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes and rarely under rocks. Additionally, <i>L. noctivagans</i> requires a water sources for drinking.</p>	<p>No Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area does not rank in suitability for this species. Montane forest with streams are not present within the Study Area.</p>	<p>Not Present. There are no recommendations for this species.</p>



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
western red bat <i>Lasiurus blossevillii</i>	CDFW: SSC IUCN: LC WBWG: H	<i>L. blossevillii</i> roosts primarily in trees, often 2-40ft above the ground from sea level through mixed conifer forests. Typical habitats include cismontane woodland, lower montane coniferous forest, riparian forests and woodlands. This species prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Moderate (0.66) suitability for this species. There are suitable mosaics of trees adjacent to the Study Areas that may support this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
hoary bat <i>Lasiurus cinereus</i>	CDFW: SSC IUCN: LC WBWG: M	<i>L. cinereus</i> are one of the few bats known to both migrate south for winter and to hibernate locally. Hoary bat daytime roosts are typically dense foliage of medium to large sized trees. This bat occupies a variety of habitats including dense forest, forest edges, coniferous forests, deserts, and broadleaf forests.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within Moderate (0.55) to High (1) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
long-eared myotis <i>Myotis evotis</i>	CDFW: SSC BLM:S IUCN: LC WBWG: M	<i>M. evotis</i> is found in all brush, woodland and forested habitats from sea level to approximately 9,000 feet in elevation. Foraging occurs along habitat edges, in open spaces and over water. This species prefers coniferous woodlands and forests, and roosts primarily in caves. Nursery colonies are often found within buildings, crevices, spaces under bark and snags.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of Medium (0.66) suitability for this species and may provide suitable foraging habitat for this species.	Not Observed. No signs of bat presence were observed within the Study Area. Visual encounter surveys are recommended prior to development. If <i>L. blossevillii</i> are observed CDFW shall be notified.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
fringed myotis <i>Myotis thysanodes</i>	BLM: S CDFW: SSC UCN: LC USFS: S WBWG: H	<i>M. thysanodes</i> are widespread in California, occurring in a wide variety of habitats including pinyon-juniper, valley foothill hardwood and hardwood-conifer, generally found at 1300-2200m elevations (4000-7000ft). They forage around streams, lakes, and ponds. Typical roosting habitat include caves, mine tunnels, rock crevices and old buildings.	Moderate Potential. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within a range of High (0.77) suitability for this species and does provide suitable foraging habitat for this species.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
Reptiles				
western pond turtle <i>Emys marmorata</i>	BLM: S CDFW: SSC IUCN: VU USFS: S	<i>E. marmorata</i> are associated with permanent ponds, lakes, streams, stock ponds, marshes, seasonal wetlands, artificial areas including reservoirs or irrigation ditches, or permanent pools along intermittent streams in a wide variety of habitats. This species requires basking sites in the aquatic environment or upland, grassy openings with loose soil for nesting and overwintering. Nest sites can be found from 100-500 meters from aquatic habitat.	Unlikely. According to the CWHR Predicted Habitat Suitability Map, the Study Area falls within High (1) suitability for this species; however, there are no permanent water features within or adjacent the Study Area for this species to utilize.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.
Plants				
Purdy's onion <i>Allium fimbriatum</i> var. <i>purdyi</i>	Rank 4.3	Cismontane woodland, chaparral, often found in open, rocky places, usually in serpentine chaparral. <i>A. fimbriatum</i> var. <i>purdyi</i> has a moderate serpentine affinity of 5.4. Elevation ranges from 985 to 1969 feet (300 to 600 meters). A perennial herb (bulb), the blooming period is from Apr-Jun.	Unlikely. The Study Area is located within the elevation range and contains cismontane woodland that may support this species; however, no serpentine soils are present.	Not Observed. This species was not observed during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
bent-flowered fiddleneck <i>Amsinckia lunaris</i>	Rank 1B.2	Cismontane woodland, valley and foothill grassland, coastal bluff scrub. Elevation ranges from 10 to 2609 feet (3 to 795 meters). An annual herb, the blooming period is from Mar-Jun.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
dimorphic snapdragon <i>Antirrhinum subcordatum</i>	Rank 4.3	Chaparral, lower montane coniferous forest, generally on serpentine or shale (ultramafic) in foothill woodland or chaparral on south and west-facing slopes. <i>A. subcordatum</i> has a strong serpentine affinity of 4.3. Elevation ranges from 607 to 2625 feet (185 to 800 meters). An annual herb, the blooming period is from Apr-Jul.	Unlikely. The Study Area contains foothill woodland habitat within the elevation range that may support this species, however, there are no serpentine soils that occur within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
twig-like snapdragon <i>Antirrhinum virga</i>	Rank 4.3	Chaparral, lower montane coniferous forest, often found in rocky openings. <i>A. virga</i> has a moderate serpentine affinity of 2.8. Elevation ranges from 328 to 6611 feet (100 to 2015 meters). A perennial herb, the blooming period is from Jun-Jul.	Moderate . The Study Area contains marginal areas representing chaparral habitat with a gravelly-dry creek bottom amongst gray pine woodland that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
coast rockcress <i>Arabis blepharophylla</i>	Rank 4.3	Broadleaved upland forest, coastal prairie, coastal scrub, coastal bluff scrub, often found on rocky sites. Elevation ranges from 10 to 3609 feet (3 to 1100 meters). A perennial herb, the blooming period is from Feb-May.	No Potential. The Study Area does not provide coastal range habitat supportive of this species.	Not Present. There are no recommendations for this species.
modest rockcress <i>Arabis modesta</i>	Rank 4.3	Chaparral, lower montane coniferous forest; intergrades with <i>A. oregana</i> . Often on moist shaded banks, slopes, rocky canyon walls, talus, or basaltic bluffs. Perennial herb, the blooming period is Mar-Jul.	Unlikely. The Study Area does not provide moist shaded slopes or canyon walls to support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Oregon rockcress <i>Arabis oregana</i>	Rank 4.3	Yellow pine forest, chaparral; often on moist granitic soil, rocky hillsides, and steep banks. A perennial herb, the blooming period is May-June.	No Potential. The Study Area does not provide coastal range habitat supportive of this species.	Not Present. There are no recommendations for this species.
Konocti manzanita <i>Arctostaphylos stanfordiana</i> ssp. <i>elegans</i>	Rank 1B.3	Chaparral, cismontane woodland, lower montane coniferous forest, often on volcanic soils. Elevation ranges from 738 to 6004 feet (225 to 1830 meters). A shrub, the blooming period is from Mar-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) within the elevation range for this species to utilize.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Raiche’s manzanita <i>Arctostaphylos stanfordiana</i> ssp. <i>raichei</i>	Rank 1B.1	Chaparral, lower montane coniferous forest (openings), rocky, serpentine sites, often on slopes and ridges. <i>A. stanfordiana</i> ssp. <i>raichei</i> has a moderate serpentine affinity of 2.6. Elevation ranges from 1591 to 3511 feet (485 to 1070 meters). A perennial evergreen shrub, the blooming period is from Feb-Apr.	Moderate Potential. The Study Area contains marginal areas of chaparral habitat along a gray pine woodland that may be supportive of this species; however, serpentine does not occur throughout the Study Areas.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
serpentine milkweed <i>Asclepias solanoana</i>	Rank 4.2	Chaparral, cismontane woodland, lower montane coniferous forest, typically growing on serpentine soils and confined to clearings and gentle slopes with southern exposure. <i>A. solanoana</i> has a strong serpentine affinity of 6.0. Elevation ranges from 755 to 6103 feet (230 to 1860 meters). A perennial herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide serpentine soils necessary to support this species.	Not Present. There are no recommendations for this species.
Brewer’s milk-vetch <i>Astragalus breweri</i>	Rank 4.2	Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland. Often in grassy flats, meadows moist in spring, and open slopes in chaparral. Commonly on or near volcanic or serpentine sites. <i>A. breweri</i> has a moderate serpentine affinity of 3.2. Elevation ranges from 296 to 2395 feet (90 to 730 meters). An annual herb, the blooming period is from Apr-Jun.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland, foothill grassland, with pockets of chaparral species) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Cleveland’s milk-vetch <i>Astragalus clevelandii</i>	Rank 4.3	Chaparral, cismontane woodland, riparian forest, ultramafic seeps and creeks; sandy stream banks, gravel bars moist in spring, hillside seeps on slopes. <i>A. clevelandii</i> has a strong serpentine affinity of 6.1. Elevation ranges from 656 to 4922 feet.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland and sandy creek banks) for this species to utilize; however, serpentine soil is not present	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Jepson’s milk-vetch <i>Astragalus rattanii</i> var. <i>jepsonianus</i>	Rank 1B.2	Cismontane woodland, valley and foothill grassland, chaparral, commonly on serpentine (ultramafic) in grasslands or in openings of chaparral. <i>A. rattanii</i> var. <i>jepsonianus</i> has a moderate serpentine affinity of 4.3. Elevation ranges from 574 to 3297 feet (175 to 1005 meters). An annual herb, the blooming period is from Mar-Jun.	Low Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Rattan’s milk-vetch <i>Astragalus rattanii</i> var. <i>rattanii</i>	Rank 4.3	Chaparral, cismontane woodland, lower montane coniferous forest, often found on open grassy hillsides, gravelly flats in the valleys and gravel bars of stream beds. Elevation ranges from 99 to 2707 feet (30 to 825 meters). A perennial herb, the blooming period is from Apr-Jul.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassy hillsides) for this species to utilize.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
big-scale balsamroot <i>Balsamorhiza macrolepis</i>	Rank 1B.2	Chaparral, valley and foothill grassland, cismontane woodland, sometimes on serpentine (ultramafic). <i>B. macrolepis</i> has a moderate serpentine affinity of 2.5. Elevation ranges from 115 to 4807 feet (35 to 1465 meters). A perennial herb, the blooming period is from Mar-Jun.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species to utilize. Serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
watershield <i>Brasenia schreberi</i>	Rank 2B.3	Freshwater marshes and swamps. Aquatic, known from water bodies both natural and artificial. Elevation ranges from 3 to 7152 feet (1 to 2180 meters). A perennial rhizomatous herb (aquatic), the blooming period is from Jun-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Indian Valley brodiaea <i>Brodiaea rosea</i>	Rank 3.1 CE	Closed-cone coniferous forest, chaparral cismontane woodland, valley and foothill grassland, often on serpentine gravelly creek bottoms, meadows and swales. <i>B. rosea</i> has a moderate serpentine affinity of 5.5. Elevation ranges from 1116 to 3921 feet (340 to 1195 meters). A perennial herb (bulb), the blooming period is from May-Jun.	Low Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted.
serpentine reed grass <i>Calamagrostis ophitidis</i>	Rank 4.3	Chaparral, lower montane coniferous forest, meadows and seeps, valley and foothill grasslands, often on serpentine, rocky sites (ultramafic). Elevation ranges from 296 to 3494 (90-1065 meters).	Low Potential. The Study Area contains foothill grasslands with pockets of chaparral species within the elevation range along the margins of the watercourse.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
pink star-tulip <i>Calochortus uniflorus</i>	Rank 4.2	Coastal scrub, coastal prairie, north coast coniferous forest, meadows and seeps. Seasonally moist meadows, sometimes within coastal scrub or forested habitats. <i>C. uniflorus</i> has a weak serpentine affinity of 1.7. Elevation ranges from 33 to 3511 feet (10 to 1070 meters). A perennial herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
small-flowered calycadenia <i>Calycadenia micrantha</i>	Rank 1B.2	Chaparral, valley and foothill grassland, meadows and seeps, often found on rocky talus or scree, sparsely vegetated areas, roadsides and sometimes on serpentine. Elevation ranges from 1427 to 4610 feet (435 to 1405 meters). An annual herb, the blooming period is from Jun-Sep.	Moderate Potential. The Study Area does these habitat components along the margins of the dry watercourse and may therefore be supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
four-petaled pussypaws <i>Calyptridium quadripetalum</i>	Rank 4.3	Chaparral, lower montane coniferous forest, sandy or gravelly areas. <i>C. quadripetalum</i> has a moderate serpentine affinity of 4.6 Elevation ranges from 1034 to 6693 feet (315 to 2040 meters). An annual herb, the blooming period is from Apr-Jun.	Moderate Potential. The Study Area does these habitat components along the margins of the dry watercourse as well as within and may therefore be supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Mt. Saint Helena morning-glory <i>Calystegia collina</i> ssp. <i>oxyphylla</i>	Rank 4.2	Chaparral, lower montane coniferous forest, valley and foothill grassland, often along serpentine barrens, slopes and hillsides (ultramafic). <i>C. collina</i> ssp. <i>oxyphylla</i> has a strong serpentine affinity of 5.6. Elevation ranges from 919 to 3314 feet (280 to 1010 meters). A perennial herb (rhizomatous), the blooming period is from Apr-Jun.	Unlikely. The Study Area supports foothill grassland that may support this species; however, serpentine soils do not occur throughout the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
three-fingered morning-glory <i>Calystegia collina</i> ssp. <i>tridactylosa</i>	Rank 1B.2	Chaparral, cismontane woodland, often on rocky, gravelly openings on serpentine substrates (ultramafic). This species has a moderate serpentine affinity of 4.5. Elevation ranges from 1985 to 2313 feet (605 to 705 meters). A perennial herb, the blooming period is from Apr-Jun.	Low Potential. The Study Area does provide suitable habitat for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
northern meadow sedge <i>Carex praticola</i>	Rank 2B.2	Meadows and seeps, wetlands, moist to wet meadows. Elevation ranges from 49 to 10499 feet (15 to 3200 meters). A perennial grass-like herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
pink creamsacs <i>Castilleja rubicundula</i> <i>var. rubicundula</i>	Rank 1B.2	Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, often in openings of chaparral or grasslands, sometimes on serpentine. Elevation ranges from 66 to 3002 feet (20 to 915 meters). An annual herb, the blooming period is from Apr-Jun.	Moderate Potential. The Study Area does provide suitable habitat for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Rincon Ridge ceanothus <i>Ceanothus confusus</i>	Rank 1B.1	Closed-cone coniferous forest, chaparral, cismontane woodland, known from volcanic or serpentine soils, dry shrubby slopes. <i>C. confusus</i> has a weak serpentine affinity of 1.3. Elevation ranges from 492 to 4200 feet (150 to 1280 meters). A shrub, the blooming period is from Feb-Jun.	Low Potential. The Study Area does not contain many of the habitat requirements for this species, and serpentine soils do not exist within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Calistoga ceanothus <i>Ceanothus divergens</i>	Rank 1B.2	Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, often found in openings of chaparral or grasslands, sometimes on serpentine. Elevation ranges from 66 to 3002 feet (20 to 915 meters). <i>C. divergens</i> has a weak serpentine affinity of 2.0. A shrub, the blooming period is from Feb-Apr.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and foothill grassland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
pappose tarplant <i>Centromadia parryi</i> <i>ssp. parryi</i>	Rank 1B.2	Chaparral, coastal prairie, meadows and seeps, coastal salt marsh, valley and foothill grassland, vernal mesic sites, often found in alkaline areas. Elevation ranges from 0 to 1640 feet (0 to 500 meters). An annual herb, the blooming period is from May-Nov.	Low Potential. The Study Area contains areas of foothill grassland that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
dwarf soaproot <i>Chlorogalum pomeridianum</i> var. <i>minus</i>	Rank 1B.2	Chaparral; often found on serpentine sites (ultramafic). Elevation ranges from 394 to 4003 feet (120 to 1220 meters). <i>C. pomeridianum</i> var. <i>minus</i> has a strong serpentine affinity of 6.1. A perennial herb (bulb), the blooming period is from May-Aug.	No Potential. The Study Area does not provide suitable serpentine habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Tracy's clarkia <i>Clarkia gracilis</i> ssp. <i>tracyi</i>	Rank 4.2	Chaparral, openings, usually on serpentine soils. <i>C. gracilis</i> ssp. <i>tracyi</i> has a moderate serpentine affinity of 5.0. Elevation ranges from 214 to 2133 feet (65 to 650 meters). An annual herb, the blooming period is from Apr-Jul.	Low Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
serpentine collomia <i>Collomia diversifolia</i>	Rank 4.3	Chaparral, cismontane woodland, often on rocky or gravelly sites (ultramafic). <i>C. diversifolia</i> has a strong serpentine affinity of 5.6. Elevation ranges from 985 to 1969 feet (300 to 600 meters). An annual herb, the blooming period is from May-Jun.	No Potential. The Study Area does provide serpentine habitat for this species.	Not Present. There are no recommendations for this species.
serpentine bird's-beak <i>Cordylanthus tenuis</i> ssp. <i>brunneus</i>	Rank 4.3	Chaparral, closed-cone coniferous forest, cismontane woodland, often along barren, rocky serpentine soil (ultramafic). <i>C. tenuis</i> ssp. <i>brunneus</i> has a moderate serpentine affinity of 5.1. Elevation ranges from 1559 to 3002 feet (475 to 915 meters). An annual herb (hemiparasitic), the blooming period is from Jul-Aug.	Unlikely. The Study Area does provide serpentine habitat for this species but is located within cismontane woodland.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.



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serpentine cryptantha <i>Cryptantha dissita</i>	Rank 1B.2	Chaparral, serpentine outcrops (ultramafic). <i>C. dissita</i> has a moderate serpentine affinity of 4.4. Elevation ranges from 443 to 2412 feet (135 to 735 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
deep-scarred cryptantha <i>Cryptantha excavate</i>	Rank 1B.1	Cismontane woodland, often found on sandy, gravelly, dry streambanks. Elevation ranges from 591 to 1231 feet (180 to 375 meters). An annual herb, the blooming period is from Apr-May.	Moderate Potential. The dry gravelly watercourse within the Study Area contains cismontane woodland margins and may be supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
swamp larkspur <i>Delphinium uliginosum</i>	Rank 4.2	Chaparral, valley and foothill grassland, often found in moist drainages, meadows and creek beds on mesic ultramafic substrates. <i>D. uliginosum</i> has a strong serpentine affinity of 5.7. Elevation ranges from 1116 to 2002 feet (340 to 610 meters). A perennial herb, the blooming period is from May-Jun.	No Potential. The Study Area does not provide moist suitable serpentine habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Cascade downingia <i>Downingia willamettensis</i>	Rank 2B.2	Cismontane woodland (lake margins), valley and foothill grasslands (lake margins), vernal pools. Elevation ranges from 49 to 3642 feet (15 to 1110 meters). An annual herb, the blooming period is from Jun-Jul.	Low Potential. The Study Area is located a few miles from the margins of Clear Lake within cismontane woodland interspersed with grasslands within this species elevation distribution.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
marsh horsetail <i>Equisetum palustre</i>	Rank 3	Marshes and swamps, wetland. Elevation ranges from 148 to 3281 feet (45 to 1000 meters). A fern (rhizomatous), the blooming period is from Jun-Aug.	No Potential. The Study Area is not located within any wetland habitats supportive to this species.	Not Present. There are no recommendations for this species.
Brandegee’s erastrum <i>Eriastrum brandegeae</i>	Rank 1B.1	Chaparral, cismontane woodland, on barren volcanic soils, often in open areas. Elevation ranges from 1345 to 2773 feet (410 to 845 meters). An annual herb, the blooming period is from Apr-Aug.	Low Potential. The Study Area contains marginal habitat supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Tracy’s eriastrum <i>Eriastrum tracyi</i>	Rank 3.2	Chaparral, cismontane woodland, valley and foothill grassland. Elevation ranges from 1300 to 3300 feet (400-1000 meters). An annual herb, the blooming period is from May-Jul.	Low Potential. The Study Area contains marginal habitat supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
Green’s narrow-leaved daisy <i>Erigeron greenei</i>	Rank 1B.2	Chaparral, serpentine and volcanic substrates, generally in shrubby vegetation. Elevation ranges from 296 to 2740 feet (90 to 835 meters). A perennial herb, the blooming period is from May-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Snow Mountain buckwheat <i>Eriogonum nervulosum</i>	Rank 1B.2	Chaparral, ultramafic, dry serpentine outcrops, balds and barrens. <i>E. nervulosum</i> has a strong serpentine affinity of 6.2. Elevation ranges from 1460 to 6906 feet (445 to 2105 meters). A perennial herb (rhizomatous), the blooming period is from Jun-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Loch Lomond button-celery <i>Eryngium constancei</i>	Rank 1B.1	Volcanic ash flow vernal pools, wetlands. Elevation ranges from 1509 to 2805 feet (460 to 855 meters). An annual or perennial herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
bare monkeyflower <i>Erythranthe nudata</i>	Rank 4.3	Chaparral, cismontane woodland, moist areas, often along drainages and roadsides in serpentine seeps. <i>E. nudata</i> has a strong serpentine affinity of 5.6. Elevation ranges from 820 to 2297 feet (250 to 700 meters). An annual herb, the blooming period is from May-Jun.	No Potential. The Study Area does not provide serpentine soils or moist areas supportive of this species.	Not Present. There are no recommendations for this species.
San Joaquin spearscale <i>Extriplex joaquinana</i>	Rank 1B.2	Chenopod scrub, meadows and seeps, playas, valley and foothill grassland/ alkaline. Elevation ranges from 3-2505 feet (1-835 meters). An annual herb, the blooming period is from Apr-Oct.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
adobe-lily <i>Fritillaria pluriflora</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, usually on clay soils, sometimes serpentine (ultramafic). <i>F. pluriflora</i> has a weak serpentine affinity of 2.4. Elevation ranges from 148 to 3101 feet (45 to 945 meters).	Low Potential. The study area contains grassland dispersed throughout cismontane woodland that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Purdy's fritillary <i>Fritillaria purdyi</i>	Rank 4.3	Chaparral, cismontane woodland, lower montane coniferous forest, usually on serpentine. <i>F. fritillaria</i> has a moderateserpentine affinity of 4.5. Elevation ranges from 574 to 7399 feet (175 to 2255 meters). A perennial bulbiferous herb, the blooming period is from Mar-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Boggs Lake hedge-hyssop <i>Gratiola heterosepala</i>	Rank 1B.2	Marshes and swamps (freshwater), vernal pools, often found in clay soils, usually in vernal pools or sometimes lake margins. Elevation ranges from 13 to 7907 feet (4 to 2410 meters). An annual herb, the blooming period is from Apr-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Toren's grimmia <i>Grimmia torenii</i>	Rank 1B.3	Cismontane woodland, lower montane coniferous forest, chaparral, often found in openings, rocky, boulder and rock walls, carbonate, volcanic. Elevation ranges from 1067 to 3806 feet (325 to 1160 meters). A moss, no distinct blooming period.	Low Potential. The Study Area contains marginal habitat supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Hall's harmonia <i>Harmonia hallii</i>	Rank 1B.2	Chaparral, serpentine hills and ridges, open, rocky areas within chaparral (ultramafic). <i>H. hallii</i> has a strong serpentine affinity of 6.1. Elevation ranges from 1099 to 3101 feet (335 to 945 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
serpentine sunflower <i>Helianthus exilis</i>	Rank 4.2	Chaparral, cismontane woodland, often in serpentine seeps (ultramafic). <i>H. exilis</i> has a strong serpentine affinity of 5.7. Elevation ranges from 492 to 5004 feet (150 to 1525 meters). An annual herb, the blooming period is from Jun-Nov.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
congested-headed hayfield tarplant <i>Hemizonia congesta</i> ssp. <i>congesta</i>	Rank 1B.2	Valley and foothill grassland, often in fallow fields, sometimes along roadsides. <i>H. congesta</i> ssp. <i>congesta</i> has a weak serpentine affinity of 1.3. Elevation ranges from 17 to 1706 feet (5 to 520 meters). An annual herb, the blooming period is from Apr-Nov.	Moderate Potential. The Study Area contains grassland and roadsides that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
glandular western flax <i>Hesperolinon adenophyllum</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, serpentine soils, generally found in serpentine chaparral. <i>H. adenophyllum</i> has a strong serpentine affinity of 5.7. Elevation ranges from 1395 to 4413 feet (425 to 1345 meters). An annual herb, the blooming period is from May-Aug.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
two-carpellate western flax <i>Hesperolinon bicarpellatum</i>	Rank 1B.2	Serpentine barrens at edges of chaparral. <i>H. bicarpellatum</i> has a strong serpentine affinity of 6.2. Elevation ranges from 574 to 2707 feet (175 to 825 meters). An annual herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Lake County western flax <i>Hesperolinon didymocarpum</i>	Rank 1B.2	Serpentine barrens at edges of chaparral. <i>H. bicarpellatum</i> has a strong serpentine affinity of 6.2. Elevation ranges from 574 to 2707 feet (175 to 825 meters). An annual herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
drymaria-like western flax <i>Hesperolinon drymarioides</i>	Rank 1B.2	Closed-cone coniferous forest, chaparral, cismontane woodland, valley and foothill grassland, often on serpentine soils, mostly within chaparral (ultramafic). <i>H. drymarioides</i> has a strong serpentine affinity of 6.1. Elevation ranges from 1313 to 3609 feet (400 to 1100 meters). An annual herb, the blooming period is from May-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Sharsmith's western flax <i>Hesperolinon sharsmithiae</i>	Rank 1B.2	Chaparral, often on serpentine substrates (ultramafic). Elevation ranges from 591 to 2198 feet (180 to 670 meters). An annual herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Bolander's horkelia <i>Horkelia bolanderi</i>	Rank 1B.2	Lower montane coniferous forest, chaparral, meadows and seeps, valley and foothill grassland, often found in grassy margins of vernal pools and meadows. Elevation ranges from 1493 to 2805 feet (455 to 855 meters). A perennial herb, the blooming period is from Jun-Aug.	Low Potential. The Study Area supports grassy areas amongst conifer species that may support this species; however, much of the habitat is dry.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
California satintail <i>Imperata brevifolia</i>	Rank 2B.1	Coastal scrub, chaparral, riparian scrub, Mojavean Desert scrub, meadows and seeps (alkali), riparian scrub, found on mesic sites, alkali seeps and in riparian areas. Elevation ranges from 10 to 4905 feet (3 to 1495 meters). A perennial grass, the blooming period is from Sep-May.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Northern California black walnut <i>Juglans hindsii</i>	Rank 1B.1	Riparian forest, riparian woodland. Elevation ranges from 0 to 1444 feet (0 to 440 meters). A tree, the blooming period is from Apr-May.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Burke’s goldfields <i>Lasthenia burkei</i>	Rank 1B.1	Found in vernal pools and swales, meadows and seeps. Elevation ranges from 49 to 1969 feet (15 to 600 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Contra Costa goldfields <i>Lasthenia conjugens</i>	Rank 1B.1	Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodlands, often found in swales and low depressions in open grassy areas. Elevation ranges from 4 to 1477 feet (1 to 450 meters). An annual herb, the blooming period is from Mar-Jun.	Low Potential. The Study Area contains grasslands throughout cismontane woodland that may support this species; however, no swales or low depressions occur throughout the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Colusa layia <i>Layia septentrionalis</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, scattered colonies in fields and grassy slopes in sandy or serpentine soil. Elevation ranges from 49 to 3609 feet (15 to 1100 meters). An annual herb, the blooming period is from Apr-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
legenere <i>Legenere limosa</i>	Rank 1B.1	Vernal pools, wetland. Elevation ranges from 4 to 3297 feet (1 to 1005 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
bristly leptosiphon <i>Leptosiphon acicularis</i>	Rank 4.2	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland. Elevation ranges from 181 to 4922 feet (55 to 1500 meters). An annual herb, the blooming period is from Apr-Jul.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Jepson's leptosiphon <i>Leptosiphon jepsonii</i>	Rank 1B.2	Chaparral, cismontane woodland, valley and foothill grassland often found in open-to-partially shaded grassy slopes on volcanic soil or the periphery of serpentine substrates (ultramafic). Elevation ranges from 181 to 2805 feet (55 to 855 meters). An annual herb, the blooming period is from Mar-May.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland and grassland slopes) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
woolly meadowfoam <i>Limnanthes floccosa</i> <i>ssp. floccosa</i>	Rank 4.2	Chaparral, cismontane woodland, valley and foothill grassland, vernal pools, often in vernal mesic areas, ditches and ponds. Elevation ranges from 197 to 4380 feet (60 to 1335 meters). An annual herb, the blooming period is from Mar-May.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland and grassland) for this species to utilize; however, vernal mesic areas are not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Hoover's lomatium <i>Lomatium hooveri</i>	Rank 4.3	Chaparral, cismontane woodland, serpentine soils or rarely on volcanics. <i>L. hooveri</i> has a strong serpentine affinity of 5.9. Elevation ranges from 985 to 2904 feet (300 to 885 meters). A perennial herb, the blooming period is from Apr-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Napa lomatium <i>Lomatium repostum</i>	Rank 4.3	Chaparral, cismontane woodland, often found in rocky areas on volcanic or serpentine soils with mixed chaparral and California black oak (<i>Quercus kelloggii</i>) woodland communities (ultramafic). <i>L. repostum</i> has a moderate serpentine affinity of 3.2. Elevation ranges from 296 to 2723 feet (90 to 830 meters). A perennial herb, the blooming period is from Mar-Jun.	Low Potential. The Study Area contains some cismontane woodland that may support this species; however, serpentine soils do not occur throughout the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Milo Baker's lupine <i>Lupinus milo-bakeri</i>	Rank 1B.1	Cismontane woodland, valley and foothill grassland, often along roadsides, in ditches, dry gravelly areas along roads and along small streams. Elevation ranges from 1247 to 1411 feet (380 to 430 meters). An annual herb, the blooming period is from Jun-Sept.	Moderate Potential. The Study Area contains cismontane woodland with grasslands, roadsides, and gravelly dry stream banks that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
Cobb Mountain lupine <i>Lupinus sericatus</i>	Rank 1B.2	Chaparral, cismontane woodland, lower montane coniferous forest, broadleaved upland forest, often found in stands of knobcone pine (<i>Pinus attenuata</i>)-oak woodland on open wooded slopes in gravelly soils, sometimes on serpentine. Elevation ranges from 394 to 4561 feet (120 to 1390 meters). A perennial herb, the blooming period is from Mar-Jun.	Low Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Heller’s bush-mallow <i>Malacothamnus helleri</i>	Rank 3.3	Chaparral, riparian woodland, often on sandstone or gravel substrates. Elevation ranges from 1001 to 2084 feet (305 to 635 meters). A shrub, the blooming period is from Jun-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Mt. Diablo cottonweed <i>Micropus amphibolus</i>	Rank 3.2	Valley and foothill grassland, cismontane woodland, chaparral, broadleaved upland forest, often on bare, grassy, or rocky slopes. Elevation ranges from 148 to 2707 feet (45 to 825 meters). The blooming period is Mar-May.	Moderate Potential. The Study Area contains grassland and woodland habitat occurring on slopes that may support this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19.
elongate copper moss <i>Mielichhoferia elongata</i>	Rank 4.3	Cismontane woodland, often grows on very acidic, metamorphic rock or substrate, usually in higher portions of fens. Substrates often are naturally enriched with heavy metals (e.g. copper) such as mine tailings. Elevation ranges from 17 to 3560 feet (5 to 1085 meters). A moss, there is no distinct blooming period.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, acidic rock or substrates are not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
little mousetail <i>Myosurus minimus</i> ssp. <i>apus</i>	Rank 3.1	Vernal pools, valley and foothill grassland, wetland, alkaline soils. Elevation ranges from 66 to 2100 feet (20 to 640 meters). An annual herb, the blooming period is from Mar-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
cotula navarretia <i>Navarretia cotulifolia</i>	Rank 4.2	Chaparral, cismontane woodland, valley and foothill grassland, often on adobe soils. Elevation ranges from 13 to 6004 feet (4 to 1830 meters). An annual herb, the blooming period is from May-Jun.	Moderate Potential. The Study Area contains cismontane woodland and grassland within the elevation range that is supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted.



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Jepson’s navarretia <i>Navarretia jepsonii</i>	Rank 4.3	Chaparral, valley and foothill grassland, cismontane woodland, often found on habitat edges, drying flats and sometimes on serpentine (ultramafic). Elevation ranges from 558 to 2805 feet (175 to 855 meters). An annual herb, the blooming period is from Apr-Jun.	Moderate Potential. The Study Area contains many habitat edges between the gravelly dry watercourse and cismontane or grassland habitat that may be supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Baker’s navarretia <i>Navarretia leucocephala ssp. bakeri</i>	Rank 1B.1	Cismontane woodland, meadows and seeps, vernal pools and swales, valley and foothill grassland, lower montane coniferous forest, adobe or alkaline soils. Elevation ranges from 10 to 5512 feet (3 to 1680 meters). An annual herb, the blooming period is from Apr-Jul.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, adobe or alkaline soils are not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
few-flowered navarretia <i>Navarretia leucocephala ssp. pauciflora</i>	Rank 1B.1	Vernal pools, volcanic ash flow and volcanic substrate within and adjacent to vernal pools. Elevation ranges from 1395 to 2805 feet (425 to 855 meters). An annual herb, the blooming period is from May-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
many-flowered navarretia <i>Navarretia leucocephala ssp. plieantha</i>	Rank 1B.2	Vernal pools, volcanic ash flow vernal pools (wetlands). Elevation ranges from 99 to 3002 feet (30 to 915 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



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adobe navarretia <i>Navarretia nigelliformis ssp. nigelliformis</i>	Rank 4.2	Valley and foothill grassland vernally mesic, vernal pools sometimes. Clay, sometimes serpentinite. Elevation ranges from 30 to 3280 feet (10-1000 meters). An annual herb, the blooming period is from Apr- Jun. NCoRI, SNF, The, GV, SCoR.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
shining navarretia <i>Navarretia nigelliformis ssp. radians</i>	Rank 1B.2	Cismontane woodland, valley and foothill grassland, vernal pools. Sometimes clay. Elevation ranges from 200 to 3280 feet (65-1000 meters). An annual herb, the blooming period is from May- Jul. SCoR.	Low Potential. The Study Area has marginal habitat supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.
Porter's navarretia <i>Navarretia paradoxinota</i>	Rank 1B.3	Meadows and seeps, openings, vernally mesic, often found in drainages, sometimes on serpentine (ultramafic). Elevation ranges from 574 to 2871 feet (175 to 875 meters). An annual herb, the blooming period is from May-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
slender Orcutt grass <i>Orcuttia tenuis</i>	Rank 1B.1	Vernal pools, wetlands often on gravelly substrates. Elevation ranges from 82 to 5758 feet (25 to 1755 meters). An annual grass, the blooming period is from May-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



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Howell’s broomrape <i>Orobanche valida</i> ssp. <i>howellii</i>	Rank 4.3	Chaparral, often on rocky or volcanic slopes in open chaparral (ultramafic), also reported on <i>Garrya fremontii</i> and <i>Quercus chrysolepis</i> . <i>O. valida</i> ssp. <i>howellii</i> has a moderate serpentine affinity of 3.4. Elevation ranges from 591 to 5709 feet (180 to 1740 meters). A perennial herb (parasitic), the blooming period is from Jun-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Geysers panicum <i>Panicum acuminatum</i> var. <i>thermale</i>	Rank 1B.2	Closed-cone coniferous forest, riparian forest, valley and foothill grassland, wetland, usually around moist, warm soil in the vicinity of hot springs. Elevation ranges from 1793 to 8104 feet (455 to 2470 meters). A perennial grass, the blooming period is from Jun-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Sonoma beardtongue <i>Penstemon newberryi</i> var. <i>sonomensis</i>	Rank 1B.3	Chaparral, crevices in rock outcrops and talus slopes. Elevation ranges from 591 to 4610 feet (180 to 1405 meters). A perennial herb, the blooming period is from Apr-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Michael’s rein orchid <i>Piperia michaelii</i>	Rank 4.2	Coastal bluff scrub, coastal scrub, cismontane woodland, chaparral, closed-cone coniferous forest, lower montane coniferous forest, mudstone and humus, generally dry sites. Elevation ranges from 10 to 3002 feet (3 to 915 meters). A perennial herb, the blooming period is from Apr-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
wine-colored tufa moss <i>Plagiobryoides vinosula</i>	Rank 4.2	Cismontane woodland, meadows and seeps, Mojavean Desert scrub, pinyon and juniper woodland, riparian woodland, often found on granitic rock or granitic soil along seeps and streams, sometimes clay. Elevation ranges from 788 to 2198 feet (240 to 670 meters). A moss, there is no distinct blooming period.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
eel-grass pondweed <i>Potamogeton zosteriformis</i>	Rank 2B.2	Marshes, swamps, wetlands, ponds, lakes and streams. Elevation ranges from 296 to 7005 feet (90 to 2135 meters). An annual herb (aquatic), the blooming period is from Jun-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
California alkali grass <i>Puccinellia simplex</i>	Rank 1B.2	Meadows and seeps, chenopod scrub, valley and foothill grassland, vernal pools, often found in vernal mesic sites including sinks, flats and lake margins. Elevation ranges from 4 to 3002 feet (1 to 915 meters). An annual grass, the blooming period is from Mar-May.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Lake County stonecrop <i>Sedella leiocarpa</i>	Rank 1B.1	Valley and foothill grassland, vernal pools, cismontane woodland, typically in vernal mesic depressions in volcanic outcrops. Elevation ranges from 1690 to 2100 feet (515 to 640 meters). An annual herb, the blooming period is from Apr-May.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland and grassland) for this species to utilize; however, vernal mesic depressions in volcanic outcrops are not present.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
Cleveland's ragwort <i>Senecio clelandii</i> var. <i>clelandii</i>	Rank 4.3	Chaparral often found on mesic serpentine soils (ultramafic), along creeks and in moist meadows. <i>S. clelandii</i> var. <i>clelandii</i> has a strong serpentine affinity of 5.8. Elevation ranges from 1198 to 2953 feet (365 to 900 meters). The blooming period is Jun-Jul.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
Keck’s checkerbloom <i>Sidalcea keckii</i>	Rank 1B.1	Cismontane woodland, valley and foothill grassland, often on grassy slopes in blue oak (<i>Quercus douglasii</i>) woodland or sometimes on serpentine-derived clay soils. Elevation ranges from 279 to 1657 feet (85 to 505 meters). <i>S. keckii</i> has a moderate serpentine affinity of 3.0. An annual herb, the blooming period is from Apr-May.	Moderate Potential. The Study Areas occur within a rolling blue oak woodland with conifers and grassland throughout that is supportive of this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.
marsh checkerbloom <i>Sidalcea oregana ssp. hydrophila</i>	Rank 1B.2	Meadows and seeps, riparian forest, wet soils along streambanks. Elevation ranges from 1493 to 6660 feet (455 to 2030 meters). A perennial herb, the blooming period is from Jul-Aug.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Socrates Mine jewelflower <i>Streptanthus brachiatus ssp. brachiatus</i>	Rank 1B.2	Chaparral, closed-cone coniferous forest, serpentine sites in chaparral (ultramafic). <i>S. brachiatus ssp. brachiatus</i> has a strong serpentine affinity of 5.6. Elevation ranges from 1985 to 6398 feet (605 to 1950 meters). A perennial herb, the blooming period is from May-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Freed’s jewelflower <i>Streptanthus brachiatus ssp. hoffmanii</i>	Rank 1B.2	Chaparral, cismontane woodland, on serpentine rock outcrops, primarily in geothermal development areas. <i>S. brachiatus ssp. brachiatus</i> has a strong serpentine affinity of 6.1. Elevation ranges from 1591 to 3412 feet (485 to 1040 meters). A perennial herb, the blooming period is from May-Jul.	No Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Present. There are no recommendations for this species.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
green jewelflower <i>Streptanthus hesperidis</i>	Rank 1B.2	Chaparral, cismontane woodland, openings in chaparral or woodlands, serpentine, rocky sites (ultramafic). <i>S. hesperidis</i> has a strong serpentine affinity of 6.0. Elevation ranges from 788 to 2510 feet (240 to 765 meters). An annual herb, the blooming period is from May-Jul.	No Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Present. There are no recommendations for this species.
Three Peaks jewelflower <i>Streptanthus morrisonii</i> ssp. <i>elatus</i>	Rank 1B.2	Chaparral, serpentine barrens, outcrops and talus (ultramafic). Elevation ranges from 788 to 2412 feet (240 to 735 meters). <i>S. morrisonii</i> ssp. <i>elatus</i> has a strong serpentine affinity of 6.1. A perennial herb, the blooming period is from Jun-Sep.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
Kruckeberg’s jewelflower <i>Streptanthus morrisonii</i> ssp. <i>kruckebergii</i>	Rank 1B.2	Cismontane woodland on scattered serpentine outcrops near the Lake/Napa County line (ultramafic). <i>S. morrisonii</i> ssp. <i>kruckebergii</i> has a strong serpentine affinity of 6.1. Elevation ranges from 788 to 2182 feet (240 to 665 meters). A perennial herb, the blooming period is from Apr-Jul.	No Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Present. There are no recommendations for this species.
marsh zigadenus <i>Toxicoscordion fontanum</i>	Rank 4.2	Chaparral, cismontane woodland, lower montane coniferous forest, meadows and seeps, marshes and swamps, vernal moist or marshy areas; often on serpentine sites. <i>T. fontanum</i> has a moderate serpentine affinity of 3.8. Elevation ranges from 50 to 3281 feet (15 to 1000 meters). A perennial herb, the blooming period is from Apr-Jul.	Unlikely. The Study Area does provide suitable habitat (cismontane woodland) for this species to utilize; however, serpentine soil is not present within the Study Area.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021.



SPECIES	STATUS*	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA	RECOMMENDATIONS
two-fork clover <i>Trifolium amoenum</i>	Rank 1B.1 FE	Coastal bluff scrub, Valley and foothill grassland (sometimes serpentinite). Elevation ranges from 15-1360 feet (5-415 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
saline clover <i>Trifolium hydrophilum</i>	Rank 1B.2	Marshes and swamps, valley and foothill grassland, vernal pools (mesic, alkaline sites). Elevation ranges from 4 to 1099 feet (1 to 335 meters). An annual herb, the blooming period is from Apr-Jun.	No Potential. The Study Area does not provide suitable habitat for this species to utilize.	Not Present. There are no recommendations for this species.
oval-leaved viburnum <i>Viburnum ellipticum</i>	Rank 2B.3	Chaparral, cismontane woodland, lower montane coniferous forest. Elevation ranges from 706 to 4593 feet (215 to 1400 meters). A shrub, the blooming period is from May-Jun.	Moderate Potential. The Study Area does provide suitable habitat (cismontane woodland) for this species.	Not Observed. This species was not observed within the Study Area during the biological assessment on April 19, 2021. It is recommended that a seasonally appropriate botanical survey be conducted before any groundbreaking activities.



<p>TERRESTRIAL OR AQUATIC COMMUNITY</p>	<p>HABITAT REQUIREMENTS</p>	<p>POTENTIAL TO OCCUR IN THE STUDY AREA AND RECOMMENDATIONS</p>
<p>Central Valley Drainage Rainbow Trout/Cyprinid Stream</p>	<p>This aquatic community does not occur within the parcel.</p>	<p>No Potential. Central Valley Drainage Rainbow Trout/Cyprinid Stream aquatic community does not exist within the Study Area.</p> <p>Not Present. No further recommendations.</p>
<p>Clear Lake Drainage Resident Trout Stream</p>	<p>This aquatic community does not occur within the parcel. The property has not contained watercourses with flowing water in approximately a decade.</p>	<p>No Potential. Clear Lake Drainage Resident Trout Stream aquatic community does not exist within the Study Area.</p> <p>Not Present. No further recommendations.</p>



<p>TERRESTRIAL OR AQUATIC COMMUNITY</p>	<p>HABITAT REQUIREMENTS</p>	<p>POTENTIAL TO OCCUR IN THE STUDY AREA AND RECOMMENDATIONS</p>
<p>Coastal and Valley Freshwater Marsh</p>	<p>Coastal and valley freshwater marsh is classified as several different alliances including the Typha (<i>T. angustifolia</i>, <i>T. domingensis</i>, <i>T. latifolia</i>) alliance (cattail marshes), <i>Schoenoplectus acutus</i> alliance (hardstem bulrush marsh), and <i>Schoenoplectus californicus</i> alliance (California bulrush marsh). It is classified as a freshwater emergent wetland as described in <i>A Guide to the Wildlife Habitats of California</i>. Coastal and valley freshwater marsh is characterized by erect, rooted herbaceous hydrophytes (water-adapted plants). All emergent wetlands are flooded frequently so that the roots of vegetation are saturated or submerged in water. Vegetation is generally about 6 feet tall and may vary from small clumps of vegetation to large areas. Coastal and valley freshwater marsh is a nontidal, flooded, depressionnal wetland type and is considered a palustrine emergent semi-permanently flooded (PEMF) wetland.</p>	<p>No Potential. Coastal and Valley Freshwater Marsh habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>
<p>Great Valley Mixed Riparian Forest</p>	<p>Great Valley Mixed Riparian Forest is classified as several distinct Alliances by Sawyer et al. (2009) including <i>Acer negundo</i> Alliance, <i>Fraxinus latifolia</i> Alliance, <i>Populus fremontii</i> – <i>Fraxinus velutina</i> – <i>Salix gooddingii</i> Alliance, <i>Salix gooddingii</i> Alliance, <i>Salix gooddingii</i> – <i>Salix laevigata</i> Alliance, <i>Salix laevigata</i> Alliance, and <i>Salix lucida</i> ssp. <i>lasiandra</i> Alliance.</p>	<p>No Potential. Great Valley Mixed Riparian Forest habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>
<p>Northern Basalt Flow Vernal Pool</p>	<p>The Northern Volcanic Ash Vernal Pool terrestrial community cannot be categorized by any distinct MCV2 Alliances and does not occur within the parcel, or within the region. The closest recorded location of this terrestrial community is greater than five (5) miles from the Study Area.</p>	<p>No Potential. Northern Basalt Flow Vernal Pool habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>



TERRESTRIAL OR AQUATIC COMMUNITY	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA AND RECOMMENDATIONS
<p>Northern Interior Cypress Forest</p>	<p>Description: An open, fire-maintained scrubby “forest” similar to Knobcone Pine Forest but dominated by one of several Cupressus species. These stands may be as much as 15m tall, but usually are lower.</p> <p>Site Factors: On dry, rocky, sterile, often ultramafic soils, frequently associated with Serpentine Chaparral. Integrates on less severe sites with Upper Sonoran Mixed Chaparral, Montane Chaparral, or Knobcone Pine Forest; and on more mesic site with Mixed Evergreen Forest or Montane Coniferous Forest.</p> <p>Characteristic Species: <i>Cupressus Abramsiana</i> (Santa Cruz Mountains, on sandstone), <i>C. Bakeri</i> (Cascade and northern Sierra Nevada, on serpentine or aerated basic sites), <i>C. Macnabiana</i> (North Coast Ranges and northern Sierra Nevada, on serpentine), <i>C. Sargentii</i> (North and South Coast ranges, on serpentine), <i>Pinus attenuata</i>, <i>Quercus durata</i></p> <p>Distribution: Scattered through the Siskiyou Mountains, North and South Coast Ranges, Cascades and northern Sierra Nevada. Combining the four species into a single element is open to question, but does reflect a common pattern of occurring on serpentine or other sterile substrate and moisture status intermediate between mesic Coastal Closed Cone Conifer Forests and xeric Southern Interior Cypress Forests.</p>	<p>No Potential. Northern Interior Cypress Forest habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>
<p>Northern Volcanic Ash Vernal Pool</p>	<p>The Northern Volcanic Ash Vernal Pool terrestrial community cannot be categorized by any distinct MCV2 Alliances and does not occur within the parcel. The closest recorded location of this terrestrial community is approximately a half mile (0.5) from the Study Area.</p>	<p>No Potential. Northern Volcanic Ash Vernal Pool habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>



TERRESTRIAL OR AQUATIC COMMUNITY	HABITAT REQUIREMENTS	POTENTIAL TO OCCUR IN THE STUDY AREA AND RECOMMENDATIONS
<p>Serpentine Bunchgrass</p>	<p>Description: An open grassland dominated by perennial bunchgrasses. Total cover typically is low, but is markedly dominated by native species (usually much more so than in Valley Needlegrass Grassland or Non-native Grasslands.</p> <p>Site Factors: Restricted to serpentine sites.</p> <p>Characteristic Species: <i>Bromus hordeaceus</i>, <i>Calamagrostis ophiditis</i>, <i>Eschscholtzia californica</i>, <i>Pestuca grayii</i>, <i>Hemizonia luzulaefolia</i>, <i>Lotus subpinnatus</i>, <i>Melica californica</i>, <i>Poa scabrella</i>, <i>Stipa cernua</i>, <i>S. lepida</i>, <i>S. pulchra</i>, <i>Vulpia microstachys</i></p> <p>Distribution: Scattered widely through the Coast Ranges, less common in the Sierra Nevada and southern California mountains.</p>	<p>No Potential. Serpentine Bunchgrass habitat does not exist within the Study Area.</p> <p>Not Present. No recommendations.</p>
<p>Wildflower Field</p>	<p>Description: An amorphous grab bag of herb-dominated types noted for conspicuous annual wildflower displays. Dominance varies from site to site and from year to year at a particular site.</p> <p>Site Factors: Usually on fairly poor sites (droughty, low in nutrients), associated with Grasslands or Oak Woodlands on surrounding, more productive sites.</p> <p>Characteristic Species: <i>Eschscholtzia californica</i>, <i>Gilia bicolor</i>, <i>Layia platyglossa</i>, <i>Lupinus bicolor</i>, <i>Orthocarpus attenuatus</i>, <i>O. purpurascens</i>.</p> <p>Distribution: Valleys and foothills of the California Floristic Province except the north coast (too wet) and desert (too dry) regions. Below about 2000 ft in the north, 4000-5000 ft in the south.</p>	<p>High Potential. Wildflower habitat may exist along the margins of each study area. Much of the parcel is characterized as Annual Grasses and Forbs by CALVEG and may therefore host a variety of wildflower species.</p> <p>Not Present. No recommendations.</p>



Abbreviation	Organization
FC	Federal Candidate
FE	Federal Endangered
FT	Federal Threatened
FPE	Federally Proposed for listing as Endangered
FPT	Federally Proposed for listing as Threatened
FPD	Federally Proposed for delisting
SC	State Candidate
SE	State Endangered
ST	State Threatened
SCE	State Candidate for listing as Endangered
SCT	State Candidate for listing as Threatened
SCD	State Candidate for delisting
Rank 1A	CRPR Rank 1A: Presumed extirpated in California and either rare or extinct elsewhere
Rank 1B	CRPR Rank 1B: Plants rare, threatened or endangered in California and elsewhere
Rank 2B	CRPR Rank 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
Rank 3	CRPR Rank 3: Plants about which CNPS needs more information (a review list)
Rank 4	CRPR Rank 4: Plants of limited distribution

Potential to Occur:

No Potential. Habitat on and within 100 feet adjacent to the site is clearly unsuitable for the species requirements (cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).

Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and within 100 feet adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or within 100 feet adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.

High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or within 100 feet adjacent to the site is highly suitable. The species has a high probability of being found on the site.

Results and Recommendations:

Present. Species was observed on the site or has been recorded (i.e. CNDDDB, other reports) on the site recently.

Not Present. Species is assumed to not be present due to a lack of key habitat components.

Not Observed. Species was not observed during surveys.



Abbreviation	Organization
AFS_EN	American Fisheries Society - Endangered
AFS_TH	American Fisheries Society - Threatened
AFS_VU	American Fisheries Society – Vulnerable
BLM_S	Bureau of Land Management – Sensitive
BCC	USFWS Birds of Conservation Concern
CDF_S	Calif. Dept. of Forestry & Fire Protection – Sensitive
CDFW_SSC	Calif. Dept. of Fish & Wildlife – Species of Special Concern
CDFW_FP	Calif. Dept. of Fish & Wildlife – Fully Protected
CDFW_WL	Calif. Dept. of Fish & Wildlife – Watch List
IUCN_CR	IUCN – Critically Endangered
IUCN_EN	IUCN – Endangered
IUCN_NT	IUCN – Near Threatened
IUCN_VU	IUCN – Vulnerable
IUCN_LC	IUCN – Least Concern
IUCN_DD	IUCN – Data Deficient
IUCN_CD	IUCN – Conservation Dependent
NABCI_RWL	North American Bird Conservation Initiative – Red Watch List
NABCI_YWL	North American Bird Conservation Initiative – Yellow Watch List
NMFS_SC	National Marine Fisheries Service – Species of Concern
USFS_S	U. S. Forest Service - Sensitive
USFWS_BCC	U. S. Fish & Wildlife Service Birds of Conservation Concern
WBWG_H	Western Bat Working Group – High Priority
WBWG_MH	Western Bat Working Group – Medium-High Priority
WBWG_M	Western Bat Working Group – Medium Priority
WBWG_LM	Western Bat Working Group – Low-Medium Priority
Xerces: CI	Xerces Society – Critically Imperiled
Xerces: IM	Xerces Society – Imperiled
Xerces: VU	Xerces Society – Vulnerable
Xerces: DD	Xerces Society – Data Deficient



Ultramafic (serpentine) Affinity

	≥ 5.5	strict endemic	taxa with 95% of their occurrences on ultramafics
< 5.5	≥ 4.5	broad endemic	taxa with 85-94% of their occurrences on ultramafics
< 4.5	≥ 3.5	transition from broad endemic to strong indicator	taxa with 75-84% of their occurrences on ultramafics
< 3.5	≥ 2.5	strong indicator	taxa with 65-74% of their occurrences on ultramafics
< 2.5	≥ 1.5	weak indicator	taxa with 55-64% of their occurrences on ultramafics
< 1.5	≥ 1.0	weak indicator / indifferent	



Appendix B: List of Species Observed



Scientific Name	Common Name
<i>Achillea milliefolium</i>	yarrow
<i>Achyrachaena mollis</i>	blow wifes
<i>Acmispon americanus</i>	Bird's foot trefoil
<i>Acmispon glaber</i>	deer weed
<i>Adenostoma fasciculatum</i>	chamise
<i>Allium serra</i>	Jeweled onion
<i>Amsonckia menziesii</i>	common fiddleneck
<i>Anthriscus caucalis</i>	bur churvil
<i>Arctostaphylos manzanita</i>	common manzanita
<i>Arctostaphylos SPP</i>	whiteleaf mananita
<i>Avena fatua</i>	wild oats
<i>Brassica rapa</i>	field mustard
<i>Bromus diandrus</i>	riggut brome
<i>Bromus hordeaceus</i>	soft chess brome
<i>Calachortus leutus</i>	Yellow Mariposa lily
<i>Capsella bursa-pastoris</i>	Shepherd's purse
<i>Carduus pycnocephalus</i>	Itlaian thistle
<i>Ceanothus cuneatus</i>	buckbrush ceanothus
<i>Centaurea solstitialis</i>	yellow-star thistle
<i>Cercocarpus betuloides</i>	birchleaf mountain mahogany
<i>Chlorogalum pomeridianum</i>	wavy leaf soaproot
<i>Clarkia purpurea</i>	winecup clarkia
<i>Claytonia perfoliata</i>	Miner's lettuce
<i>Collinsia heterophylla</i>	chinese houses
<i>Collinsia sparsiflora</i>	blue-eyed mary
<i>Cryptantha micrantha</i>	redroot cryptantha
<i>Cynoglossum grande</i>	Pacific hound's tongue
<i>Cynosurus echinatus</i>	dogtail grass
<i>Delphinium variegatum</i>	royal larkspur
<i>Dichelostemma capitatum</i>	blue dicks
<i>Elymus glaucus</i>	blue wild rye
<i>Epilobium minutum</i>	little willowherb
<i>Erodium cicutarium</i>	stork's bill
<i>Eucalyptus globulus</i>	blue gum eucalyptus
<i>Galium aparine</i>	catchweed bedstraw
<i>Hemizonia congesta</i>	hayfield tarweed
<i>Hordeum brachyantherum</i>	meadow barley
<i>Lepidium nitidum</i>	shining pepperweed
<i>Leptosiphon bicolor</i>	true babystars
<i>Lolium perennis</i>	rye grass



<i>Lomatium dissectum</i>	fernleaf biscuitroot
<i>Lupinus bicolor</i>	Miniature lupine
<i>Madia gracilis</i>	grassy tarweed
<i>Matricaria discoidea</i>	Pineapple weed
<i>Micropus californicus</i>	q-tips
<i>Morus alba</i>	Mullberry
<i>Phacelia imbricata</i>	mountain phacelia
<i>Pinus sabiniana</i>	Foothill Pine
<i>Plagiobothrys nothofulvus</i>	popcorn flower
<i>Plantago erecta</i>	dot seed plantain
<i>Plectritis macrosera</i>	longhorn seablush
<i>Poa bulbosa</i>	bulbous meadow-grass
<i>Populus fremontii</i>	Cottonwood
<i>Primula hendersonii</i>	Henderson's shooting star
<i>Quercus douglasii</i>	Blue Oak
<i>Ramalina mezesii</i>	lichen
<i>Rosa x alba</i>	cultivated rose
<i>Sanicula crassicaulis</i>	pacific sanicle
<i>Silene laciniata</i>	cardinal catchfly
<i>Stipa pulchra</i>	needlegrass
<i>Syringa vulgaris</i>	common lilac
<i>Thysanocarpus radians</i>	fringepods
<i>Toxicodendron diversilobum</i>	Poison oak
<i>Trifolium willdenovii</i>	wildcat clover
<i>Triteleia laza</i>	Ithurial's spear
<i>Vicia villosa</i>	purple vetch
<i>Vinca major</i>	periwinkle
<i>Viscum album</i>	mistletoe
<i>Vulpia myuros</i>	rattail fescue
<i>Whipplea modesta</i>	modesty
<i>Wyethia angustifolia</i>	Mules ear



Wildlife	
Avifauna	
<i>Melospiza crissalis</i>	California towhee
<i>Aphelocoma californica</i>	California scrub jay
<i>Meleagris gallopavo</i>	wild turkey
<i>Melanerpes formicivorus</i>	Acorn woodpecker
<i>Corvus brachyrhynchos</i>	American Crow
<i>Zonotrichia leucophrys</i>	White Crowned Sparrow
Reptiles	
<i>Sceloporus occidentalis</i>	Western fence lizard



Appendix C: Photographs





Photo 1: Residential Structure within Study Area 1 is proposed to be converted to an indoor nursery.

Date: April 19, 2021



Photo 2: Proposed greenhouse area within Study Area 2.

Date: April 19, 2021





Photo 3: Graded area representing Study Area 4.

Date: April 19, 2021



Photo 4: Class III watercourse representing Study Area 5.

Date: April 19, 2021





Photo 5: Class III watercourse contains a low-grade creek bottom consisting mostly of rocky substrate and surrounded by chaparral and Blue oak woodland.

Date: April 19, 2021



Photo 6: Blue Oak Woodland is the dominate habitat type spanning the property.

Date: April 19, 2021





Photo 7: Facing up access road leading to Study Areas. The property consists of annual grassland and blue oak woodland.

Date: April 19, 2021



Photo 8: Pockets of common manzanita exist within the Blue Oak woodland.

Date: April 19, 2021





Photo 9: Annual Grassland surrounding Study Area 4.

Date: April 19, 2021



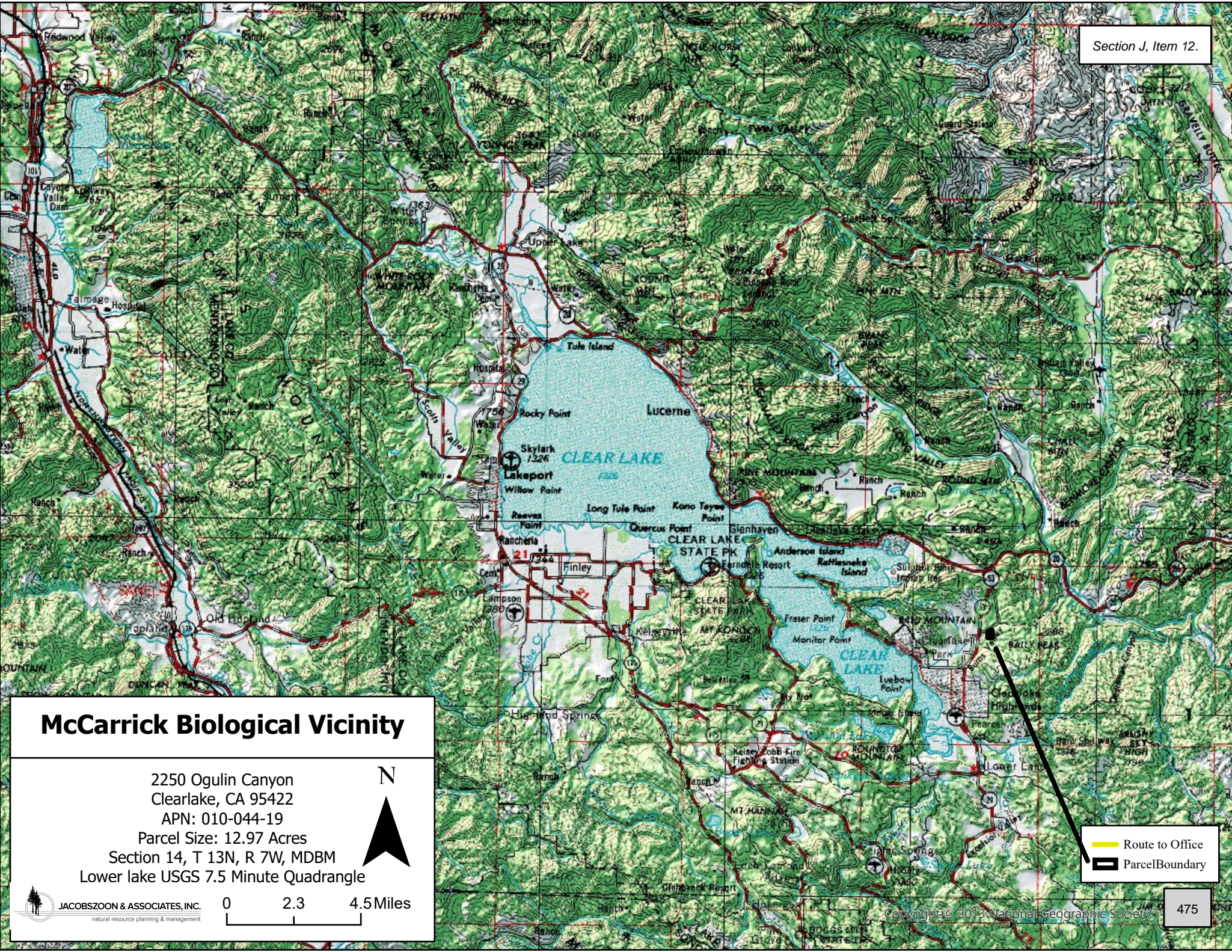
Photo 10: Birchleaf mountain mahogany habitat can be found dispersed among the Blue Oak woodland in drier areas co-habiting with common manzanita and buckbrush ceanothus.

Date: April 19, 2021



Appendix D: Maps

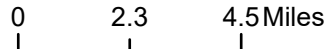




McCarrick Biological Vicinity

2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



- Route to Office
- Parcel Boundary

McCarrick Biological A

Section J, Item 12.

2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

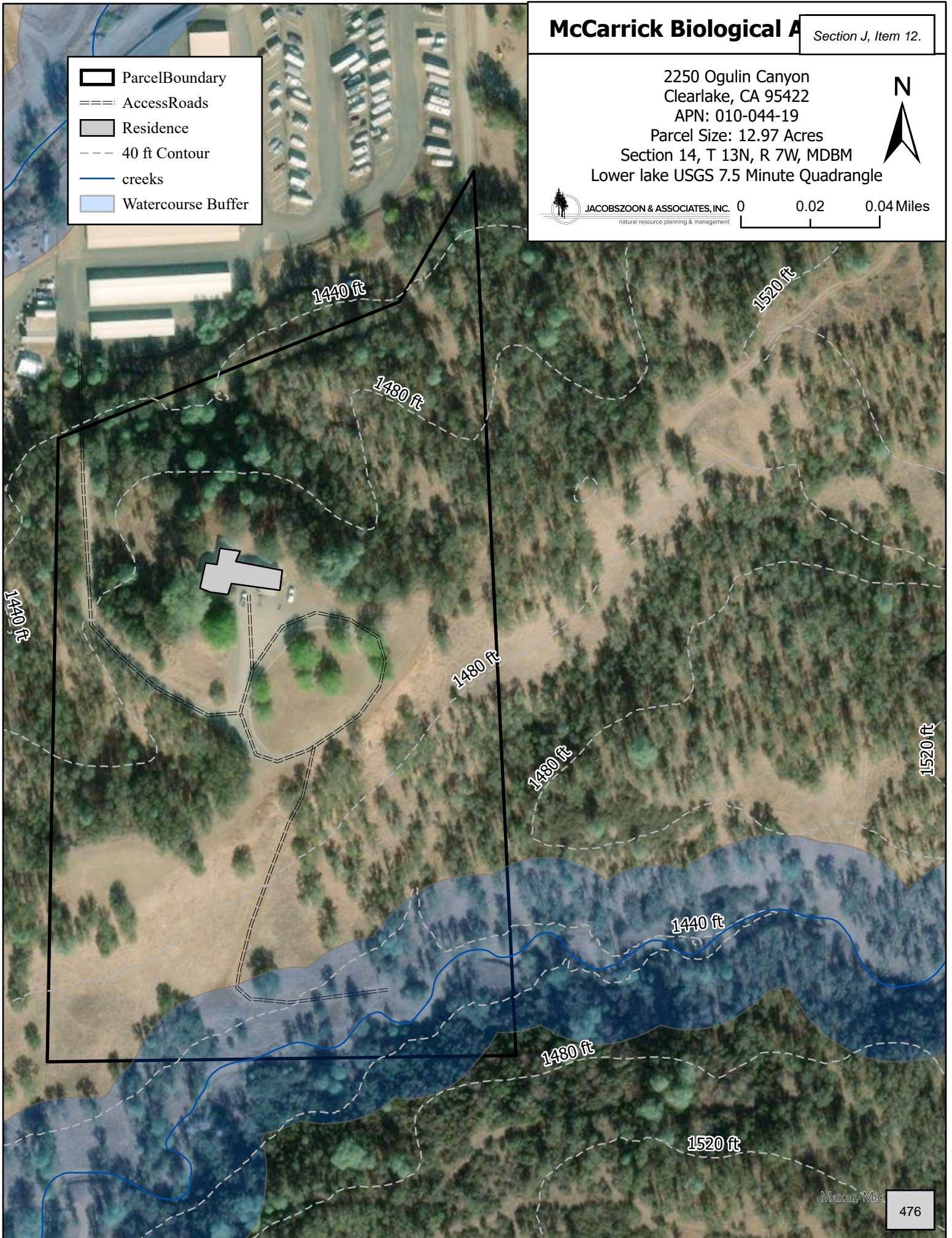
Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



JACOBSZOOM & ASSOCIATES, INC.
natural resource planning & management

0 0.02 0.04 Miles

- Parcel Boundary
- Access Roads
- Residence
- 40 ft Contour
- creeks
- Watercourse Buffer



McCarrick Biological A Study Areas







Section J, Item 12.

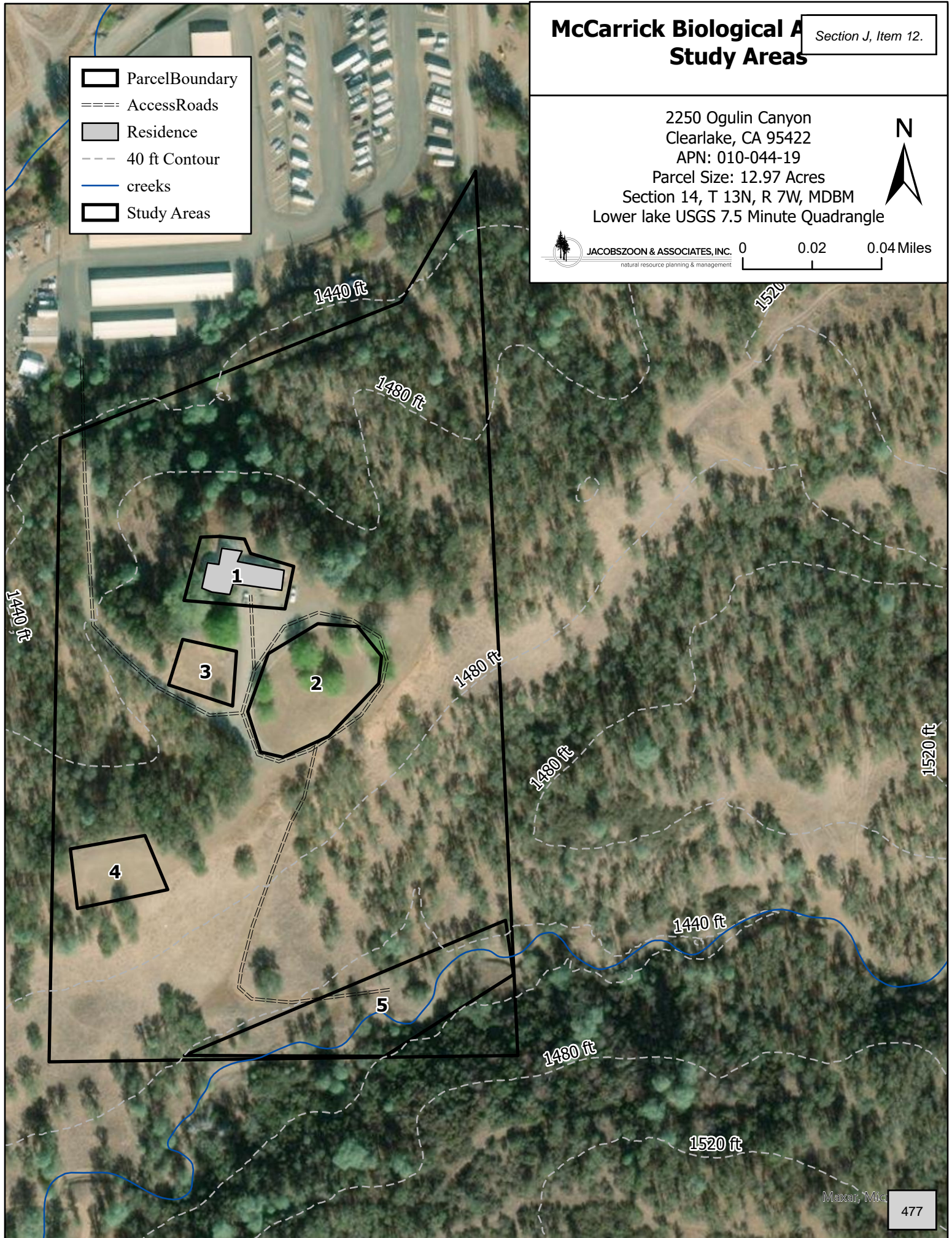
2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19
Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



 **JACOBSZOOM & ASSOCIATES, INC.**
natural resource planning & management

0 0.02 0.04 Miles

-  Parcel Boundary
-  Access Roads
-  Residence
-  40 ft Contour
-  creeks
-  Study Areas





Blue Oak

Blue Oak

Annual Grasses and Forbs

Annual Grasses and Forbs

Gray Pine

Gray Pine

Gray Pine

Gray Pine

Blue Oak

Gray Pine

Blue Oak

Blue Oak

Gray Pine

Gray Pine

Gray Pine

Parcel Boundary

CALVEG

Annual Grasses and Forbs

Gray Pine

Blue Oak

McCarrick Biological Assessment CALVEG Classification

2250 Ogulin Canyon

Clearlake, CA 95422

APN: 010-044-19

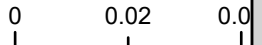
Parcel Size: 12.97 Acres

Section 14, T 13N, R 7W, MDBM

Lower lake USGS 7.5 Minute Quadrangle



JACOBSZOOM & ASSOCIATES, INC.
natural resource planning & management

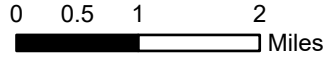


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McCarrick Biological Assessment CNDDB Database

2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle

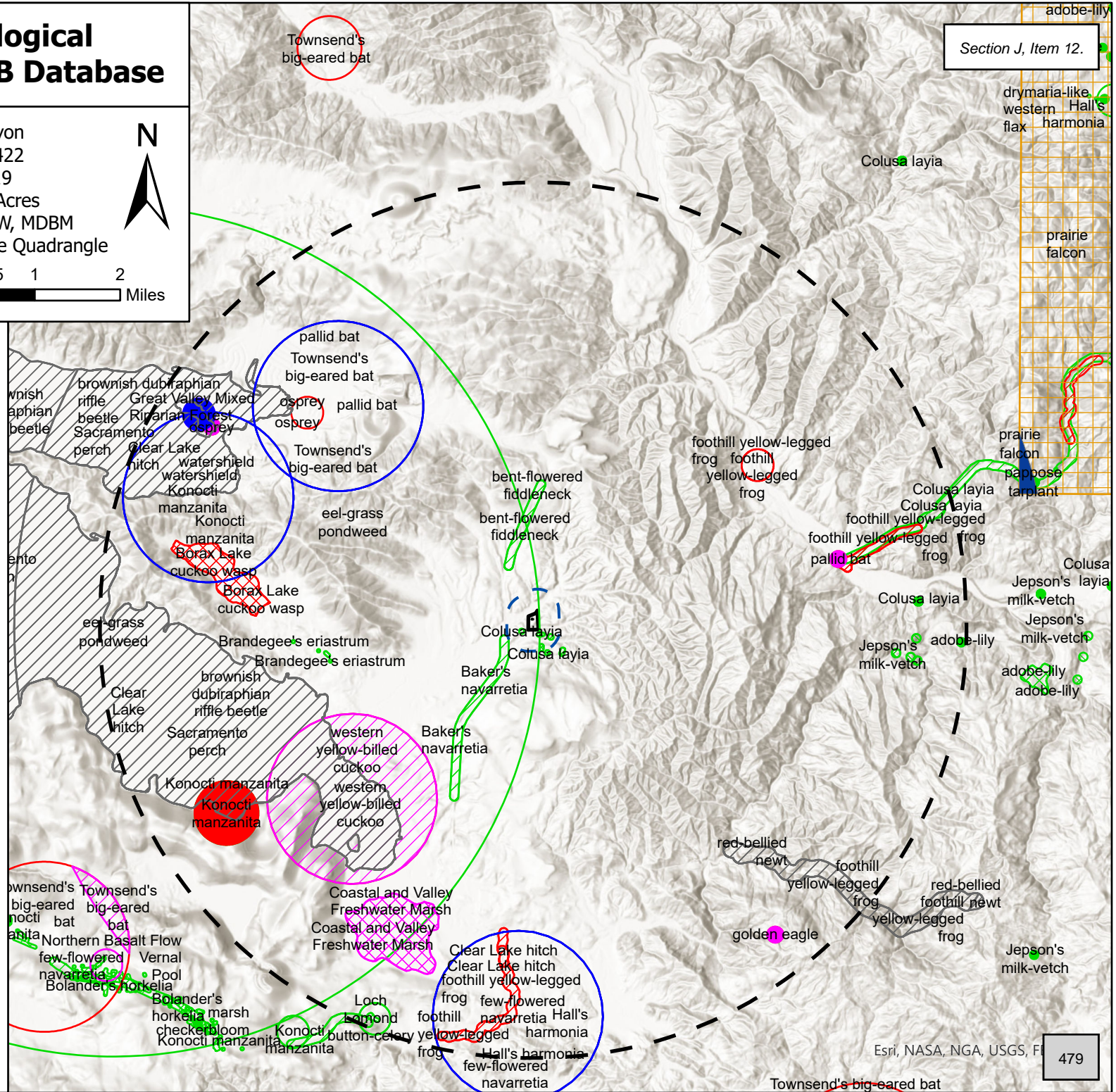


- Parcel Boundary
- 5 mile buffer
- 0.25 mile buffer

CNDDB

Symbology

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)



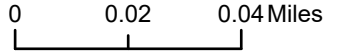
McCarrick Biological Assessment MCV2 On-Site Assessment

Section J, Item 12.

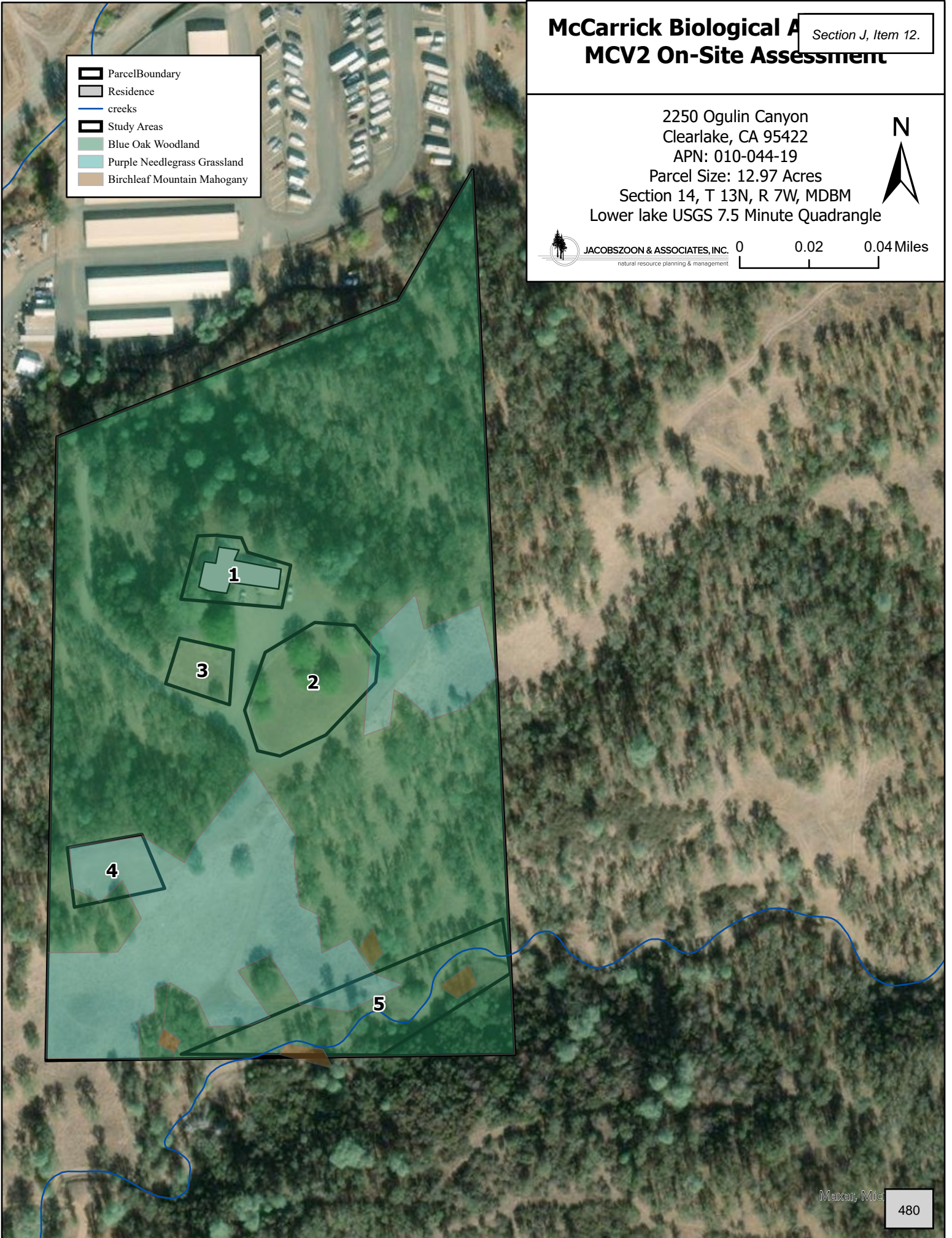
2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19
Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



JACOBSZOOM & ASSOCIATES, INC.
natural resource planning & management



- Parcel Boundary
- Residence
- creeks
- Study Areas
- Blue Oak Woodland
- Purple Needlegrass Grassland
- Birchleaf Mountain Mahogany

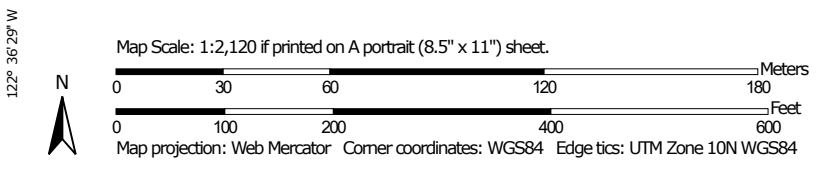


Soil Map—Lake County, California
(McCarrick)

Section J, Item 12.




Soil Map may not be valid at this scale.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Lake County, California

Survey Area Data: Version 17, Jun 1, 2020

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

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

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

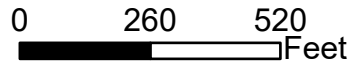
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
161	Manzanita loam, 15 to 25 percent slopes	0.1	0.9%
196	Phipps complex, 15 to 30 percent slopes	0.0	0.1%
197	Phipps complex, 30 to 50 percent slopes	12.8	99.0%
Totals for Area of Interest		13.0	100.0%

McCarrick Biological National Flood Hazard

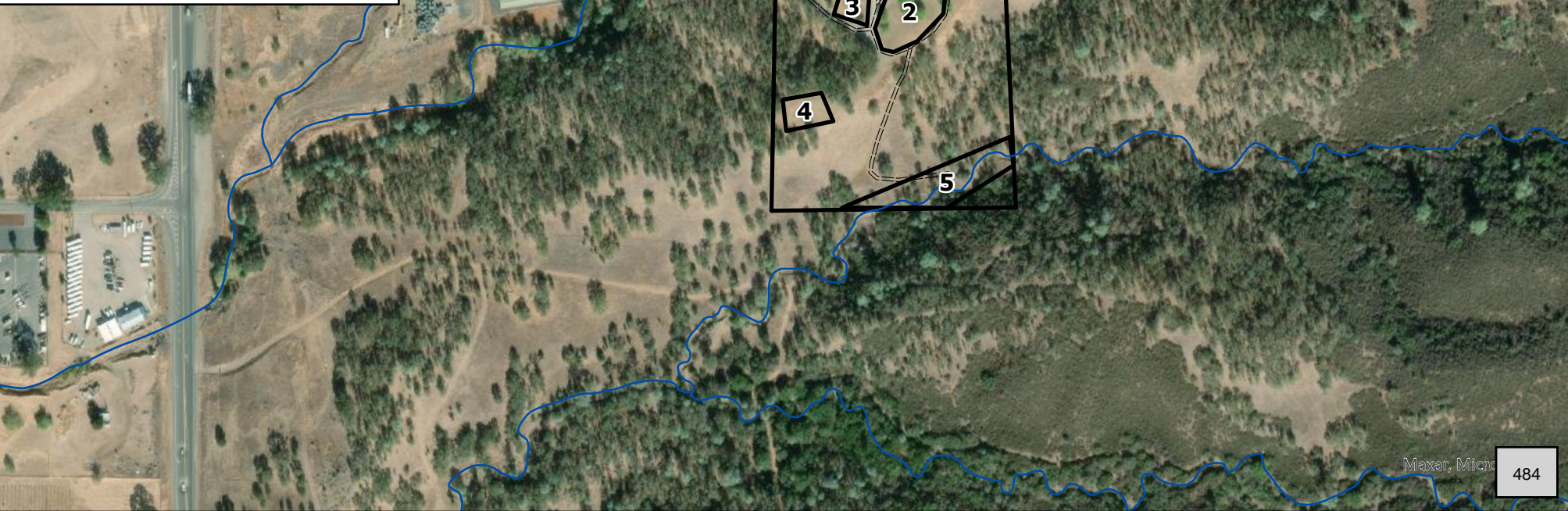
2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



Section J, Item 12.

- creeks
- National Flood Hazard Layer**
 - 500 Year Floodzone
 - 100 Year Floodzone
 - AREA OF MINIMAL FLOOD HAZARD
 - FLOODWAY
- Study Areas
- ParcelBoundary
- AccessRoads
- Residence



McCarrick Biological National Wetland Inventory

2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19

Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle

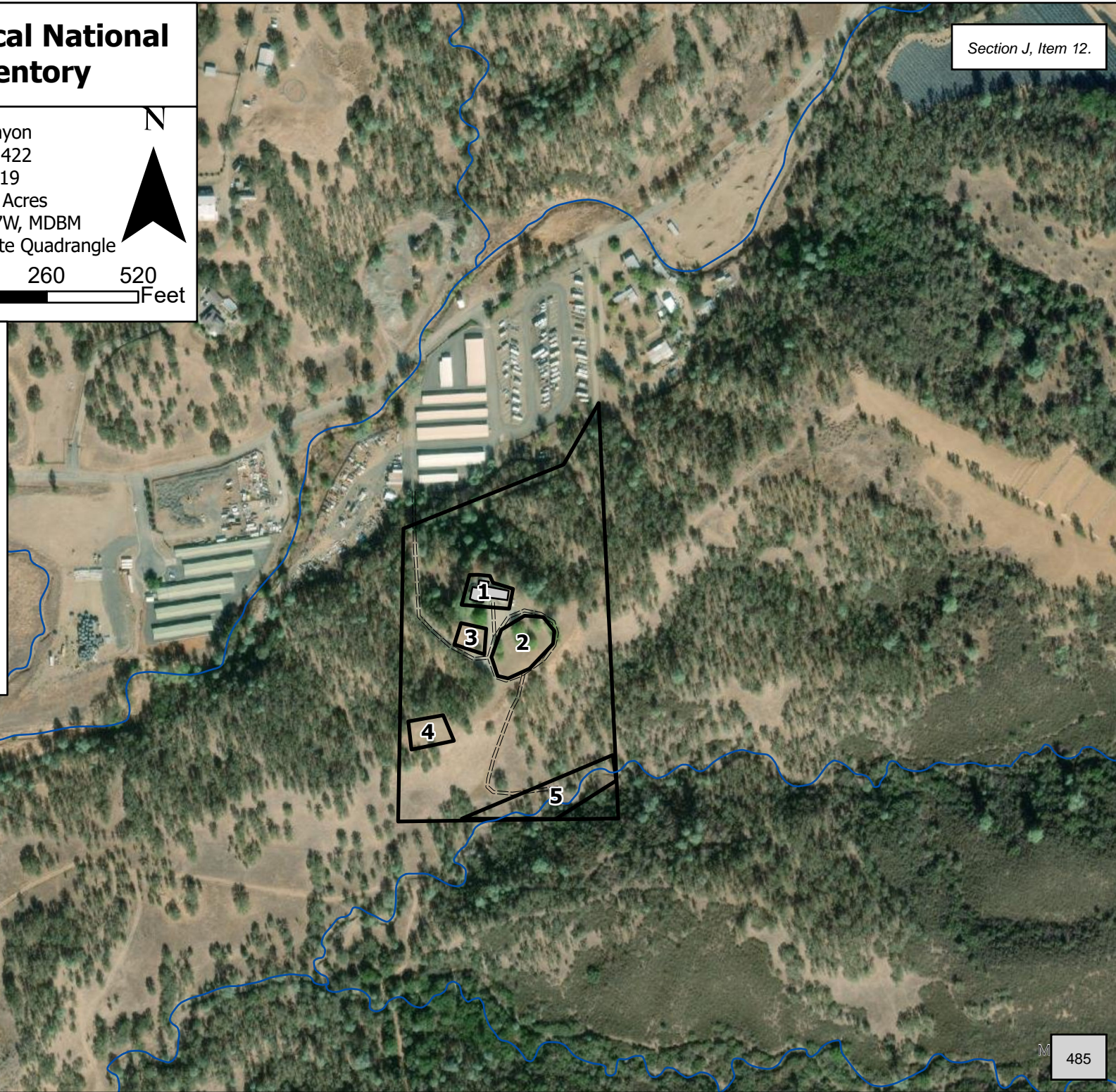


0 260 520 Feet



Section J, Item 12.

- creeks
- ▭ Study Areas
- ▭ Parcel Boundary
- === Access Roads
- ▭ Residence
- ▭ Estuarine and Marine Deepwater
- ▭ Estuarine and Marine Wetland
- ▭ Freshwater Emergent Wetland
- ▭ Freshwater Forested/Shrub Wetland
- ▭ Freshwater Pond
- ▭ Lake
- ▭ Other
- ▭ Riverine

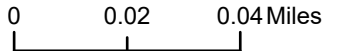









McCarrick Biological A Section J, Item 12. Aquatic Resource Protections

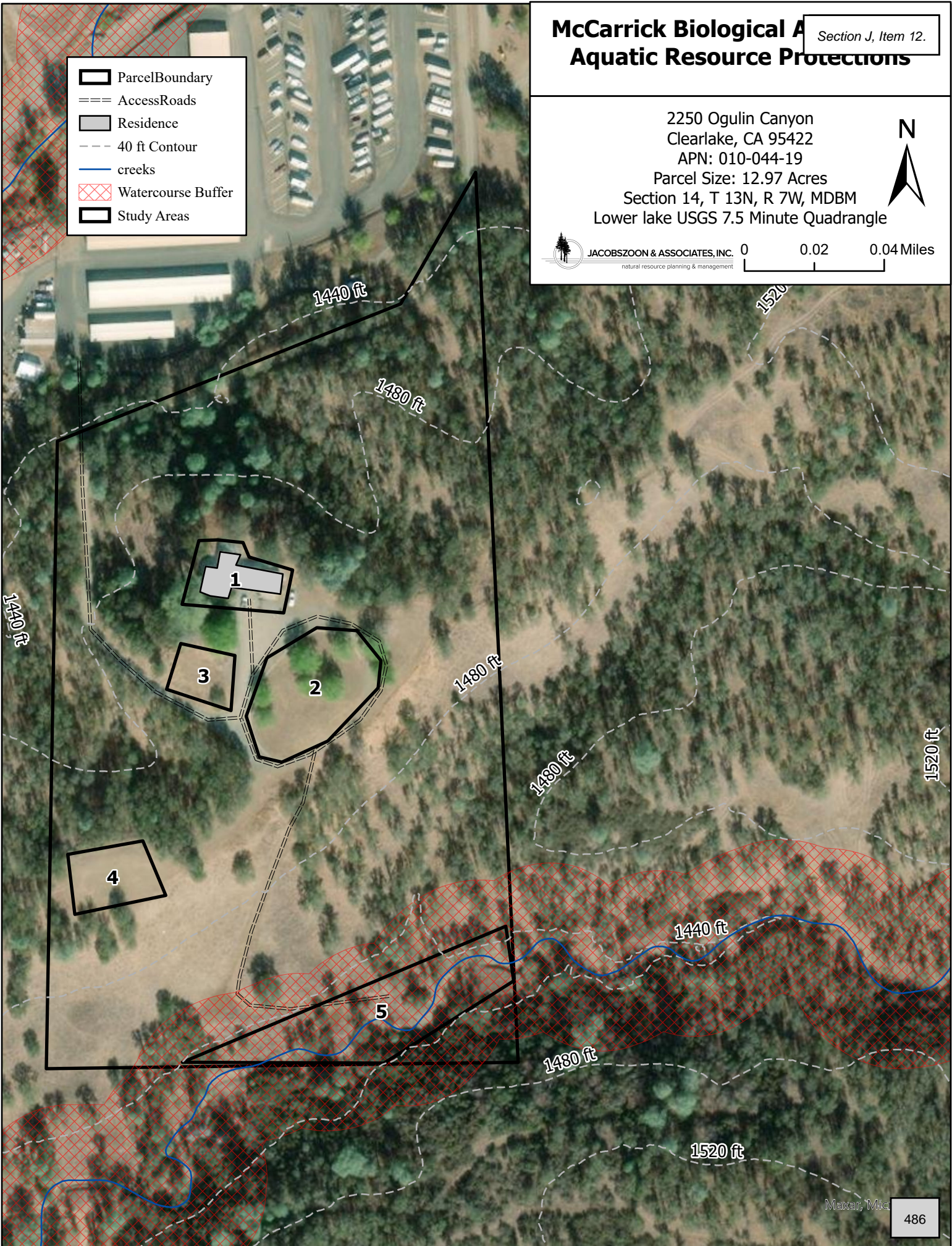
2250 Ogulin Canyon
Clearlake, CA 95422
APN: 010-044-19
Parcel Size: 12.97 Acres
Section 14, T 13N, R 7W, MDBM
Lower lake USGS 7.5 Minute Quadrangle



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natural resource planning & management



-  ParcelBoundary
-  AccessRoads
-  Residence
-  40 ft Contour
-  creeks
-  Watercourse Buffer
-  Study Areas



Appendix E: Supporting Documents



*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

Plant List

101 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quads 3912216, 3912215, 3912214, 3812286, 3812285, 3812284, 3812276 3812275 and 3812274;

[Modify Search Criteria](#)
[Export to Excel](#)
[Modify Columns](#)
[Modify Sort](#)
[Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Allium fimbriatum var. purdyi	Purdy's onion	Alliaceae	perennial bulbiferous herb	Apr-Jun	4.3	S3	G4G5T3
Amsinckia lunaris	bent-flowered fiddleneck	Boraginaceae	annual herb	Mar-Jun	1B.2	S3	G3
Antirrhinum subcordatum	dimorphic snapdragon	Plantaginaceae	annual herb	Apr-Jul	4.3	S3	G3
Antirrhinum virga	twig-like snapdragon	Plantaginaceae	perennial herb	Jun-Jul	4.3	S3?	G3?
Arabis blepharophylla	coast rockcross	Brassicaceae	perennial herb	Feb-May	4.3	S4	G4
Arabis modesta	modest rockcross	Brassicaceae	perennial herb	Mar-Jul	4.3	S3	G3
Arabis oregana	Oregon rockcross	Brassicaceae	perennial herb	May	4.3	S3	G3G4Q
Arctostaphylos manzanita ssp. elegans	Konocti manzanita	Ericaceae	perennial evergreen shrub	(Jan)Mar-May(Jul)	1B.3	S3	G5T3
Arctostaphylos stanfordiana ssp. raichei	Raiche's manzanita	Ericaceae	perennial evergreen shrub	Feb-Apr	1B.1	S2	G3T2
Asclepias solanoana	serpentine milkweed	Apocynaceae	perennial herb	May-Jul(Aug)	4.2	S3	G3
Astragalus breweri	Brewer's milk-vetch	Fabaceae	annual herb	Apr-Jun	4.2	S3	G3
Astragalus clevelandii	Cleveland's milk-vetch	Fabaceae	perennial herb	Jun-Sep	4.3	S4	G4
Astragalus rattanii var. jepsonianus	Jepson's milk-vetch	Fabaceae	annual herb	Mar-Jun	1B.2	S3	G4T3
Astragalus rattanii var. rattanii	Rattan's milk-vetch	Fabaceae	perennial herb	Apr-Jul	4.3	S4	G4T4
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
Brasenia schreberi	watershield	Cabombaceae	perennial rhizomatous herb (aquatic)	Jun-Sep	2B.3	S3	G5
Brodiaea rosea ssp. rosea	Indian Valley brodiaea	Themidaceae	perennial bulbiferous herb	May-Jun	3.1	S2	G2

Calamagrostis ophitidis	serpentine reed grass	Poaceae	perennial herb	Apr-Jul	4.3	Section J, Item 12.	
Calochortus uniflorus	pink star-tulip	Liliaceae	perennial bulbiferous herb	Apr-Jun	4.2	S4	G4
Calyptridium quadripetalum	four-petaled pussypaws	Montiaceae	annual herb	Apr-Jun	4.3	S4	G4
Calystegia collina ssp. oxyphylla	Mt. Saint Helena morning-glory	Convolvulaceae	perennial rhizomatous herb	Apr-Jun	4.2	S3	G4T3
Calystegia collina ssp. tridactylosa	three-fingered morning-glory	Convolvulaceae	perennial rhizomatous herb	Apr-Jun	1B.2	S1	G4T1
Carex praticola	northern meadow sedge	Cyperaceae	perennial herb	May-Jul	2B.2	S2	G5
Castilleja rubicundula var. rubicundula	pink creamsacs	Orobanchaceae	annual herb (hemiparasitic)	Apr-Jun	1B.2	S2	G5T2
Ceanothus confusus	Rincon Ridge ceanothus	Rhamnaceae	perennial evergreen shrub	Feb-Jun	1B.1	S1	G1
Ceanothus divergens	Calistoga ceanothus	Rhamnaceae	perennial evergreen shrub	Feb-Apr	1B.2	S2	G2
Centromadia parryi ssp. parryi	pappose tarplant	Asteraceae	annual herb	May-Nov	1B.2	S2	G3T2
Centromadia parryi ssp. rudis	Parry's rough tarplant	Asteraceae	annual herb	May-Oct	4.2	S3	G3T3
Chlorogalum pomeridianum var. minus	dwarf soaproot	Agavaceae	perennial bulbiferous herb	May-Aug	1B.2	S3	G5T3
Clarkia gracilis ssp. tracyi	Tracy's clarkia	Onagraceae	annual herb	Apr-Jul	4.2	S3	G5T3
Collomia diversifolia	serpentine collomia	Polemoniaceae	annual herb	May-Jun	4.3	S4	G4
Cordylanthus tenuis ssp. brunneus	serpentine bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jul-Aug	4.3	S3	G4G5T3
Cryptantha dissita	serpentine cryptantha	Boraginaceae	annual herb	Apr-Jun	1B.2	S2	G2
Cryptantha excavata	deep-scarred cryptantha	Boraginaceae	annual herb	Apr-May	1B.1	S1	G1
Delphinium uliginosum	swamp larkspur	Ranunculaceae	perennial herb	May-Jun	4.2	S3	G3
Downingia willamettensis	Cascade downingia	Campanulaceae	annual herb	Jun-Jul(Sep)	2B.2	S2	G4
Equisetum palustre	marsh horsetail	Equisetaceae	perennial rhizomatous herb	unk	3	S1S3	G5
Eriastrum brandegeae	Brandegee's eriastrum	Polemoniaceae	annual herb	Apr-Aug	1B.1	S1	G1Q
Eriastrum tracyi	Tracy's eriastrum	Polemoniaceae	annual herb	May-Jul	3.2	S3	G3Q
Erigeron greenei	Greene's narrow-leaved daisy	Asteraceae	perennial herb	May-Sep	1B.2	S3	G3
Eriogonum nervulosum	Snow Mountain buckwheat	Polygonaceae	perennial rhizomatous herb	Jun-Sep	1B.2	S2	G2
Eryngium constancei	Loch Lomond button-celery	Apiaceae	annual / perennial herb	Apr-Jun	1B.1	S1	G1
Erythranthe nudata	bare monkeyflower	Phrymaceae	annual herb	May-Jun	4.3	S4	G4
Extriplex joaquinana	San Joaquin spearscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G2
Fritillaria pluriflora	adobe-lily	Liliaceae	perennial bulbiferous herb	Feb-Apr	1B.2	S2S3	G2G3

<u>Species Name</u>	Common Name	Family	Life Form	Flowering Time	Locality	Section	Group
<u>Fritillaria purdyi</u>	Purdy's fritillary	Liliaceae	perennial bulbiferous herb	Mar-Jun	4.3	Section J, Item 12.	
<u>Gratiola heterosepala</u>	Boggs Lake hedge-hyssop	Plantaginaceae	annual herb	Apr-Aug	1B.2	S2	G2
<u>Grimmia torenii</u>	Toren's grimmia	Grimmiaceae	moss		1B.3	S2	G2
<u>Harmonia hallii</u>	Hall's harmonia	Asteraceae	annual herb	Apr-Jun	1B.2	S2?	G2?
<u>Helianthus exilis</u>	serpentine sunflower	Asteraceae	annual herb	Jun-Nov	4.2	S3	G3
<u>Hemizonia congesta ssp. congesta</u>	congested-headed hayfield tarplant	Asteraceae	annual herb	Apr-Nov	1B.2	S2	G5T2
<u>Hesperolinon adenophyllum</u>	glandular western flax	Linaceae	annual herb	May-Aug	1B.2	S2S3	G2G3
<u>Hesperolinon bicarpellatum</u>	two-carpellate western flax	Linaceae	annual herb	May-Jul	1B.2	S2	G2
<u>Hesperolinon didymocarpum</u>	Lake County western flax	Linaceae	annual herb	May-Jul	1B.2	S1	G1
<u>Hesperolinon drymarioides</u>	drymaria-like western flax	Linaceae	annual herb	May-Aug	1B.2	S2	G2
<u>Hesperolinon sharsmithiae</u>	Sharsmith's western flax	Linaceae	annual herb	May-Jul	1B.2	S2	G2Q
<u>Horkelia bolanderi</u>	Bolander's horkelia	Rosaceae	perennial herb	(May)Jun-Aug	1B.2	S1	G1
<u>Imperata brevifolia</u>	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	2B.1	S3	G4
<u>Juglans hindsii</u>	Northern California black walnut	Juglandaceae	perennial deciduous tree	Apr-May	1B.1	S1	G1
<u>Lasthenia burkei</u>	Burke's goldfields	Asteraceae	annual herb	Apr-Jun	1B.1	S1	G1
<u>Layia septentrionalis</u>	Colusa layia	Asteraceae	annual herb	Apr-May	1B.2	S2	G2
<u>Legenere limosa</u>	legenere	Campanulaceae	annual herb	Apr-Jun	1B.1	S2	G2
<u>Leptosiphon acicularis</u>	bristly leptosiphon	Polemoniaceae	annual herb	Apr-Jul	4.2	S4?	G4?
<u>Leptosiphon jepsonii</u>	Jepson's leptosiphon	Polemoniaceae	annual herb	Mar-May	1B.2	S2S3	G2G3
<u>Limnanthes floccosa ssp. floccosa</u>	woolly meadowfoam	Limnanthaceae	annual herb	Mar-May(Jun)	4.2	S3	G4T4
<u>Lomatium hooveri</u>	Hoover's lomatium	Apiaceae	perennial herb	Apr-Jul	4.3	S3	G3
<u>Lomatium repostum</u>	Napa lomatium	Apiaceae	perennial herb	Mar-Jun	4.3	S3	G3
<u>Lupinus milo-bakeri</u>	Milo Baker's lupine	Fabaceae	annual herb	Jun-Sep	1B.1	S1	G1Q
<u>Lupinus sericatus</u>	Cobb Mountain lupine	Fabaceae	perennial herb	Mar-Jun	1B.2	S2?	G2?
<u>Malacothamnus helleri</u>	Heller's bush-mallow	Malvaceae	perennial deciduous shrub	May-Jul	3.3	S3	G3Q
<u>Micropus amphibolus</u>	Mt. Diablo cottonweed	Asteraceae	annual herb	Mar-May	3.2	S3S4	G3G4
<u>Mielichhoferia elongata</u>	elongate copper moss	Mielichhoferiaceae	moss		4.3	S4	G5
<u>Myosurus minimus ssp. apus</u>	little mousetail	Ranunculaceae	annual herb	Mar-Jun	3.1	S2	G5T2Q
<u>Navarretia cotulifolia</u>	cotula navarretia	Polemoniaceae	annual herb	May-Jun	4.2	S4	G4
<u>Navarretia jepsonii</u>	Jepson's navarretia	Polemoniaceae	annual herb	Apr-Jun	4.3	S4	G4
<u>Navarretia leucocephala ssp. bakeri</u>	Baker's navarretia	Polemoniaceae	annual herb	Apr-Jul	1B.1	S2	G4T2

							Section J, Item 12.	
Navarretia leucocephala ssp. pauciflora	few-flowered navarretia	Polemoniaceae	annual herb	May-Jun	1B.1			
Navarretia leucocephala ssp. plieantha	many-flowered navarretia	Polemoniaceae	annual herb	May-Jun	1B.2	S1	G4T1	
Navarretia nigelliformis ssp. nigelliformis	adobe navarretia	Polemoniaceae	annual herb	Apr-Jun	4.2	S3	G4T3	
Navarretia nigelliformis ssp. radians	shining navarretia	Polemoniaceae	annual herb	(Mar)Apr-Jul	1B.2	S2	G4T2	
Navarretia paradoxinota	Porter's navarretia	Polemoniaceae	annual herb	May-Jun(Jul)	1B.3	S2	G2	
Orcuttia tenuis	slender Orcutt grass	Poaceae	annual herb	May-Sep(Oct)	1B.1	S2	G2	
Orobanche valida ssp. howellii	Howell's broomrape	Orobanchaceae	perennial herb (parasitic)	Jun-Sep	4.3	S3	G4T3	
Panicum acuminatum var. thermale	Geysers panicum	Poaceae	annual / perennial herb	Jun-Aug	1B.2	S2	G5T2Q	
Penstemon newberryi var. sonomensis	Sonoma beardtongue	Plantaginaceae	perennial herb	Apr-Aug	1B.3	S2	G4T2	
Piperia michaelii	Michael's rein orchid	Orchidaceae	perennial herb	Apr-Aug	4.2	S3	G3	
Plagiobryoides vinosula	wine-colored tufa moss	Bryaceae	moss		4.2	S2	G3G4	
Potamogeton zosteriformis	eel-grass pondweed	Potamogetonaceae	annual herb (aquatic)	Jun-Jul	2B.2	S3	G5	
Puccinellia simplex	California alkali grass	Poaceae	annual herb	Mar-May	1B.2	S2	G3	
Sedella leiocarpa	Lake County stonecrop	Crassulaceae	annual herb	Apr-May	1B.1	S1	G1	
Senecio clelandii var. clelandii	Cleveland's ragwort	Asteraceae	perennial herb	Jun-Jul	4.3	S3	G4?T3Q	
Sidalcea keckii	Keck's checkerbloom	Malvaceae	annual herb	Apr-May(Jun)	1B.1	S2	G2	
Sidalcea oregana ssp. hydrophila	marsh checkerbloom	Malvaceae	perennial herb	(Jun)Jul-Aug	1B.2	S2	G5T2	
Streptanthus brachiatus ssp. brachiatus	Socrates Mine jewelflower	Brassicaceae	perennial herb	May-Jun	1B.2	S1	G2T1	
Streptanthus brachiatus ssp. hoffmanii	Freed's jewelflower	Brassicaceae	perennial herb	May-Jul	1B.2	S2	G2T2	
Streptanthus hesperidis	green jewelflower	Brassicaceae	annual herb	May-Jul	1B.2	S2	G2	
Streptanthus morrisonii ssp. elatus	Three Peaks jewelflower	Brassicaceae	perennial herb	Jun-Sep	1B.2	S1	G2T1	
Streptanthus morrisonii ssp. kruckebergii	Kruckeberg's jewelflower	Brassicaceae	perennial herb	Apr-Jul	1B.2	S1	G2T1	
Toxicoscordion fontanum	marsh zigadenus	Melanthiaceae	perennial bulbiferous herb	Apr-Jul	4.2	S3	G3	
Trifolium hydrophilum	saline clover	Fabaceae	annual herb	Apr-Jun	1B.2	S2	G2	
Viburnum ellipticum	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	May-Jun	2B.3	S3?	G4G5	

Suggested Citation

California Native Plant Society, Rare Plant Program. 2021. Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 15 April 2021].

Section J, Item 12.

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nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

June 11, 2021

File No.: 20-2435

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

re: CUP 2021-28 and IS 2021-05 / APN 010-044-19 at 2250 Ogulin Canyon Road, Clearlake / Clearlake Harvest Company, LLC (Kris Gretsinger)

Dear Mark Roberts,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: The applicant is requesting approval of a Conditional Use Permit (CUP 2021-28) to allow a commercial cannabis operation located at the above noted address. According to the application packet the operation will include but is not limited to the following: Refer to attached Operational Packet for details. All cultivation will occur with "Hybrid Greenhouses". Site 1 will be office space (24' X 60' foot trailer). Site 2 will be 1,600 SQFT of Indoor Nursey. Site 3 will be 3,000 SQFT of Indoor Nursey. Site 4 will be 10,000 SQFT of Indoor Cultivation. Site 5 will be 2,500 SQFT Indoor Cultivation/Processing. Site 6 will be 2,400 SQFT Indoor Processing. Site 7 will be 5,000 SQFT of Indoor Cultivation Area with Equity Partners. Total Indoor Canopy Area will be 17, 500 SQFT. Total Square footage will be 27,500 SQFT. Newly Disturbed Footage will be 25,900 SQFT.

Previous Studies:

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of any project activities.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

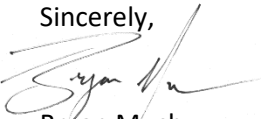
Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Clearlake Harvest Company, LLC

Lead Agency: City of Clearlake Contact Person: Mark Roberts
Mailing Address: 14050 Olympic Phone: (707) 994-8201
City: Clearlake Zip: 95422 County: Lake County

Project Location: County: _____ City/Nearest Community: Clearlake
Cross Streets: State Highway 53 Zip Code: 95422

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 12

Assessor's Parcel No.: 010-044-19 Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 53 Waterways: unknown
Airports: N/A Railways: N/A Schools: Konocti Unified School Dist

Document Type:

- | | | | |
|---|--|------------------------------------|--|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Mit Neg Dec | Other: _____ | <input type="checkbox"/> FONSI | _____ |

Local Action Type:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other: _____ |

Development Type:

- | | |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

"I" Industrial & "CB" Commercial Zoning District; Development with a single family dwelling

Project Description: (please use a separate page if necessary)

The project involves the development of a Commercial Cannabis Operation located at 2250 Ogulin Canyon Road on parcel approximately 12.95 acres in size. The project site accessible from an existing access way (located on the south side of Ogulin Canyon Road). According to the Application Packet, the above operations will occupy approximately 27,500 square feet of area of indoor operations. The total cumulative project will not disturb more than one (1) acre.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> California Highway Patrol | <input checked="" type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # 1 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # 2 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input checked="" type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input checked="" type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 2 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input checked="" type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: <u>CDFA</u> |
| <input type="checkbox"/> Housing & Community Development | <input checked="" type="checkbox"/> Other: <u>DEPT. OF CANNABIS</u> |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date 12/23/2021 Ending Date 01/21/2022

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: _____ **Date:** 12/23/2021

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

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Airports: N/A Railways: N/A Schools: Konocti Unified School Dist

Document Type:

- CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI _____

Local Action Type:

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 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
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| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
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Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: _____ **Date:** 12/23/2021

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



November 9, 2021

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
(707) 994-8201
mroberts@clearlake.ca.us

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for Clearlake Harvest Company, LLC Project (SCH No. 2021100409)

Dear Mr. Roberts:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Clearlake for the proposed Clearlake Harvest Company, LLC Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain an annual cultivation license from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Clearlake.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the Proposed Project would require one or more cultivation licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26012(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 3 California Code of Regulations §§ 16304(c); 16304(g).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(f); 16304(e); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a-c); 16304(g).)
- Cultural Resources (See § 16304(d).)
- Energy (See §§ 15006(i)(6); 15011(a)(5); 15020(f); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(i)(5)(c); 15011(a)(4); 15011(a)(12); 16304(f); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(i); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16216; 16304(a); 16304(b); 16307; 16310.)
- Noise (See §§ 16304(e); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16309; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

GC 2: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment, etc.) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

GC 3: Identification of Federal, State, and Local Regulations

In multiple instances throughout the document, the IS/MND states that “the applicant will adhere to all Federal, State, and local requirements/regulations.” Without more information about the

requirements and regulations being referred to, it is difficult to determine whether potential impacts would be avoided. The IS/MND would be strengthened if applicable requirements and regulations were described in the context of each environmental resource.

GC 4: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in the City of Clearlake. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the City, and any other reasonably foreseeable projects in Clearlake that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Ques. 21	11	Other public agencies whose approval may be required	N/A (General Comment)	The document would be strengthened if it listed DCC as an agency whose approval would be required to operate the Proposed Project. Also, the IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. This would include the appropriate commercial cannabis business licenses from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required.
2	Ques. 23	11	Impact Categories defined by CEQA	N/A (general comment)	The list of sources would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.
3	I(d)	21	Aesthetics	Mitigation Measure AES-1: All outdoor lighting shall be directed downwards and shielded onto the project site and	The IS/MND would be strengthened if the impact analysis and description of Mitigation Measure AES-1 identified the federal, state, and local agency requirements, as well as the City

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City’s Design and Construction Standards).	design and construction standards, that would contribute to reduction in light and glare at the project site. Furthermore, the IS/MND would be strengthened if it referenced DCC’s requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC’s requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(g)).
4	I(d)	21	Aesthetics	N/A (general comment)	None of the check boxes for the impact criterion have been checked. The IS/MND would be improved by checking the applicable impact determination in the table.
5	III	22	Air Quality	N/A (general comment)	The IS/MND would be improved by providing a description of the operations equipment, and durations of use, that would contribute to air emissions, including, but not limited to, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The tables provided in Attachment G do not clearly specify equipment assumptions (e.g., the types and number of equipment and vehicles and/or durations of use) that were

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					considered in the environmental analysis.
6	IV(a)	26	Biological Resources	N/A (general comment)	This section provides a summary of the results of the field surveys conducted as part of the Biological Resource Assessment. In many instances the analysis specifies that, “No special-status species were observed within the Study Area during the biological site assessment.” These descriptions would be improved by summarizing the potential for presence of special status species, including providing a brief description of existing habitat and species ranges.
7	IV(b) through (d)	28	Biological Resources	N/A (general comment)	The IS/MND would be improved by providing a summary of the analysis provided in the Biological Assessment, such as environmental setting, potential for impacts, and how and whether impacts would be considered less than significant.
8	IV(e), (f)	28	Biological Resources	<p>However, the project may require the removal of a small cluster of grasses and/or vegetation/trees. ...</p> <p>However, the project may require the removal of Oak Trees.</p>	The IS/MND would be strengthened if it contained supporting information about proposed removal of vegetation, including oak trees, at the project site. Without supporting information, it is difficult to assess whether impacts would be potentially significant.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
9	IV(e)	28	Biological Resources	Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact.	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan.
10	VI(a) and (b)	29	Energy	The property will likely be provided by solar power energy source; however, PG&E is likely proposed depending on feasibility. All energy usage will adhere to all Federal, State and local agency requirements regarding energy use.	The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding energy use, specifically how the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 §§ 16203(g), 16305).
11	VII(b)	31	Geology and Soils	GEO-3: The applicant shall monitor the site during the rainy season including post installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures	The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, thresholds, that when exceeded, would trigger implementation of additional improvements, standards (e.g., performance criteria) by which the

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				shall be maintained for life of the project and replace/repared when necessary.	effectiveness of the mitigation will be evaluated, and actions that will be taken should the mitigation fail to meet those standards.
12	VII(c) and (d)	31	Geology and Soils	The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan. The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented to reduce the potential for adverse impacts related to storm drainage.
13	VII(d)	31	Geology and Soils	The applicant will adhere to all Federal, State and local agency requirements, including all requirements in the City of Clearlake’s Municipal Code(s).	The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding expansive soils.
14	VII(e)	31	Geology and Soils	The project parcel is currently vacant, when development occurs, the cannabis operation shall adhere to all applicable	The IS/MND would be improved if it provided substantial evidence regarding the project’s impacts relative to wastewater disposal.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				Federal, State and local agency requirements regarding wastewater disposal systems, (i.e., connecting to public/private sewer facilities and/or onsite waste management systems (septic). Less Than Significant Impact	
15	VII(f)	31	Geology and Soils	Disturbance of paleontological resources or unique geologic features is not anticipated. However, to ensure the protection of cultural resources including unique paleontological resource or site(s) or unique geologic features with the incorporated mitigation measures in Section V (cultural resources) all potential impacts have been reduce to less than significant levels with the incorporated mitigation measures CUL-1 and CUL-5.	The IS/MND would be improved if it clearly described how the identified mitigation measures would reduce impacts on paleontological resources to a less-than-significant level. In addition, the discussion refers to Mitigation Measure CUL-4 and CUL-5, which are not described in Section V, Cultural Resources. The IS/MND would be strengthened if the impact analysis correctly identified the relevant mitigation measures.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
16	IX(b)	32	Hazards and Hazardous Materials	The project will not create 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. ... See Response to Section IX(a): Less than Significant Impact with the incorporated mitigation measure HAZ -1 through HAZ-5.	The impact analysis states that the project will not create a significant hazard; however, the impact analysis also refers to Mitigation Measures HAZ-1 through HAZ-5. The IS/MND would be improved if the impact analysis described what impact requires mitigation and how the mitigation measures would reduce impacts.
17	X(a)	33	Hydrology and Water Quality	Additionally, the to control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan. The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, and/or a description of the federal, State, and local agency requirements that would

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				adhere to all Federal, State, and local agency requirements.	be incorporated into the Proposed Project.
18	X(d)	35	Hydrology and Water Quality	The parcel is not located within a flood zone.	The IS/MND would be improved if it provided substantial evidence, such as reference to FEMA Flood Insurance Rate Maps, regarding the project's impacts relative to flooding.
19	XIII(a)	36	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. The discussion should describe how Mitigation Measures NOI-1 through NOI-3 would reduce impacts to a less-than-significant level.
20	XVII(a)	38	Transportation	All road improvements shall adhere to all current Federal, State and local agency requirements. The applicant shall obtain and maintain an Encroachment Permit from the City of Clearlake – Public Works Department for any work done within the right-of-way.	The IS/MND would be improved by clarifying whether the Proposed Project would include any road improvements. If so, these elements should be included in the project description, including road improvement designs and proposed construction methods that would be implemented.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
21	XIX(b)	40	Utilities and Service Systems	The commercial cannabis operation will not expose occupants to potential pollutants concentrations from a wildfire(s) or the uncontrolled spread of a wildfire. The applicant will adhere to all applicable Federal, State and local agency requirements. Less Than Significant Impact	The checklist and the response in Section XIX(b) appear to have been transposed from Section XX, Wildfire. The document should contain an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.
22	XIX(e)	40	Utilities and Service Systems	All septic systems and/or wells shall be installed and adhere to all applicable Federal, State, and local agency requirements.	The IS/MND would be strengthened if it described how the Proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.
23	XX(a)	40	Wildfire	The SRA regulations (if applicable) will ensure adequate fire access to and on the property. SRA regulations will also ensure that measures are in place to help prevent fire and the spread of fire should one occur. The property shall maintain fire breaks around all structures, shall adhere to all necessary Federal,	The IS/MND would be improved by describing applicable SRA regulations and providing an analysis as to how and whether implementation of these measures would prevent impairments with existing emergency response and/or evacuation plans. In addition, if adherence with SRA regulations and/or fire break maintenance is mitigation intended for the reduction of potentially significant adverse impacts, then it should be stated as such. If so, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				State, and local agency requirements.	be included in the Mitigation Monitoring and Reporting Plan.
24	XX(b) and (c)	41	Wildfire	N/A (general comment)	The IS/MND would be strengthened by including an analysis of operations and maintenance activities, including use of equipment known to generate sparks or extreme heat, and provide an analysis as to whether or not Proposed Project activities could exacerbate fire risk. If the Proposed Project would have the potential to result in significant adverse impacts, then the analysis should provide substantial evidence to support how and whether adherence with federal, State, and local agency requirements would reduce the potential to a less than significant level.
25	XXI	41	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND could be more informative if it listed the mitigation measures it refers to in this section. The measures need not be repeated in full, but at a minimum they should be listed by number.
26	XXI(b)	41	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project (particularly relevant is the Ogulin Hills Holdings, LLC Project Facility, located at 2185 Ogulin Canyon Road), and provide an analysis as to whether the Proposed Project would make a considerable contribution to any

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					cumulative impacts from these other projects.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager



January 19, 2022

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
(707) 994-8201
mroberts@clearlake.ca.us

Re: Amended Initial Study/Mitigated Negative Declaration (IS/MND) for Clearlake Harvest Company, LLC Project (SCH No. 2021100409)

Dear Mr. Roberts:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the amended Initial Study/Mitigated Negative Declaration (IS/MND; SCH No. 2021100409) prepared by the City of Clearlake for the proposed Clearlake Harvest Company, LLC Project (Proposed Project).

DCC is a Responsible Agency with respect to the Proposed Project, with jurisdiction over the issuance of licenses to operate commercial cannabis businesses in California. DCC issues licenses to cannabis cultivators, cannabis nurseries and cannabis processor facilities, cannabis manufacturing, testing, distribution, and retail facilities, and cannabis microbusinesses, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

Background

The City issued an IS/MND for the Proposed Project on October 21, 2021. After reviewing the IS/MND, DCC submitted comments to the City on November 9, 2021. Following the close of the public review period, the City amended the IS/MND and issued the amended IS/MND on December 23, 2021 and requested that any comments be received by January 21, 2022.

As asserted by the City of Clearlake in the Amended Notice of Intent, the only amendment made to the initial draft IS/MND was the assigned project numbers, for the purposes of clarification. The DCC understands that the Proposed Project itself has not changed, and the impact analysis provided (i.e., 'Clearlake Harvest Company CEQA Complete Packet') has not been otherwise revised.

DCC Comments and Recommendations

Upon review of the amended IS/MND and associated documentation (e.g., amended Notice of Intent, Summary Form, and Notice of Completion Form), it appears that the City of Clearlake has not responded to comments provided to the City included in DCC's letter submitted on November 9, 2021. Therefore, this comment letter serves to resubmit the attached comment letter and request that the comments included therein be reviewed and responded to by the City of Clearlake. DCC requests that the amended IS/MND be further revised to address DCC's comments regarding the Proposed Project. DCC requests that a copy of the amended IS/MND, further revised to respond to DCC's comments, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. DCC does not have any additional comments concerning the IS/MND.

DCC appreciates the opportunity to provide comments on the amended IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains,
Licensing Program Manager

Enclosure

Commenting Agency	Comment	Response
Department of Cannabis Control (DCC)	GC 1: The document would be strengthened if it listed DCC as an agency whose approval would be required to operate the Proposed Project. Also, the IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. This would include the appropriate commercial cannabis business licenses from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required	The City incorporates a general condition of approval that the applicant needs to obtain and maintain all required permits from any Federal, State and local agency prior to operation. The project is sent out for RFR (Request for review) to various Federal, State and local agencies for review and comment prior to preparation of the CEQA documents. If an agency provides comments, their comments are incorporated into the conditions of approval (if necessary) and/or general conditions are created to cover a broad range of requirements.
Department of Cannabis Control (DCC)	GC 2: The list of sources would be improved if it provided additional information regarding some of the references	The city does not see the need to list each individual person who was contacted for each agencies. The project is sent out to multiple agencies to a general email/contact and/or a specific person. All comments received are incorporated into the CQA document and/or Conditions of Approval. No revisions are necessary
Department of Cannabis Control (DCC)	GC 3: The IS/MND would be strengthened if the impact analysis and description of Mitigation Measure AES-1 identified the federal, state, and local agency requirements, as well as the City design and construction standards, that would contribute to reduction in light and glare at the project site. Furthermore, the IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(9)).	Comment Noted: The city has incorporated the Mitigation Measure AES 1 as cited in the IS/MND. All lighting shall adhere to all Federal, State and local agency requirements, including dark skies. The applicant will be required prior to operation to submit a lighting plan for review and approval. When the project was sent out for review, DCC did not provide any comments until the IS/MND was circulated. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 4: None of the check boxes for the impact criterion have been checked. The IS/MND would be improved by checking the applicable impact determination in the table.	Each box was appropriately checked indicating the impact. No revisions are necessary. No revision are necessary.
Department of Cannabis Control (DCC)	GC 5: The IS/MND would be improved by providing a description of the operations equipment, and durations of	Comment noted. Section III, Air Quality, Section VIII, Greenhouse Gas Emissions, and Section IX,

	use, that would contribute to air emissions, including, but not limited to, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The tables provided in Attachment G do not clearly specify equipment assumptions (e.g., the types and number of equipment and vehicles and/or durations of use) that were considered in the environmental analysis	Hazards and Hazardous Materials, provides an adequate description and analysis for project impacts on these categories. Additional details will be provided to DCC upon license application submittal. No revisions are necessary all potential impacts in Section IV of the CEQA/MND.
Department of Cannabis Control (DCC)	GC 6: This section provides a summary of the results of the field surveys conducted as part of the Biological Resource Assessment. In many instances the analysis specifies that, "No special-status species were observed within the Study Area during the biological site assessment. These descriptions would be improved by summarizing the potential for presence of special status species, including providing a brief description of existing habitat and species ranges	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 7: The IS/MND would be improved by providing a summary of the analysis provided in the Biological Assessment, such as environmental setting, potential for impacts, and how and whether impacts would be considered less than significant.	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary
Department of Cannabis Control (DCC)	GC 8: The IS/MND would be strengthened if it contained supporting information about proposed removal of vegetation, including oak trees, at the project site. Without supporting information, it is difficult to assess whether impacts would be potentially significant.	At this time, it is uncertain if developed will require the removal of Oak Tree's. If the operation requires Oak Trees to be removed, they will have to obtain a Oak Tree removal Permit and adhere to all requirements in the Clearlake Municipal Code. Additionally, the applicant has Biological Assessment/Report prepared by a qualified Biologist. No revisions are necessary
Department of Cannabis Control (DCC)	GC 9: Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact	The Tree Removal Permit is reviewed on a case-by-case basis in accordance with Section 18-40.050. Not all Oak Trees are required to be replaced at a ratio of 2:1.
Department of Cannabis Control (DCC)	GC 10: The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding energy use, specifically how	All structures to be built will have to adhere to the current CA Building Code. The city does not feel the need to require a complete set Building Plans submitted to process the Conditional Use Permit.

	<p>the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 §§ 16203(9), 16305).</p>	<p>Once the Conditional Use Permit has been processed, the applicant will be required to apply for and obtain a Building Permit for all structures. Once the complete Building Permit Application Packet has been submitted, the city will review the plans in accordance to all applicable requirements, including the CA Building Code.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 11: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, thresholds, that when exceeded, would trigger implementation of additional improvements, standards (e.g., performance criteria</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 12: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented to reduce the potential for adverse impacts related to storm drainage</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 13: The IS/MND would be strengthened if it described how the Proposed Project will comply with</p>	<p>This section was discussed to cover a broad range of potential requirements. A condition of approval has been</p>

	federal, State, and local requirements regarding expansivesoils.	incorporated that the applicant must apply and obtain all necessary Federal, State and local agency permits prior to operation. No revisions are necessary.
Department ofCannabis Control (DCC)	GC 14: The IS/MND would be improved if it provided substantial evidence regarding the project’s impacts relative to wastewater disposal.	Cumulative impacts of all categories have been adequately considered in this document. Wastewater is controlled by the Lake County Environmental Health Department. A condition of approval has been incorporated with the applicant must apply, maintain and adhere to all applicable federal, State and local agency requirements.
Department ofCannabis Control (DCC)	GC 15: The IS/MND would be improved if it clearly described how the identified mitigations measures would reduce impacts on paleontological resource to less than significant	The project was circulated in accordance to AB 52 to Elem Indian Colony, KOI Nation and the Native American Heritage Commission. The City did not receive any comments from the above Tribal organizations. The City incorporates general mitigation measures to reduce any potential impacts. No revisions are necessary.
Department ofCannabis Control (DCC)	GC 16: The impact analysis states that the project will not create a significant hazard; however, the impact analysis also refers to Mitigation Measures HAZ-1 through HAZ-5. The IS/MND would be improved if the impact analysis described what impact requires mitigation and how the mitigation measures would reduce impacts.	All mitigation measured are intended to cover a broad range of hazards. More specific evaluation of hazards will be conducted during the building permit clearance review. No new environmental issues are raised by this comment, and no further environmental analysis is required
Department ofCannabis Control (DCC)	DC 17: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, and/or a description of the federal, State, and local agency requirements that would be incorporated into the Proposed Project.	BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.
Department ofCannabis Control (DCC)	DC 18: The IS/MND would be improved if it provided substantial evidence, such as reference to FEMA Flood Insurance Rate Maps, regarding the project's impacts relative to flooding.	The project is not located within a known flood zone. No revisions necessary.
Department ofCannabis Control (DCC)	DC 19: The document would be improved if it described the sources of noise (e.g., cultivation equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. The discussion should describe how Mitigation	All mitigation measures are intended to cover a broad range of potential noise issues. The noise section intentions where to cover a broad range of potential noise sources as the applicant does not know which equipment will be used until development begins.

	Measures NOI- 1 through NOI-3 would reduce impacts to a less-than-significant level.	
Department of Cannabis Control (DCC)	DC 20: The IS/MND would be improved by clarifying whether the Proposed Project would include any road improvements. If so, these elements should be included in the project description, including road improvement designs and proposed construction methods that would be implemented.	Road improvements are meant to be discussed on general. Prior to any road development, the applicant will have to have Engineered Plan prepared by a licensed CA Engineer and submit them for considerations. No revisions are necessary
Department of Cannabis Control (DCC)	DC 21: The checklist and the response in Section XIX(b) appear to have been transposed from Section XX, Wildfire. The document should contain an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.	This was discussed in Section X – hydrology and Water Quality. Additionally, the applicant had a Hydrology Report Prepared and it was included as an attachment within the CEQA/MND document
Department of Cannabis Control (DCC)	DC 22: The IS/MND would be strengthened if it described how the Proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid	Solid waste is controlled by the Lake County Environmental Health Dept. A condition of Approval has been incorporated that prior to operation they adhere to all necessary requirements. No revisions needed.
Department of Cannabis Control (DCC)	DC 23: The IS/MND would be improved by describing applicable SRA regulations and providing an analysis as to how and whether implementation of these measures would prevent impairments with existing emergency response and/or evacuation plans. In addition, if adherence with SRA regulations and/or fire break maintenance is mitigation intended for the reduction of potentially significant adverse impacts, then it should be stated as such. If so, the impact category determination should be revised from "2" to "1", and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan	If applicable, the SRA is the responsibility of the CA Dept. of Forestry and Fire Protection. The applicant will have to coordinate with Calfire (if applicable) and/or the local fire protection district prior to operation. This section of the MND/CEQA is discussed at a general level to cover a broad range of area. No revisions are necessary.
Department of Cannabis Control (DCC)	DC 24: The IS/MND would be strengthened by including an analysis of operations and maintenance activities, including use of equipment known to generate sparks or extreme heat, and provide an analysis as to whether or not Proposed Project activities could exacerbate fire risk	This section provided an overview all of areas with potential environmental impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.
Department of Cannabis Control (DCC)	DC 25: The IS/MND could be more informative if it listed the mitigation	This section provided an overview all of areas with potential environmental

	<p>measures it refers to in this section. The measures need not be repeated in full, but at a minimum they should be listed by number</p>	<p>impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>DC 26: The IS/MND should identify whether any other cannabis growing operation exist and/or have been proposed in the vicinity of the Proposed Project (particularly relevant is the Ogulin Hills Holdings, LLC Project Facility, located at 2185 Ogulin Canyon Road), and provide an analysis as to whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.</p>	<p>Comment noted. The CEQA/MND analysis this project location and all foreseeable this project may have on the subject parcel and surrounding area. No revision needed.</p>

Kris Gretsinger
PO Box 2116
Clearlake, CA 95422

September 30, 2021

Clearlake Harvest Company, LLC
Attn: Kris Gretsinger
PO BOX 2116
Clearlake, CA 95422

Email:

RE: 2250 Ogulin Canyon Road Use Permit CUP 2021-05 (Cannabis Cultivation); CUP 2021-06 (Processing); CUP 2021-07 (Distribution), CUP 2021-08 (Manufacturing); CUP 2021-09 (Retail Delivery), Cannabis Regulatory/Business Permit, and Initial Study, IS 2021-05

I, Kris Gretsinger, of Clearlake Harvest Company, hereby revise the above referenced applications (including acceptance of certain performance requirements) consisting of construction and operation of a commercial cannabis, including related improvements on a 12.95-acre parcel at 2250 Ogulin Canyon Road, Clearlake, CA, Assessor’s Parcel No. 010-044-19, to include the following Mitigation Measures listed below.

I understand that the use of the property by me or others, as proposed by Kris Gretsinger of Clearlake Harvest Company under the conditional use permits noted above is subject to satisfying plan revisions and related performance standards herein noted as mitigation measures.

AES-1: All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City’s Design and Construction Standards).

AIR-1: Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.

AIR 2: Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements.

- AIR 3: Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
- AIR-4: During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.
- AIR-5: Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project.
- AIR-6: All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City in accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times.
- AIR-7: An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code.
- AIR-8: Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
- AIR-9: Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
- AIR-10: All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations.

AIR-11: Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the district recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.

AIR-12: Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks, if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

BIO -1. Prior to construction activities, the applicant shall have a qualified biologist conduct a nesting bird survey within fourteen (14) days of initial ground disturbance or construction if it occurs between March 1st and August 31st.

BIO-2: Prior to construction activities, the applicant shall have a qualified biologist conduct visual encounter/inspection for the Long Eared Myotis bat. If one is observed, the California Department of Fish and Wildlife shall be notified.

BIO-3: All future expansion and/or development associated with the operation shall be located outside the NFHL 100-year Flood Zone, including the State Water Resource Control Board required setbacks.

BIO-4: Prior to ground disturbance, the applicant shall have a qualified biologist conduct a seasonal botanical survey in accordance with the Biological Assessment prepared by Jacobszoon & Associates, INC, dated May 6, 2021.

BIO-5. If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: <https://www.wildlife.ca.gov/conservation/survey-protocols>.

BIO-6: If any work occurs within a known watercourse with the potential to impact aquatic resources, the applicant shall be in compliance with the California Departments of Fish and Wildlife Streambed Alteration Agreement.

BIO-7: If suitable roosting habitat for special-status bats will be affected by project activities, a qualified wildlife biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat, etc.). Visual surveys will include trees within 0.25 mile of project activities.

CUL-1: During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City's approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.

CUL-2: The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.

CUL-3: If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been

made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.

GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.

- *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: Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s).

GEO-3: The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repaired when necessary.

HAZ-1: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

HAZ-2: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.

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: The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

HAZ - 5: All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations

NOI-1: All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.

NOI-2: Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties.

NOI-3: During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regard to noise and vibration.

Signature: 
Name: Kris Gretsinger – Clearlake Harvest Company

Date: 10/4/21

RESOLUTION NO. PC 2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE, CALIFORNIA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT DA 2022-01 FOR CLEARLAKE HARVEST COMPANY, LLC FOR THE PROPERTY LOCATED AT 2250 OGULIN CANYON ROAD, CLEARLAKE, CALIFORNIA, APN: 010-044-19-000.

WHEREAS, DEVELOPER owns the real property located at 2250 Ogulin Canyon Road, identified as Assessor’s Parcel Number 010-044-19-000 (“Property”) that is the subject of this agreement; and

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, the Property is located within the City’s I, Industrial, and CB, Commercial Cannabis Business Zoning Districts and subject to the land use controls of the City’s Municipal Code; and

WHEREAS, DEVELOPER intends to operate a cannabis business on the Property including Cultivation, Manufacturing and Distribution, and has received approval of related activities; and

WHEREAS pursuant to Sections 5-20 and 18-43 of the Municipal Code, a development agreement for the commercial cannabis business is required; and

WHEREAS, DEVELOPER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Sections 5.20 and 18-43 of the Municipal Code and Section 68564, et seq. of the Government Code and the rules and regulations of CITY; and

WHEREAS, the Planning Commission has considered this Development Agreement (DA 2021-02) at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE (“PLANNING COMMISSION”) HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The property located at, At 2250 Ogulin Canyon Road, identified as Assessor’s Parcel Number 010-044-19-000 legally described by Assessor's Parcel Number 010-044-19-000 ("Project Site" and/or "Property").

SECTION 2. The applicant has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Section 68564, et seq. of the Government Code and the rules and regulations of CITY.

SECTION 3. On May 24, 2022, the Planning Commission of the City of Clearlake held a duly noticed public hearing at which interested persons had the opportunity to testify and at which the Planning Commission considered the Development Agreement.

SECTION 4. The development agreement proposed herein is consistent with the General Plan of the City of Clearlake in that the Potential Activity consist of a cannabis micro-business which is authorized in the zone subject to obtaining conditional use permits from the Planning Commission.

SECTION 5. Conditional Use Permits (CUP 2021-28 through CUP 2021-32) approved by the Planning Commission for a cannabis business permit is not operational until Development Agreement 2022-01 has been approved City Council and executed by the City and the Developer.

SECTION 6. The Planning Commission therefore recommends to the City Council to adopt Development Agreement DA 2022 -01 attached hereto as Exhibit 1.

SECTION 7. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The Secretary shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED on this of 24th day of May 2022 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Chairperson, Planning Commission

ATTEST:

City Clerk, Planning Commission

RECORDING REQUESTED BY
AND WHEN RECORDED MAILTO:

City of Clearlake
14050 Olympic Dr.
Clearlake, CA 95422
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Recording Fee Exempt per Government Code §27383

DEVELOPMENT AGREEMENT (DA 2022-01)

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this **<Insert day>** day of **<Insert month>** 2022 (the "Execution Date"), by and between the **CITY OF CLEARLAKE, a California municipal corporation** ("City") and **Clearlake Harvest Company, LLC., (developer)**. City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement.

RECITALS

- A. The State of California enacted California Government Code Sections 65864 *et seq.* ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.
- B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
- C. Developer currently holds an option to lease to the property located at 2250 Ogulin Canyon Road (the "site"), City of Clearlake, County of Lake, CA 95422 further described as Assessor Parcel number 010-044-19 to allow a Commercial Cannabis Operation.
 - o **Cannabis Cultivation/Processing:** *germinating, cloning, seed production, planting, growing and harvesting cannabis plants. Also may include on-site drying, curing, grading, or trimming of cannabis plants, as well as the processing of raw cannabis plants for the purpose of manufacturing, distribution and retail delivery.*
 - o **Manufacturing:** *compounding, blending, extracting, infusing or otherwise making or preparing and packaging the cannabis product.*
 - o **Distribution:** *procuring cannabis plants from permitted cannabis cultivation sites or cannabis manufacturers for sale to permitted cannabis dispensaries and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging, and other processes prior to permitted medical cannabis dispensaries.*

- **Retail Dispensary; Delivery Only:** *The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. "Delivery" also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products. Note: the facility will not be open to the public.*
 - **Nursery:** *For the self-propagation of immature cannabis plants.*
- D. Owner intends to operate a cannabis facility and operation. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 et seq.) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General (the "AG Guidelines"), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA"), creating a unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the "California Cannabis Laws"). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the facility and operations.
- E. Ultimately, Owner intends to obtain state licenses issued pursuant to MAUCRSA to operate cannabis facilities at the Site, once such licenses are being issued.
- F. Owners presently intend to develop and open a cannabis operation on the Site consistent with the California Cannabis Laws and Project Approvals (known as the "Project").
- G. Owner applied to City for a development agreement and will subsequently need to obtain special use permits and regulatory permits for the Project. This Agreement, and the special use and regulatory permits, when and if issued by the City, shall collectively be referred to as "Project Approvals".
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted Ordinance No's. 200-2017 and 201-2017 permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual fee based on the gross revenue of the operations, and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.
- K. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA Guidelines, Title 14 of the California Code of Regulations, Chapter 3, §15000 *et seq.* have been satisfied as has gone through an Environmental Analysis (Initial Study) and a proposed Mitigated Negative Declaration has been adopted. All potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures.

- L. City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses, and programs specified in City’s General Plan, zoning code and municipal ordinances.
- M. City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement, *i.e.*, assuring Owner that it will enjoy the development rights.
- N. The City agrees that Owner’s land use entitlements for the Project shall vest for the term of this Agreement as described below.
- O. After conducting a duly noticed hearing on **May 24, 2020**, in conjunction with certain amendments and additions to the City’s Municipal Code, the Planning Commission of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.
- P. After conducting a duly noticed hearing on **May 24, 2020**, in conjunction with amendments and additions to the City’s Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses, and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

1. **Binding Effect of Agreement.** The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and

shown in **Exhibit B (Project Description; Site Lease/Map)** and incorporates by reference all Development Approvals approved by the City for the Site. Except as otherwise provided in Section 15 of this Agreement, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word "Owner" as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. Relationship of the Parties. It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. Term. Except as otherwise specified herein, the term of this Agreement (the "Term") is 3 years from the date the Owner begins commercial operation at the Project Site ("Operation Date"). The Operation Date shall be no later than 12 months following the Execution Date. The Term shall generally be subject to earlier termination or extension as hereinafter provided.

3.1 Term Extension – Third Party Issues. Notwithstanding the Parties' expectation that there will be no limit or moratorium upon the Project's development or the issuance of building or other development related permits (a "Development Limitation") during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 Litigation. Any third party-initiated litigation that arises from or is related to any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project's development, or third party-initiated litigation having the actual effect of delaying the Project's development. This extension period related hereto shall include any time during which appeals may be filed or are pending.

3.1.2 Government Agencies. Any delay arising from or related to the act(s) or omission(s) any third-party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project's development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, that both of the conditions listed in subparts 3.2.1 and 3.2.2 below have been fully satisfied are the Owner is in full compliance:

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City's satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above for a seven-year term extension, this Agreement's Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to engage in the Project activities at the Project Site, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. "Certified Report" shall mean a detailed document prepared by Owner on a form acceptable to the City's Director of Finance to report to the City the gross receipts of the Project's operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly authorized officer of Owner.

4.2. Development Approvals. "Development Approvals" means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. “Production Fee” shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, in the amount of 5% of gross sales from operations.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days past due will constitute a breach subject to Section 20 of this agreement.

4.6. Semi-Annual Production Fee. The semi-annual Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.7. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. “Land Use Regulations” do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.7.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.7.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement.

4.7.3. The control and abatement of nuisances;

4.7.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.7.5. The exercise of the power of eminent domain.

4.8. “Existing Land Use Regulations” means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.9. “Gross Receipts” means 5% (five percent) for 1) wholesale and retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City's entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner's compliance with this Agreement, California Cannabis Laws and the City's municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. Annual payments of the Facility Fee by Owner to the City. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen and sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City's Finance Director and a payment for the Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Tenants and/or any operator of the facility. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner's submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at Owner's expense, of Owner records regarding Certified Reports and the Production Fees. The City's Finance Director shall provide at least seven (7) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants' operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee,

Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City's Director of Finance in addition to all costs of the audit, including city staff time and outside consultants. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner's subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.

8.2. Enhanced Design Requirement. Owner shall submit a design plan for the building and site, for review and approval by the Planning Director, which shall incorporate at a minimum upgraded fencing and landscaping improvements consistent with the Community Character and Design Policies in the City's General Plan.

8.3. Maintain & Operate Project. Owner shall maintain and operate the Project on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.

8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the "Indemnified Parties") harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys' fees and costs), damages (including, without limitation, consequential damages), claims and liabilities arising from the Project, this Agreement, the approval of the Project, and the activities of Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

9.2 Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts

of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

9.3 Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b) payment of the usual and customary fees and charges of general application charged for the processing of such applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

9.4 Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

10.1 Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2 Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3 Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or

Project. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, no moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 10.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the processing of applications for development and construction upon the Site so long as such fees and charges are of general application and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is reasonably required in order to prevent a condition dangerous to the public health or safety; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees permitted by, Section 4.1; or (v) it is otherwise expressly permitted by this Agreement. The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays, Supersededure by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or

prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder as soon as possible after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 2.1 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized upon consultation with the Owner, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair or interfere with the right of City to require the processing of building permits as required by law relating to any specific

improvements proposed for the Project pursuant to the applicable provisions of the City’s municipal code, inclusive of such California and International Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however, no such permit processing shall authorize or permit City to impose any condition on and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributes, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement (“Assignable Rights”) to a third party, a subordinate entity, or a related entity (make an “Assignment”) without the prior written consent of City in each instance, which consent may be withheld in City’s sole discretion. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City’s prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner’s good faith compliance with its terms (the “Periodic Review”). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and subsection 3.2 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile (“Fax”) machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake
14050 Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones & Mayer, City Attorney

8150 Sierra College Blvd., Suite 190
Roseville California 95661
Attention: Ryan R. Jones, Esq.

If to Owner: Clearlake Harvest Company, LLC
2250 Ogulin Canyon Road
Clearlake, California 95422

Notices sent in accordance with this Section shall be deemed delivered upon the: **(a)** date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); **(b)** date of actual receipt (if personally delivered by other means); **(c)** date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or **(d)** date of delivery as indicated on the return receipt (if sent by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner's rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner's rights under this Agreement. Default by any Assignee or Owner's successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner's rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: **(a)** certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and **(b)** acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrancer of all or any portion of the Site. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the

Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device (“Mortgage”) securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns (“Mortgagee”) shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee’s sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City’s performance hereunder. No Mortgagee will be liable for any monetary defaults arising prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will terminate the Agreement and Mortgagee’s right to operate.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee’s acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City’s written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the

Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement (“Successors”). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this Agreement’s provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Jointly Drafted. It is agreed among the parties that this Agreement was jointly negotiated and jointly drafted by the Parties and their respective counsel, and that it shall not be interpreted or construed in favor of or against any party solely on the ground that it drafted the Agreement. It is also agreed and represented by all Parties that said Parties were of equal or relatively equal bargaining power and that in no way whatsoever shall this Agreement be deemed to be a contract of adhesion, or unreasonable or unconscionable.

39. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

40. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this Agreement.

41. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

“CITY”

CITY OF CLEARLAKE, CA a California
Municipal Corporation

Date: _____, 2022

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones & Mayer

By: _____

Ryan R. Jones, Esq.

City Attorney

BY: _____
Clearlake Harvest Company, LLC
(Developer/Representative)

Date: _____, 2022

EXHIBIT A
LEGAL DESCRIPTION

RECORDING REQUESTED BY:
First American Title Company

MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:
RSG Clearlake Vista LLC
P.O Box 2116
Clearlake , CA 95422

Doc # 2021005369
Page 1 of 2
Date: 3/26/2021 11:58A
Filed by: FIRST AMERICAN TITLE
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$677.00

Space Above This Line for Recorder's Use Only

A.P.N.: 010-044-190-000

File No.: 1710-6500817 (KD)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$660.00; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of Clearlake, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **James Herrmann and Susan Taylor Herrmann, Trustees of the James K. Herrmann and Susan L. Taylor-Herrmann Revocable Trust of 2007, Dated March 29, 2007, as Restated November 8, 2019**

hereby GRANTS to **RSG Clearlake Vista LLC, a Texas limited liability company**

the following described property in the City of **Clearlake**, County of **Lake**, State of **California**:

PARCEL Y AS SHOWN ON A MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON JANUARY 27, 1986, IN BOOK 27 OF PARCEL MAPS AT PAGE 37.

Mail Tax Statements To: **SAME AS ABOVE**

EXHIBIT B

PROJECT DESCRIPTION AND SITE LEASE/MAP

Refer to Attachments

Clearlake Harvest Company

Phased Development of 2250 Ogulin Canyon Rd

Phase 1

- Cultivation:
 - 10,000 square foot cultivation in a 10,200 square foot greenhouse(s)
- Nursery
 - Will use existing building for self propagation
- Build out the 60x40 building for either or both:
 - Processing
 - Retail – Delivery Only
- Property Development
 - Grade the area needed to build the greenhouses and 60x40 building
 - Create a gravel roadway and parking spots
- Fire Safety
 - Install fire tank and water storage tank
 - Build out hammerhead for fire department
- Employees
 - Three estimated

Phase 2

The items pushed off to Phase 2 are the 5,000 square foot and 2,500 square foot cultivation. This is due to drought, economic conditions, and determining the appropriate space on the property.

The initial plans showed a 2,500 square foot cultivation to be on the side part of the property. That is still the plan, but will need to revisit with a new engineer to draw up plans. It was also supposed to be for someone who qualified for the Social Equity Program, but the City did not approve it, so it may be postponed until something can be figured out.

There also may not be room to do the 5,000 square foot cultivation, so that may be scrapped.

We can apply for a modified use permit or development agreement as we go.

- Cultivation
 - 5,000 square foot cultivation in a 6,500 square foot greenhouse
 - 2,500 square foot cultivation in a 3,000 square foot greenhouse.
- Employees
 - Six estimated.

Site Plans

Refer to Enclosed Plans

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California: _____

County of _____.

On _____, before me, _____
Here insert name and title of the officer

Personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

Notary Public Seal

WITNESS my hand and official seal.

Notary Public Signature

Instructions for Completing this form: This form complies with current California statutes regarding notary wording and if needed, should be completed, and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law. State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment. Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.

- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e., he/she/tll6y, is /ar6) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
- Indicate title or type of attached document, number of pages and date.
- Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e., CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA	HUMBOLDT	SAN FRANCISCO
COLUSA	LAKE	SAN MATEO
CONTRA COSTA	MARIN	SANTA CLATA
DEL NORTE	MENDOCINO	SANTA CRUZ
	MONTEREY	SOLANO
	NAPA	SONOMA
	SAN BENITO	YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

June 11, 2021

File No.: 20-2435

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

re: CUP 2021-28 and IS 2021-05 / APN 010-044-19 at 2250 Ogulin Canyon Road, Clearlake / Clearlake Harvest Company, LLC (Kris Gretsinger)

Dear Mark Roberts,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: The applicant is requesting approval of a Conditional Use Permit (CUP 2021-28) to allow a commercial cannabis operation located at the above noted address. According to the application packet the operation will include but is not limited to the following: Refer to attached Operational Packet for details. All cultivation will occur with "Hybrid Greenhouses". Site 1 will be office space (24' X 60' foot trailer). Site 2 will be 1,600 SQFT of Indoor Nursey. Site 3 will be 3,000 SQFT of Indoor Nursey. Site 4 will be 10,000 SQFT of Indoor Cultivation. Site 5 will be 2,500 SQFT Indoor Cultivation/Processing. Site 6 will be 2,400 SQFT Indoor Processing. Site 7 will be 5,000 SQFT of Indoor Cultivation Area with Equity Partners. Total Indoor Canopy Area will be 17, 500 SQFT. Total Square footage will be 27,500 SQFT. Newly Disturbed Footage will be 25,900 SQFT.

Previous Studies:

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of any project activities.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

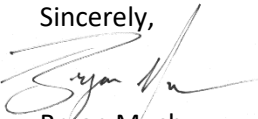
Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

Central Valley Regional Water Quality Control Board

29 November 2021

Mark Roberts
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422-8801
mroberts@clearlake.ca.us

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, CLEARLAKE HARVEST COMPANY, LLC PROJECT, SCH#2021100409, LAKE COUNTY

Pursuant to the State Clearinghouse's 21 October 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Clearlake Harvest Company, LLC Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Cannabis General Order

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy-to-use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:
<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at: www.waterboards.ca.gov/cannabis

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleysacramento@waterboards.ca.gov or (916) 464-3291. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water

Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

Clearlake Harvest Company, LLC Project - 6 -
Lake County

29 November

Section J, Item 12.

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

From: [Rightnar, Jacob@DOT](mailto:Rightnar.Jacob@DOT)
To: [Mark Roberts](#)
Subject: Clearlake harvesting Company NOI Review- Caltrans D1
Date: Tuesday, October 26, 2021 10:14:20 AM
Attachments: [RFR Ogulin Hills Holding LLC Packet.pdf](#)
[NOC Form - Clearlake Harvest Company.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Caltrans District 1 is currently reviewing the CEQA documents for the Clearlake Harvesting Company cannabis cultivation project. We would just like to clarify a few aspects of the project. The documents uploaded to CEQAnet list two addresses and it is unclear which site(s) are being developed, these being 2250 Ogulin Canyon Road (010-044-19) and 2185 Ogulin Canyon Road (010-044-17).

The documents list APN:010-044-19 as the project site however the description states that development will take place on APN:010-044-17. Additionally, this is the site of a preexisting cannabis referral filed by Ogulin Hills Holding, LLC (see attached), whereas the current project is owned by Clearlake Harvesting Co., LLC (see second attachment). We want to confirm what the relationship is between the project owned by Clearlake Harvesting Co and the proposal by Ogulin Hills Holding?

Sincerely,
Jacob Rightnar
Caltrans District 1
Transportation Planning
Cell: (707)684-6895



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: CUP 2021-28 Conditional Use Permit, IS 2021-05
Commercial Cannabis
APN: 010-044-19 2250 Ogulin Canyon Rd, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-19 – a 1980 septic permit 5271-S designed to service a 2 bedroom residence; a 2006 well permit WE 2440 for a domestic well.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., and the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration.



City of Clearlake
 14050 Olympic Drive, Clearlake, California 95422
 (707) 994-8201 Fax (707) 995-2653

SROD

Section J, Item 12.

RECEIVED
 MAY 27 2021
 BY: EH

DISTRIBUTION DATE: May 26, 2021

REQUEST FOR REVIEW (RFR)

CITY DEPARTMENTS	LOCAL AGENCIES	STATE/FEDERAL AGENCIES
@ Building Dept	@ Air Quality Management	CalTrans
@ Code Enforcement	@ Assessor's/Recorders Office	BLM
@ Police Department	@ Environmental Health Dept.	@ CA Dept. of Fish & Wildlife
@ Public Works/Engineering.	Lakebed Management	Army Core of Eng.
	Lake County Surveyor	U.S Fish & Wildlife Serv.
	Lake County Water Resources	@ Sonoma State (NWIC)
OTHER AGENCIES	Lake County Tax Collector	CHP
PG&E	Lake Transit	CA Dept. of Drinking Water
	Lake Area Planning Council	Cal Fire
		ABC
	WATER DISTRICT	
	Golden State Water	CANNABIS PROJECTS
	Konocti Water Co.	@ Cal Cannabis
	Highlan Water Co.	@ CA Dept. Public Health (Manufacturing)
		@ Bureau of Cannabis Control (retailers, distributors, 3 rd party testing laboratories and microbusinesses)

REQUEST: REQUEST: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by **June 11th, 2021**. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

APPLICATION: Conditional Use Permit, CUP 2021-28 and Initial Study, IS 2021-05

FROM: Mark Roberts – Senior Planner

APPLICANT: Clearlake Harvest Company, LLC (Kris Gretsinger)

APN(s): 010-044-19

LOCATION(S): 2250 Ogulin Canyon Road, Clearlake, CA.

LAND USE DESIGNATION(S): "I" Industrial with the "CB" Commercial Cannabis

GENERAL PLAN DESIGNATION(S): "I" Industrial with the "CB" Commercial Cannabis

PROJECT: The applicant is requesting approval of a Conditional Use Permit (CUP 2021-28) to allow a commercial cannabis operation located at the above noted address. According to the application packet the

operation will include but is not limited to the following: Refer to attached Operational Packet for details. All cultivation will occur with "Hybrid Greenhouses".

- Site 1 will be office space (24' X 60' foot trailer).
- Site 2 will be 1,600 SQFT of Indoor Nursey.
- Site 3 will be 3,000 SQFT of Indoor Nursey.
- Site 4 will be 10,000 SQFT of Indoor Cultivation
- Site 5 will be 2,500 SQFT Indoor Cultivation/Processing
- Site 6 will be 2,400 SQFT Indoor Processing.
- Site 7 will be 5,000 SQFT of Indoor Cultivation Area with Equity Partners.

Total Indoor Canopy Area will be 17, 500 SQFT.

Total Square footage will be 27,500 SQFT.

Newly Disturbed Footage will be 25,900 SQFT.

COMMENTS:

See attached memorandum

NAME: Anna Rubin

DATE: 5/28/21



November 9, 2021

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
(707) 994-8201
mroberts@clearlake.ca.us

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for Clearlake Harvest Company, LLC Project (SCH No. 2021100409)

Dear Mr. Roberts:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Clearlake for the proposed Clearlake Harvest Company, LLC Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain an annual cultivation license from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Clearlake.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the Proposed Project would require one or more cultivation licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26012(a)). Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 3 California Code of Regulations §§ 16304(c); 16304(g).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(f); 16304(e); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a-c); 16304(g).)
- Cultural Resources (See § 16304(d).)
- Energy (See §§ 15006(i)(6); 15011(a)(5); 15020(f); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(i)(5)(c); 15011(a)(4); 15011(a)(12); 16304(f); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(i); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16216; 16304(a); 16304(b); 16307; 16310.)
- Noise (See §§ 16304(e); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16309; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

GC 2: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment, etc.) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

GC 3: Identification of Federal, State, and Local Regulations

In multiple instances throughout the document, the IS/MND states that “the applicant will adhere to all Federal, State, and local requirements/regulations.” Without more information about the

requirements and regulations being referred to, it is difficult to determine whether potential impacts would be avoided. The IS/MND would be strengthened if applicable requirements and regulations were described in the context of each environmental resource.

GC 4: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in the City of Clearlake. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the City, and any other reasonably foreseeable projects in Clearlake that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Ques. 21	11	Other public agencies whose approval may be required	N/A (General Comment)	The document would be strengthened if it listed DCC as an agency whose approval would be required to operate the Proposed Project. Also, the IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. This would include the appropriate commercial cannabis business licenses from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required.
2	Ques. 23	11	Impact Categories defined by CEQA	N/A (general comment)	The list of sources would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.
3	I(d)	21	Aesthetics	Mitigation Measure AES-1: All outdoor lighting shall be directed downwards and shielded onto the project site and	The IS/MND would be strengthened if the impact analysis and description of Mitigation Measure AES-1 identified the federal, state, and local agency requirements, as well as the City

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City’s Design and Construction Standards).	design and construction standards, that would contribute to reduction in light and glare at the project site. Furthermore, the IS/MND would be strengthened if it referenced DCC’s requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC’s requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(g)).
4	I(d)	21	Aesthetics	N/A (general comment)	None of the check boxes for the impact criterion have been checked. The IS/MND would be improved by checking the applicable impact determination in the table.
5	III	22	Air Quality	N/A (general comment)	The IS/MND would be improved by providing a description of the operations equipment, and durations of use, that would contribute to air emissions, including, but not limited to, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The tables provided in Attachment G do not clearly specify equipment assumptions (e.g., the types and number of equipment and vehicles and/or durations of use) that were

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					considered in the environmental analysis.
6	IV(a)	26	Biological Resources	N/A (general comment)	This section provides a summary of the results of the field surveys conducted as part of the Biological Resource Assessment. In many instances the analysis specifies that, “No special-status species were observed within the Study Area during the biological site assessment.” These descriptions would be improved by summarizing the potential for presence of special status species, including providing a brief description of existing habitat and species ranges.
7	IV(b) through (d)	28	Biological Resources	N/A (general comment)	The IS/MND would be improved by providing a summary of the analysis provided in the Biological Assessment, such as environmental setting, potential for impacts, and how and whether impacts would be considered less than significant.
8	IV(e), (f)	28	Biological Resources	<p>However, the project may require the removal of a small cluster of grasses and/or vegetation/trees. ...</p> <p>However, the project may require the removal of Oak Trees.</p>	The IS/MND would be strengthened if it contained supporting information about proposed removal of vegetation, including oak trees, at the project site. Without supporting information, it is difficult to assess whether impacts would be potentially significant.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
9	IV(e)	28	Biological Resources	Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact.	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan.
10	VI(a) and (b)	29	Energy	The property will likely be provided by solar power energy source; however, PG&E is likely proposed depending on feasibility. All energy usage will adhere to all Federal, State and local agency requirements regarding energy use.	The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding energy use, specifically how the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 §§ 16203(g), 16305).
11	VII(b)	31	Geology and Soils	GEO-3: The applicant shall monitor the site during the rainy season including post installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures	The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, thresholds, that when exceeded, would trigger implementation of additional improvements, standards (e.g., performance criteria) by which the

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				shall be maintained for life of the project and replace/repared when necessary.	effectiveness of the mitigation will be evaluated, and actions that will be taken should the mitigation fail to meet those standards.
12	VII(c) and (d)	31	Geology and Soils	The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan. The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented to reduce the potential for adverse impacts related to storm drainage.
13	VII(d)	31	Geology and Soils	The applicant will adhere to all Federal, State and local agency requirements, including all requirements in the City of Clearlake’s Municipal Code(s).	The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding expansive soils.
14	VII(e)	31	Geology and Soils	The project parcel is currently vacant, when development occurs, the cannabis operation shall adhere to all applicable	The IS/MND would be improved if it provided substantial evidence regarding the project’s impacts relative to wastewater disposal.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				Federal, State and local agency requirements regarding wastewater disposal systems, (i.e., connecting to public/private sewer facilities and/or onsite waste management systems (septic). Less Than Significant Impact	
15	VII(f)	31	Geology and Soils	Disturbance of paleontological resources or unique geologic features is not anticipated. However, to ensure the protection of cultural resources including unique paleontological resource or site(s) or unique geologic features with the incorporated mitigation measures in Section V (cultural resources) all potential impacts have been reduce to less than significant levels with the incorporated mitigation measures CUL-1 and CUL-5.	The IS/MND would be improved if it clearly described how the identified mitigation measures would reduce impacts on paleontological resources to a less-than-significant level. In addition, the discussion refers to Mitigation Measure CUL-4 and CUL-5, which are not described in Section V, Cultural Resources. The IS/MND would be strengthened if the impact analysis correctly identified the relevant mitigation measures.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
16	IX(b)	32	Hazards and Hazardous Materials	The project will not create 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. ... See Response to Section IX(a): Less than Significant Impact with the incorporated mitigation measure HAZ -1 through HAZ-5.	The impact analysis states that the project will not create a significant hazard; however, the impact analysis also refers to Mitigation Measures HAZ-1 through HAZ-5. The IS/MND would be improved if the impact analysis described what impact requires mitigation and how the mitigation measures would reduce impacts.
17	X(a)	33	Hydrology and Water Quality	Additionally, the to control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall	This excerpt, included in the analysis, appears to be mitigation that would reduce the potential for significant adverse impacts. If so, these provisions should be identified as mitigation measures, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan. The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, and/or a description of the federal, State, and local agency requirements that would

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				adhere to all Federal, State, and local agency requirements.	be incorporated into the Proposed Project.
18	X(d)	35	Hydrology and Water Quality	The parcel is not located within a flood zone.	The IS/MND would be improved if it provided substantial evidence, such as reference to FEMA Flood Insurance Rate Maps, regarding the project's impacts relative to flooding.
19	XIII(a)	36	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. The discussion should describe how Mitigation Measures NOI-1 through NOI-3 would reduce impacts to a less-than-significant level.
20	XVII(a)	38	Transportation	All road improvements shall adhere to all current Federal, State and local agency requirements. The applicant shall obtain and maintain an Encroachment Permit from the City of Clearlake – Public Works Department for any work done within the right-of-way.	The IS/MND would be improved by clarifying whether the Proposed Project would include any road improvements. If so, these elements should be included in the project description, including road improvement designs and proposed construction methods that would be implemented.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
21	XIX(b)	40	Utilities and Service Systems	The commercial cannabis operation will not expose occupants to potential pollutants concentrations from a wildfire(s) or the uncontrolled spread of a wildfire. The applicant will adhere to all applicable Federal, State and local agency requirements. Less Than Significant Impact	The checklist and the response in Section XIX(b) appear to have been transposed from Section XX, Wildfire. The document should contain an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.
22	XIX(e)	40	Utilities and Service Systems	All septic systems and/or wells shall be installed and adhere to all applicable Federal, State, and local agency requirements.	The IS/MND would be strengthened if it described how the Proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.
23	XX(a)	40	Wildfire	The SRA regulations (if applicable) will ensure adequate fire access to and on the property. SRA regulations will also ensure that measures are in place to help prevent fire and the spread of fire should one occur. The property shall maintain fire breaks around all structures, shall adhere to all necessary Federal,	The IS/MND would be improved by describing applicable SRA regulations and providing an analysis as to how and whether implementation of these measures would prevent impairments with existing emergency response and/or evacuation plans. In addition, if adherence with SRA regulations and/or fire break maintenance is mitigation intended for the reduction of potentially significant adverse impacts, then it should be stated as such. If so, the impact category determination should be revised from “2” to “1”, and the applicable mitigation measure(s) should

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				State, and local agency requirements.	be included in the Mitigation Monitoring and Reporting Plan.
24	XX(b) and (c)	41	Wildfire	N/A (general comment)	The IS/MND would be strengthened by including an analysis of operations and maintenance activities, including use of equipment known to generate sparks or extreme heat, and provide an analysis as to whether or not Proposed Project activities could exacerbate fire risk. If the Proposed Project would have the potential to result in significant adverse impacts, then the analysis should provide substantial evidence to support how and whether adherence with federal, State, and local agency requirements would reduce the potential to a less than significant level.
25	XXI	41	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND could be more informative if it listed the mitigation measures it refers to in this section. The measures need not be repeated in full, but at a minimum they should be listed by number.
26	XXI(b)	41	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project (particularly relevant is the Ogulin Hills Holdings, LLC Project Facility, located at 2185 Ogulin Canyon Road), and provide an analysis as to whether the Proposed Project would make a considerable contribution to any

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					cumulative impacts from these other projects.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager



January 19, 2022

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
(707) 994-8201
mroberts@clearlake.ca.us

Re: Amended Initial Study/Mitigated Negative Declaration (IS/MND) for Clearlake Harvest Company, LLC Project (SCH No. 2021100409)

Dear Mr. Roberts:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the amended Initial Study/Mitigated Negative Declaration (IS/MND; SCH No. 2021100409) prepared by the City of Clearlake for the proposed Clearlake Harvest Company, LLC Project (Proposed Project).

DCC is a Responsible Agency with respect to the Proposed Project, with jurisdiction over the issuance of licenses to operate commercial cannabis businesses in California. DCC issues licenses to cannabis cultivators, cannabis nurseries and cannabis processor facilities, cannabis manufacturing, testing, distribution, and retail facilities, and cannabis microbusinesses, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

Background

The City issued an IS/MND for the Proposed Project on October 21, 2021. After reviewing the IS/MND, DCC submitted comments to the City on November 9, 2021. Following the close of the public review period, the City amended the IS/MND and issued the amended IS/MND on December 23, 2021 and requested that any comments be received by January 21, 2022.

As asserted by the City of Clearlake in the Amended Notice of Intent, the only amendment made to the initial draft IS/MND was the assigned project numbers, for the purposes of clarification. The DCC understands that the Proposed Project itself has not changed, and the impact analysis provided (i.e., 'Clearlake Harvest Company CEQA Complete Packet') has not been otherwise revised.

DCC Comments and Recommendations

Upon review of the amended IS/MND and associated documentation (e.g., amended Notice of Intent, Summary Form, and Notice of Completion Form), it appears that the City of Clearlake has not responded to comments provided to the City included in DCC’s letter submitted on November 9, 2021. Therefore, this comment letter serves to resubmit the attached comment letter and request that the comments included therein be reviewed and responded to by the City of Clearlake. DCC requests that the amended IS/MND be further revised to address DCC’s comments regarding the Proposed Project. DCC requests that a copy of the amended IS/MND, further revised to respond to DCC’s comments, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. DCC does not have any additional comments concerning the IS/MND.

DCC appreciates the opportunity to provide comments on the amended IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains,
Licensing Program Manager

Enclosure



January 19, 2022

Mark Roberts, Senior Planner
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DCC Comments and Recommendations

Upon review of the amended IS/MND and associated documentation (e.g., amended Notice of Intent, Summary Form, and Notice of Completion Form), it appears that the City of Clearlake has not responded to comments provided to the City included in DCC’s letter submitted on November 9, 2021. Therefore, this comment letter serves to resubmit the attached comment letter and request that the comments included therein be reviewed and responded to by the City of Clearlake. DCC requests that the amended IS/MND be further revised to address DCC’s comments regarding the Proposed Project. DCC requests that a copy of the amended IS/MND, further revised to respond to DCC’s comments, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. DCC does not have any additional comments concerning the IS/MND.

DCC appreciates the opportunity to provide comments on the amended IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Lindsay Rains,
Licensing Program Manager

Enclosure

Commenting Agency	Comment	Response
Department of Cannabis Control (DCC)	GC 1: The document would be strengthened if it listed DCC as an agency whose approval would be required to operate the Proposed Project. Also, the IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. This would include the appropriate commercial cannabis business licenses from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required	The City incorporates a general condition of approval that the applicant needs to obtain and maintain all required permits from any Federal, State and local agency prior to operation. The project is sent out for RFR (Request for review) to various Federal, State and local agencies for review and comment prior to preparation of the CEQA documents. If an agency provides comments, their comments are incorporated into the conditions of approval (if necessary) and/or general conditions are created to cover a broad range of requirements.
Department of Cannabis Control (DCC)	GC 2: The list of sources would be improved if it provided additional information regarding some of the references	The city does not see the need to list each individual person who was contacted for each agencies. The project is sent out to multiple agencies to a general email/contact and/or a specific person. All comments received are incorporated into the CQA document and/or Conditions of Approval. No revisions are necessary
Department of Cannabis Control (DCC)	GC 3: The IS/MND would be strengthened if the impact analysis and description of Mitigation Measure AES-1 identified the federal, state, and local agency requirements, as well as the City design and construction standards, that would contribute to reduction in light and glare at the project site. Furthermore, the IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(9)).	Comment Noted: The city has incorporated the Mitigation Measure AES 1 as cited in the IS/MND. All lighting shall adhere to all Federal, State and local agency requirements, including dark skies. The applicant will be required prior to operation to submit a lighting plan for review and approval. When the project was sent out for review, DCC did not provide any comments until the IS/MND was circulated. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 4: None of the check boxes for the impact criterion have been checked. The IS/MND would be improved by checking the applicable impact determination in the table.	Each box was appropriately checked indicating the impact. No revisions are necessary. No revision are necessary.
Department of Cannabis Control (DCC)	GC 5: The IS/MND would be improved by providing a description of the operations equipment, and durations of	Comment noted. Section III, Air Quality, Section VIII, Greenhouse Gas Emissions, and Section IX,

	use, that would contribute to air emissions, including, but not limited to, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The tables provided in Attachment G do not clearly specify equipment assumptions (e.g., the types and number of equipment and vehicles and/or durations of use) that were considered in the environmental analysis	Hazards and Hazardous Materials, provides an adequate description and analysis for project impacts on these categories. Additional details will be provided to DCC upon license application submittal. No revisions are necessary all potential impacts in Section IV of the CEQA/MND.
Department of Cannabis Control (DCC)	GC 6: This section provides a summary of the results of the field surveys conducted as part of the Biological Resource Assessment. In many instances the analysis specifies that, "No special-status species were observed within the Study Area during the biological site assessment. These descriptions would be improved by summarizing the potential for presence of special status species, including providing a brief description of existing habitat and species ranges	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 7: The IS/MND would be improved by providing a summary of the analysis provided in the Biological Assessment, such as environmental setting, potential for impacts, and how and whether impacts would be considered less than significant.	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary
Department of Cannabis Control (DCC)	GC 8: The IS/MND would be strengthened if it contained supporting information about proposed removal of vegetation, including oak trees, at the project site. Without supporting information, it is difficult to assess whether impacts would be potentially significant.	At this time, it is uncertain if developed will require the removal of Oak Tree's. If the operation requires Oak Trees to be removed, they will have to obtain a Oak Tree removal Permit and adhere to all requirements in the Clearlake Municipal Code. Additionally, the applicant has Biological Assessment/Report prepared by a qualified Biologist. No revisions are necessary
Department of Cannabis Control (DCC)	GC 9: Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact	The Tree Removal Permit is reviewed on a case-by-case basis in accordance with Section 18-40.050. Not all Oak Trees are required to be replaced at a ratio of 2:1.
Department of Cannabis Control (DCC)	GC 10: The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding energy use, specifically how	All structures to be built will have to adhere to the current CA Building Code. The city does not feel the need to require a complete set Building Plans submitted to process the Conditional Use Permit.

	<p>the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 §§ 16203(9), 16305).</p>	<p>Once the Conditional Use Permit has been processed, the applicant will be required to apply for and obtain a Building Permit for all structures. Once the complete Building Permit Application Packet has been submitted, the city will review the plans in accordance to all applicable requirements, including the CA Building Code.</p>
Department of Cannabis Control (DCC)	<p>GC 11: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, thresholds, that when exceeded, would trigger implementation of additional improvements, standards (e.g., performance criteria</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
Department of Cannabis Control (DCC)	<p>GC 12: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented to reduce the potential for adverse impacts related to storm drainage</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
Department of Cannabis Control (DCC)	<p>GC 13: The IS/MND would be strengthened if it described how the Proposed Project will comply with</p>	<p>This section was discussed to cover a broad range of potential requirements. A condition of approval has been</p>

	federal, State, and local requirements regarding expansive soils.	incorporated that the applicant must apply and obtain all necessary Federal, State and local agency permits prior to operation. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 14: The IS/MND would be improved if it provided substantial evidence regarding the project's impacts relative to wastewater disposal.	Cumulative impacts of all categories have been adequately considered in this document. Wastewater is controlled by the Lake County Environmental Health Department. A condition of approval has been incorporated with the applicant must apply, maintain and adhere to all applicable federal, State and local agency requirements.
Department of Cannabis Control (DCC)	GC 15: The IS/MND would be improved if it clearly described how the identified mitigations measures would reduce impacts on paleontological resource to less than significant	The project was circulated in accordance to AB 52 to Elem Indian Colony, KOI Nation and the Native American Heritage Commission. The City did not receive any comments from the above Tribal organizations. The City incorporates general mitigation measures to reduce any potential impacts. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 16: The impact analysis states that the project will not create a significant hazard; however, the impact analysis also refers to Mitigation Measures HAZ-1 through HAZ-5. The IS/MND would be improved if the impact analysis described what impact requires mitigation and how the mitigation measures would reduce impacts.	All mitigation measured are intended to cover a broad range of hazards. More specific evaluation of hazards will be conducted during the building permit clearance review. No new environmental issues are raised by this comment, and no further environmental analysis is required
Department of Cannabis Control (DCC)	DC 17: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, and/or a description of the federal, State, and local agency requirements that would be incorporated into the Proposed Project.	BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.
Department of Cannabis Control (DCC)	DC 18: The IS/MND would be improved if it provided substantial evidence, such as reference to FEMA Flood Insurance Rate Maps, regarding the project's impacts relative to flooding.	The project is not located within a known flood zone. No revisions necessary.
Department of Cannabis Control (DCC)	DC 19: The document would be improved if it described the sources of noise (e.g., cultivation equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. The discussion should describe how Mitigation	All mitigation measures are intended to cover a broad range of potential noise issues. The noise section intentions where to cover a broad range of potential noise sources as the applicant does not know which equipment will be used until development begins.

	Measures NOI- 1 through NOI-3 would reduce impacts to a less-than-significant level.	
Department of Cannabis Control (DCC)	DC 20: The IS/MND would be improved by clarifying whether the Proposed Project would include any road improvements. If so, these elements should be included in the project description, including road improvement designs and proposed construction methods that would be implemented.	Road improvements are meant to be discussed on general. Prior to any road development, the applicant will have to have Engineered Plan prepared by a licensed CA Engineer and submit them for considerations. No revisions are necessary
Department of Cannabis Control (DCC)	DC 21: The checklist and the response in Section XIX(b) appear to have been transposed from Section XX, Wildfire. The document should contain an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.	This was discussed in Section X – hydrology and Water Quality. Additionally, the applicant had a Hydrology Report Prepared and it was included as an attachment within the CEQA/MND document
Department of Cannabis Control (DCC)	DC 22: The IS/MND would be strengthened if it described how the Proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid	Solid waste is controlled by the Lake County Environmental Health Dept. A condition of Approval has been incorporated that prior to operation they adhere to all necessary requirements. No revisions needed.
Department of Cannabis Control (DCC)	DC 23: The IS/MND would be improved by describing applicable SRA regulations and providing an analysis as to how and whether implementation of these measures would prevent impairments with existing emergency response and/or evacuation plans. In addition, if adherence with SRA regulations and/or fire break maintenance is mitigation intended for the reduction of potentially significant adverse impacts, then it should be stated as such. If so, the impact category determination should be revised from "2" to "1", and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan	If applicable, the SRA is the responsibility of the CA Dept. of Forestry and Fire Protection. The applicant will have to coordinate with Calfire (if applicable) and/or the local fire protection district prior to operation. This section of the MND/CEQA is discussed at a general level to cover a broad range of area. No revisions are necessary.
Department of Cannabis Control (DCC)	DC 24: The IS/MND would be strengthened by including an analysis of operations and maintenance activities, including use of equipment known to generate sparks or extreme heat, and provide an analysis as to whether or not Proposed Project activities could exacerbate fire risk	This section provided an overview all of areas with potential environmental impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.
Department of Cannabis Control (DCC)	DC 25: The IS/MND could be more informative if it listed the mitigation	This section provided an overview all of areas with potential environmental

	<p>measures it refers to in this section. The measures need not be repeated in full, but at a minimum they should be listed by number</p>	<p>impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>DC 26: The IS/MND should identify whether any other cannabis growing operation exist and/or have been proposed in the vicinity of the Proposed Project (particularly relevant is the Ogulin Hills Holdings, LLC Project Facility, located at 2185 Ogulin Canyon Road), and provide an analysis as to whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.</p>	<p>Comment noted. The CEQA/MND analysis this project location and all foreseeable this project may have on the subject parcel and surrounding area. No revision needed.</p>

Commenting Agency	Comment	Response
Department of Cannabis Control (DCC)	GC 1: The document would be strengthened if it listed DCC as an agency whose approval would be required to operate the Proposed Project. Also, the IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed. This would include the appropriate commercial cannabis business licenses from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required	The City incorporates a general condition of approval that the applicant needs to obtain and maintain all required permits from any Federal, State and local agency prior to operation. The project is sent out for RFR (Request for review) to various Federal, State and local agencies for review and comment prior to preparation of the CEQA documents. If an agency provides comments, their comments are incorporated into the conditions of approval (if necessary) and/or general conditions are created to cover a broad range of requirements.
Department of Cannabis Control (DCC)	GC 2: The list of sources would be improved if it provided additional information regarding some of the references	The city does not see the need to list each individual person who was contacted for each agencies. The project is sent out to multiple agencies to a general email/contact and/or a specific person. All comments received are incorporated into the CQA document and/or Conditions of Approval. No revisions are necessary
Department of Cannabis Control (DCC)	GC 3: The IS/MND would be strengthened if the impact analysis and description of Mitigation Measure AES-1 identified the federal, state, and local agency requirements, as well as the City design and construction standards, that would contribute to reduction in light and glare at the project site. Furthermore, the IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 3 §§ 16304(c), 16304(9)).	Comment Noted: The city has incorporated the Mitigation Measure AES 1 as cited in the IS/MND. All lighting shall adhere to all Federal, State and local agency requirements, including dark skies. The applicant will be required prior to operation to submit a lighting plan for review and approval. When the project was sent out for review, DCC did not provide any comments until the IS/MND was circulated. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 4: None of the check boxes for the impact criterion have been checked. The IS/MND would be improved by checking the applicable impact determination in the table.	Each box was appropriately checked indicating the impact. No revisions are necessary. No revision are necessary.
Department of Cannabis Control (DCC)	GC 5: The IS/MND would be improved by providing a description of the operations equipment, and durations of	Comment noted. Section III, Air Quality, Section VIII, Greenhouse Gas Emissions, and Section IX,

	use, that would contribute to air emissions, including, but not limited to, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The tables provided in Attachment G do not clearly specify equipment assumptions (e.g., the types and number of equipment and vehicles and/or durations of use) that were considered in the environmental analysis	Hazards and Hazardous Materials, provides an adequate description and analysis for project impacts on these categories. Additional details will be provided to DCC upon license application submittal. No revisions are necessary all potential impacts in Section IV of the CEQA/MND.
Department of Cannabis Control (DCC)	GC 6: This section provides a summary of the results of the field surveys conducted as part of the Biological Resource Assessment. In many instances the analysis specifies that, "No special-status species were observed within the Study Area during the biological site assessment. These descriptions would be improved by summarizing the potential for presence of special status species, including providing a brief description of existing habitat and species ranges	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 7: The IS/MND would be improved by providing a summary of the analysis provided in the Biological Assessment, such as environmental setting, potential for impacts, and how and whether impacts would be considered less than significant.	The applicant had a Biological Assessment/Report prepared by a qualified Biologist for all areas to be developed and/or impacted. The city incorporated and summarized the report in the MND/CEQA and included it as an attachment within the CEQA Documents. No revisions are necessary
Department of Cannabis Control (DCC)	GC 8: The IS/MND would be strengthened if it contained supporting information about proposed removal of vegetation, including oak trees, at the project site. Without supporting information, it is difficult to assess whether impacts would be potentially significant.	At this time, it is uncertain if developed will require the removal of Oak Tree's. If the operation requires Oak Trees to be removed, they will have to obtain a Oak Tree removal Permit and adhere to all requirements in the Clearlake Municipal Code. Additionally, the applicant has Biological Assessment/Report prepared by a qualified Biologist. No revisions are necessary
Department of Cannabis Control (DCC)	GC 9: Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact	The Tree Removal Permit is reviewed on a case-by-case basis in accordance with Section 18-40.050. Not all Oak Trees are required to be replaced at a ratio of 2:1.
Department of Cannabis Control (DCC)	GC 10: The IS/MND would be strengthened if it described how the Proposed Project will comply with federal, State, and local requirements regarding energy use, specifically how	All structures to be built will have to adhere to the current CA Building Code. The city does not feel the need to require a complete set Building Plans submitted to process the Conditional Use Permit.

	<p>the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 §§ 16203(9), 16305).</p>	<p>Once the Conditional Use Permit has been processed, the applicant will be required to apply for and obtain a Building Permit for all structures. Once the complete Building Permit Application Packet has been submitted, the city will review the plans in accordance to all applicable requirements, including the CA Building Code.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 11: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, thresholds, that when exceeded, would trigger implementation of additional improvements, standards (e.g., performance criteria</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 12: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented to reduce the potential for adverse impacts related to storm drainage</p>	<p>When the Grading Permit Application, including Erosion and Control Plans are submitted for review, our City Engineer will review and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. Once the City feels the Grading Permit Application has meet all applicable requirements, the permit will be issued.</p> <p>BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>GC 13: The IS/MND would be strengthened if it described how the Proposed Project will comply with</p>	<p>This section was discussed to cover a broad range of potential requirements. A condition of approval has been</p>

	federal, State, and local requirements regarding expansive soils.	incorporated that the applicant must apply and obtain all necessary Federal, State and local agency permits prior to operation. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 14: The IS/MND would be improved if it provided substantial evidence regarding the project's impacts relative to wastewater disposal.	Cumulative impacts of all categories have been adequately considered in this document. Wastewater is controlled by the Lake County Environmental Health Department. A condition of approval has been incorporated with the applicant must apply, maintain and adhere to all applicable federal, State and local agency requirements.
Department of Cannabis Control (DCC)	GC 15: The IS/MND would be improved if it clearly described how the identified mitigations measures would reduce impacts on paleontological resource to less than significant	The project was circulated in accordance to AB 52 to Elem Indian Colony, KOI Nation and the Native American Heritage Commission. The City did not receive any comments from the above Tribal organizations. The City incorporates general mitigation measures to reduce any potential impacts. No revisions are necessary.
Department of Cannabis Control (DCC)	GC 16: The impact analysis states that the project will not create a significant hazard; however, the impact analysis also refers to Mitigation Measures HAZ-1 through HAZ-5. The IS/MND would be improved if the impact analysis described what impact requires mitigation and how the mitigation measures would reduce impacts.	All mitigation measured are intended to cover a broad range of hazards. More specific evaluation of hazards will be conducted during the building permit clearance review. No new environmental issues are raised by this comment, and no further environmental analysis is required
Department of Cannabis Control (DCC)	DC 17: The IS/MND would be improved by incorporating revisions into the mitigation measure that are sufficiently specific, such as specific BMPs that would be implemented, and/or a description of the federal, State, and local agency requirements that would be incorporated into the Proposed Project.	BMPs is discussed in detail and in general terms in the Geology and Soils Section. Additionally, when the Grading Permit, including Erosion and Control Plans are submitted for review, our City Engineer will review and approved and/or provide ample comments to the applicant to ensure the plans adhere to all Federal, State and local agency requirements prior to issuance. The measure also depends on the scope of work when being review.
Department of Cannabis Control (DCC)	DC 18: The IS/MND would be improved if it provided substantial evidence, such as reference to FEMA Flood Insurance Rate Maps, regarding the project's impacts relative to flooding.	The project is not located within a known flood zone. No revisions necessary.
Department of Cannabis Control (DCC)	DC 19: The document would be improved if it described the sources of noise (e.g., cultivation equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. The discussion should describe how Mitigation	All mitigation measures are intended to cover a broad range of potential noise issues. The noise section intentions where to cover a broad range of potential noise sources as the applicant does not know which equipment will be used until development begins.

	Measures NOI- 1 through NOI-3 would reduce impacts to a less-than-significant level.	
Department of Cannabis Control (DCC)	DC 20: The IS/MND would be improved by clarifying whether the Proposed Project would include any road improvements. If so, these elements should be included in the project description, including road improvement designs and proposed construction methods that would be implemented.	Road improvements are meant to be discussed on general. Prior to any road development, the applicant will have to have Engineered Plan prepared by a licensed CA Engineer and submit them for considerations. No revisions are necessary
Department of Cannabis Control (DCC)	DC 21: The checklist and the response in Section XIX(b) appear to have been transposed from Section XX, Wildfire. The document should contain an analysis of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.	This was discussed in Section X – hydrology and Water Quality. Additionally, the applicant had a Hydrology Report Prepared and it was included as an attachment within the CEQA/MND document
Department of Cannabis Control (DCC)	DC 22: The IS/MND would be strengthened if it described how the Proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid	Solid waste is controlled by the Lake County Environmental Health Dept. A condition of Approval has been incorporated that prior to operation they adhere to all necessary requirements. No revisions needed.
Department of Cannabis Control (DCC)	DC 23: The IS/MND would be improved by describing applicable SRA regulations and providing an analysis as to how and whether implementation of these measures would prevent impairments with existing emergency response and/or evacuation plans. In addition, if adherence with SRA regulations and/or fire break maintenance is mitigation intended for the reduction of potentially significant adverse impacts, then it should be stated as such. If so, the impact category determination should be revised from "2" to "1", and the applicable mitigation measure(s) should be included in the Mitigation Monitoring and Reporting Plan	If applicable, the SRA is the responsibility of the CA Dept. of Forestry and Fire Protection. The applicant will have to coordinate with Calfire (if applicable) and/or the local fire protection district prior to operation. This section of the MND/CEQA is discussed at a general level to cover a broad range of area. No revisions are necessary.
Department of Cannabis Control (DCC)	DC 24: The IS/MND would be strengthened by including an analysis of operations and maintenance activities, including use of equipment known to generate sparks or extreme heat, and provide an analysis as to whether or not Proposed Project activities could exacerbate fire risk	This section provided an overview all of areas with potential environmental impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.
Department of Cannabis Control (DCC)	DC 25: The IS/MND could be more informative if it listed the mitigation	This section provided an overview all of areas with potential environmental

	<p>measures it refers to in this section. The measures need not be repeated in full, but at a minimum they should be listed by number</p>	<p>impacts. Each area was listed and indicated with the incorporated mitigation measures; all impacts have been reduced to less than significant levels. There is no need to repeat all mitigation measure. No revision needed.</p>
<p>Department of Cannabis Control (DCC)</p>	<p>DC 26: The IS/MND should identify whether any other cannabis growing operation exist and/or have been proposed in the vicinity of the Proposed Project (particularly relevant is the Ogulin Hills Holdings, LLC Project Facility, located at 2185 Ogulin Canyon Road), and provide an analysis as to whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.</p>	<p>Comment noted. The CEQA/MND analysis this project location and all foreseeable this project may have on the subject parcel and surrounding area. No revision needed.</p>

From: [Fried, Janae@Waterboards](mailto:Fried.Janae@Waterboards)
To: [Mark Roberts](#)
Subject: RE: Notice of Intent (NOI) for Draft CEQA Document - Clearlake Harvest Company
Date: Friday, October 22, 2021 4:24:12 PM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mark,

This site is in compliance with their enrollment with us.

I have not received too many of these from Clearlake. I know that Clearlake is permitting cannabis sites separately from the rest of the county. Does the City of Clearlake also have that moratorium on applicant's that don't have a waterboard NOA dated prior to 10/31/2020? Are there any other major differences between the two agencies that I should be aware of?

ATTENTION: The Central Valley Regional Water Quality Control Boards' staff will be hosting a virtual outreach event, "Prepare for Winter" on **October 28, 2021**, from **4pm- 6pm**. Please click the below links and enter the access code to learn more about winterization practices. (The winter period starts November 15th). The majority of this time will be set aside to answer any questions you may have regarding the [Cannabis General Order](#) . I will be the presenter this month.

Join Zoom Meeting

<https://waterboards.zoom.us/j/98019448452?pwd=NC9pOXZtSzlnclp6Wjh5cCtYajd1UT09>

Meeting ID: 980 1944 8452

Passcode: 489181

Dial by your location

+1 669 900 9128 US (San Jose)

We are currently undergoing a reduced in-office presence from implications due to COVID19. But all efforts are made to reply as quickly as possible.

Janae Fried
Engineering Geologist

Central Valley Regional Water Quality Control Board, Region 5R
Cannabis Regulation and Enforcement Unit (CREU)
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Janae.Fried@Waterboards.ca.gov
Office Line: 530-224-3291 - (Working remotely, will call back from a restricted number)

From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Thursday, October 21, 2021 3:24 PM
Subject: Notice of Intent (NOI) for Draft CEQA Document - Clearlake Harvest Company
Importance: High

EXTERNAL:

Good Afternoon,

This email is in regards to the Notice of Intent to adopted a Mitigated Negative Declaration for the proposed cannabis Operation located at 2250 Ogulin canyon Road. Below is a copy of the Notice of Intent for your records. I have attached the Notice of Intent above and due to the size of the environmental document, you may access it at the link below. Once the link opens, you can either click on “search function” or recent postings. **The public review period for this notice will remain open for a period of at least 30 days from the first publication of this Notice (10/22/2021), until (11/26/2021). For more information, please call (707) 994-8201 during normal business hours of City Hall.**

City of Clearlake – Notice of Intent to Adopt a Mitigated Negative Declaration

Notice is hereby given that the City of Clearlake has tentatively determined that the project described below will not result in a significant adverse impact on the environment and that, in accordance with the California Environmental Quality Act, the City is prepared to issue a “mitigated negative declaration” in accordance with the California Environmental Quality Act:

Project Description Summary: The applicant, Clearlake Harvest Company, LLC, is proposing a Commercial Cannabis operation on a 12.95-acre parcel. The project site accessible from an existing accessway (located on the south side of Ogulin Canyon Road). For a detailed description of the project, please refer to the link below.

Project Location: 2250 Ogulin Canyon Road, Clearlake, CA 95422, Assessor Parcel Number (APN): 010-044-19.

This tentative determination is based on an environmental study that assesses the project’s potential environmental impacts and those potential impacts have been reduced to less than significant levels with the incorporated mitigation measures. Anyone can review this study at Clearlake City Hall, 14050 Olympic Drive, Clearlake, CA 95901, during normal business hours or by downloading from the State Clearinghouse Website at: (I have also attached a Complete Initial Packet above for your convenience.

<https://ceqanet.opr.ca.gov/>

Final environmental determinations are made by the decision-making body, which, in this case would be the City of Clearlake, Planning Commission. **The public review period for this notice will remain open for a period of at least 30 days from the first publication of this Notice (10/22/2021), until (11/26/2021). For more information, please call (707) 994-8201 during normal business hours of City Hall.** During this period written comments on the project and the proposed mitigated negative declaration may be addressed to: You may also submit comments via email at mroberts@clearlake.ca.us **(Please Note: All comments must be received no later than November 26, 2021).**

City of Clearlake
Planning Department
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

Published Date: October 21, 2021

If you have any questions, please let me know.

Sincerely,

Mark Roberts | *Senior Planner*
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201



SR000 4311

Section J, Item 12.

Receiver

OCT 21 2021

Environmental Health

City of Clearlake – Notice of Intent to Adopt a Mitigated Negative Declaration

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City of Clearlake
Planning Department
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

Published Date: October 21, 2021



City of Clearlake
 14050 Olympic Drive, Clearlake, California 95422
 (707) 994-8201 Fax (707) 995-2653

SROD

Section J, Item 12.

RECEIVED
 MAY 27 2021
 BY: EH

DISTRIBUTION DATE: May 26, 2021

REQUEST FOR REVIEW (RFR)

CITY DEPARTMENTS	LOCAL AGENCIES	STATE/FEDERAL AGENCIES
@ Building Dept	@ Air Quality Management	CalTrans
@ Code Enforcement	@ Assessor's/Recorders Office	BLM
@ Police Department	@ Environmental Health Dept.	@ CA Dept. of Fish & Wildlife
@ Public Works/Engineering.	Lakebed Management	Army Core of Eng.
	Lake County Surveyor	U.S Fish & Wildlife Serv.
	Lake County Water Resources	@ Sonoma State (NWIC)
OTHER AGENCIES	Lake County Tax Collector	CHP
PG&E	Lake Transit	CA Dept. of Drinking Water
	Lake Area Planning Council	Cal Fire
		ABC
	WATER DISTRICT	
	Golden State Water	CANNABIS PROJECTS
	Konocti Water Co.	@ Cal Cannabis
	Highlan Water Co.	@ CA Dept. Public Health (Manufacturing)
		@ Bureau of Cannabis Control (retailers, distributors, 3 rd party testing laboratories and microbusinesses)

REQUEST: REQUEST: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by **June 11th, 2021**. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

APPLICATION: Conditional Use Permit, CUP 2021-28 and Initial Study, IS 2021-05

FROM: Mark Roberts – Senior Planner

APPLICANT: Clearlake Harvest Company, LLC (Kris Gretsinger)

APN(s): 010-044-19

LOCATION(S): 2250 Ogulin Canyon Road, Clearlake, CA.

LAND USE DESIGNATION(S): "I" Industrial with the "CB" Commercial Cannabis

GENERAL PLAN DESIGNATION(S): "I" Industrial with the "CB" Commercial Cannabis

PROJECT: The applicant is requesting approval of a Conditional Use Permit (CUP 2021-28) to allow a commercial cannabis operation located at the above noted address. According to the application packet the

operation will include but is not limited to the following: Refer to attached Operational Packet for details. All cultivation will occur with "Hybrid Greenhouses".

- Site 1 will be office space (24' X 60' foot trailer).
- Site 2 will be 1,600 SQFT of Indoor Nursey.
- Site 3 will be 3,000 SQFT of Indoor Nursey.
- Site 4 will be 10,000 SQFT of Indoor Cultivation
- Site 5 will be 2,500 SQFT Indoor Cultivation/Processing
- Site 6 will be 2,400 SQFT Indoor Processing.
- Site 7 will be 5,000 SQFT of Indoor Cultivation Area with Equity Partners.

Total Indoor Canopy Area will be 17, 500 SQFT.

Total Square footage will be 27,500 SQFT.

Newly Disturbed Footage will be 25,900 SQFT.

COMMENTS:

See attached memorandum

NAME: Anna Rubin

DATE: 5/28/21



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681



Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: CUP 2021-28 Conditional Use Permit, IS 2021-05
Commercial Cannabis
APN: 010-044-19 2250 Ogulin Canyon Rd, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-19 – a 1980 septic permit 5271-S designed to service a 2 bedroom residence; a 2006 well permit WE 2440 for a domestic well.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., and the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration.



HYDROLOGY ANALYSIS ADDENDUM

Site Information:

2250 Ogulin Canyon
Clearlake, CA 95422
APNs: 010-044-19

Prepared for:

Clearlake Harvest Company

Prepared by:

Chico Environmental Science & Planning
333 Main Street, Suite 260
Chico, CA 95928
(530) 899-2900

Prepared: May 20, 2022



1.0 INTRODUCTION

On August 4, 2021, Chico Environmental prepared a Hydrology Analysis for 2250 Ogulin Canyon Road in Clearlake, CA Assessors Parcel Number: 010-044-19. The expected annual water use for the cannabis cultivation project was estimated to be 511,400 gallons/year. Since the time of the publishing of the report, the expected annual water use has decreased to 366,385 gallons per year for a full buildout and 227,660 gallons per year if only 10,000 square feet of cultivation are developed. Former residents used an estimated 504,480 gallons per year. According to the Groundwater Hydrology Addendum prepared by Annjanette Dodd at Northpoint Consulting Group, Inc, the initial estimation of the annual water demand for the site was 1 acre-foot per year. Due to the decrease in expected annual water use at the subject site, this estimation of annual water demand for the site will also decrease. According to the Groundwater Hydrology Addendum, the estimated storage capacity for the Burn Valley Groundwater Basin (BVGB) is 4,000 acre-feet with a usable storage capacity of 1,400 acre-feet. The report estimated total current agricultural and all potential cannabis properties to total 661.6 acre-feet, totaling 40% of the available water storage in the BVGB. The subject site alone would use approximately 0.07% of the usable storage capacity of the BVGB. Thus, it is unlikely that this project, in combination with the existing and proposed demand would adversely impact the existing available water storage in the BVGB.

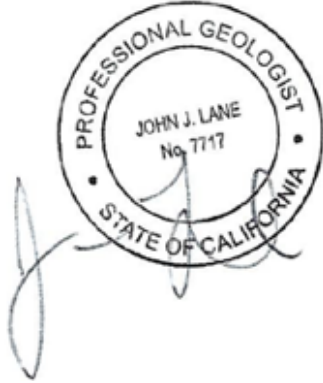
Additionally, the well installed at 2250 Ogulin Canyon Road appears to be installed within a separate aquifer than the surrounding properties. The surrounding properties appear to be utilizing an alluvial aquifer which would indicate that they are hydrologically connected while the 2250 Ogulin Canyon Road well was completed in a fracture zone aquifer and is not likely connected hydrologically to the alluvial aquifer.

2.0 QUALIFICATIONS AND SIGNATURE

I am a Professional Geologist with the State of California. Chico Environmental has performed this assessment under my supervision in accordance with generally accepted environmental practices and procedures, as of the date of this report. I have employed the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental professionals practicing in this area. The conclusions contained within this assessment are based upon site conditions readily observed or were reasonably ascertainable and present at the time of the site inspection.

The conclusions and recommendations stated in this report are based upon personal observations made by employees of Chico Environmental and upon information provided by others. I have no reason to suspect or believe that information provided is inaccurate.





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Chico Environmental Science & Planning
jlane@chicoenvironmental.com
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8.0 REFERENCES

Jennings, C.W., Strand, R.G., and Rogers, T.H., 1977, Geologic map of California: California Division of Mines and Geology, scale 1:750,000

Northpoint Consulting Group, Inc. 2022. Technical Memorandum. *Groundwater Hydrology Addendum 2160 Ogulin Canyon Road, Clearlake, Ca, APN: 010-044-21.*



Understanding the Burns Valley Groundwater Basin

INFO & FAQ

1. Where is the Burns Valley Groundwater Basin (BVGB)?

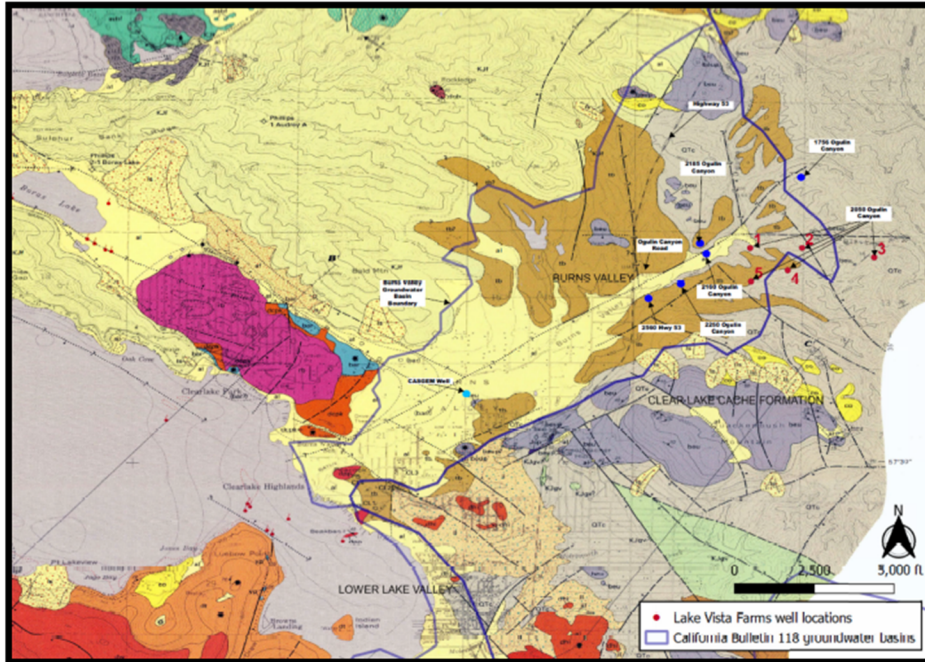
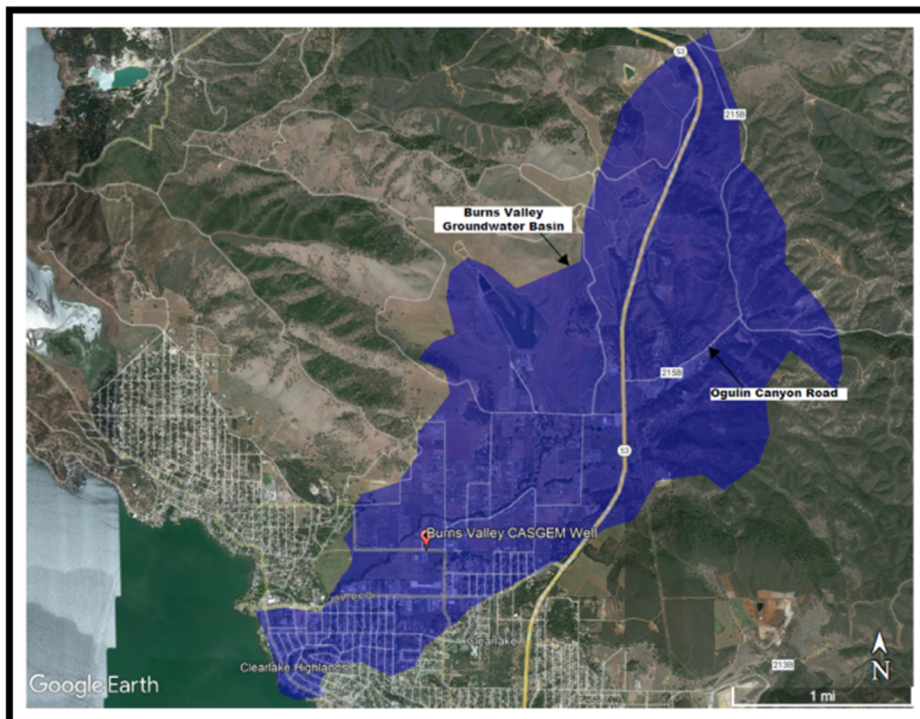


Figure 1. Burns Valley Groundwater Basin local geology (source: <https://pubs.usgs.gov/imap/2362/>), cultivation well locations, and CASGEM well location. QTc = Clear Lake Cache Formation, 'tb' = nonmarine terrace deposits, and 'al' = alluvium.

Cite: 2.3.22 Technical Report – Northpoint Consulting. Public Record-Lake County BoS.

2. Where is the well that that monitors the BVGB?



Cite: 2.3.22 Technical Report – Northpoint Consulting. Public Record-Lake County BoS.

3. Is the Burns Valley CASGEM well operational?

- a. The City of Clearlake recently did a well performance test on this well and made any adjustments necessary to ensure this well is operational.

4. What is the estimated storage capacity of the BVGB?

- a. It is estimated at 4,000 acre-feet

5. What is the usable storage capacity of the BVGB?

- a. It is estimated at 1,400 acre-feet

6. What is the current water usage in the BVGB?

- a. Exiting Agriculture = 105 – 555 acre-feet per
 - i. This number range is based on the following:
 - 1. Low estimate
 - a. [From the 2006 Lake County Groundwater Management Plan](#) -
 - 2. High estimate
 - a. [From the Lake County Water Demand Forecast](#) -
 - i. Vineyards use 0.5 acre-feet/year
 - 1. There are 450 acres of existing vineyards
 - ii. Walnut/pears use 2.2 acre-feet/year
 - 1. There are 150 acres of existing orchards
- b. Proposed Cultivation = 7.8 acre-feet/year
 - i. Note – Table below reflects 2050 Ogulin not cultivating due to Board of Supervisor’s decision and the low probability of 2560 Hwy 53 operating this year.

Location	As of January 2022						As of May 15, 2022		
	Jurisdiction	APN	Parcel Area (acres)	Cultivation (Acres)	Cultivation % of Parcel Area	Est. Annual Water Demand (acre-feet)	Cultivation (Acres)	Cultivation % of Parcel Area	Est. Annual Water Demand (acre-feet)
1756 Ogulin Canyon	County	010-055-46	46.5	2	4%	3.3	2	4%	3.3
2050 Ogulin Canyon	County	010-053-01 & 02	302.4	15	5%	24.9		5%	
2185 Ogulin Canyon	City	010-044-17	21.3	0.5	2%	1.8	0.5	2%	1.8
2160 Ogulin Canyon	City	010-444-21	9.6	0.2	2%	1.7	0.2	2%	1.7
2560 Highway 53	City	010-048-05	15.4	1.3	8%	4.3		8%	
2250 Ogulin Canyon (1st year build out)	City	010-444-19	13	0.23	1%	0.62	0.23	1%	1
TOTAL				19.23		36.62	2.93		7.8
% of total available acre-feet						3%			1%

7. What is the potential cannabis usage in the BVGB if every parcel that was legally allowed to cultivated was in use ?

- a. Lake County (not included in table in Question 6) =
 - i. Potential for 48 acres of new outdoor cultivation.
 - 1. With county restrictions of 1 acre/20 acres and usable land total is
 - a. About 10 – 20 acres of new cannabis in Lake County
 - b. That is about 14.4 acre-feet/year
- b. City of Clearlake (not included in table in Question 6) =
 - i. Potential for 242 acres of new cultivation.
 - 1. With space and topography limitations, usable land total is
 - a. About 18-20 acres of new cannabis in the City of Clearlake
 - b. That is about 14.4 acre-feet/year
- c. Combined Potential Cannabis water use in BVGB
 - i. Previous table = 36.62 acre-feet
 - ii. New in Lake = 14.4 acre-feet
 - iii. New in Clearlake = 55.2 acre-feet
 - iv. Total = 106.6 acre-feet/year
 - 1. ***This is a high estimate as it includes projects that will not be moving forward this year and a lot of the acreage is the storage units.***
- d. Combined with Existing Ag = 661.6 acre-feet/year
 - i. Using the high estimate of existing ag using 555 acre-feet/year and the potential for 106.6 acre-feet/year from cannabis. That would use 47% of the usable water storage.

8. What would be the proposed usage of 2250 in the BVGB?

- a. First Year as proposed = Acre Feet/year = .62
 - i. This is .0004% of the usable storage capacity in the BVGB
- b. Full build out = Acre Feet/year = 1.1
 - i. This is .0007% of the usable storage capacity in the BVGB
- c. This number reflects the reduced size of operation
 - i. 6000 square feet of Processing to 2400 square feet of processing.
 - ii. 17,500 square feet of cultivation to 10,000 square feet of cultivation in the first year.
 - iii. 20 employees to 3 employees due to decrease of operations.

9. What was the water usage of 2250 Ogulin in prior years?

- a. Average acre-feet/year = 1.5 acre-feet/year
 - i. Swimming Pool = 30,000
 - ii. Family of 4 living there = 87,600
 - 1. Family of four at 60 gal/person/day/365
 - iii. Watering Lawn = 386,880
 - 1. 12,000 sf of lawn*.62 gallons/sf*52 weeks

10. What is the groundwater source for 2250 Ogulin?

- a. 2250 Ogulin is within the Lower Lake Formation
 - i. This formation is below the alluvial deposits and is located in the upper half of the BVGB. It has low permeability and is the dominant source of agricultural water in the BVGB.
- b. The other formation in the BVGB is the Quaternary Alluvium
 - i. This is the majority of the southwestern area of the BVGB where it is mostly residential.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

- 10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
- 11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
- 12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

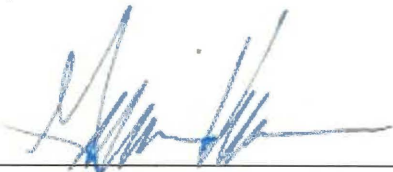
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

- 14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
- 15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Re-introduction for first reading Ordinance No. 263-2022 Amending Chapter 8, Section 8-6 of the Clearlake Municipal Code Relating to Traffic and Parking Regulations	MEETING DATE: July 7, 2022
SUBMITTED BY: Andrew White, Police Chief, and Ryan Jones, City Attorney	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

City Council is being asked to consider re-introducing and holding another first reading of an ordinance amending the Traffic and Parking Regulations section of the Clearlake Municipal Code.

BACKGROUND/DISCUSSION:

At the June 16, 2022, City Council meeting, the Council voted to hold the first reading of an amendment to the traffic and parking regulations contained in Section 8-6 of the Clearlake Municipal Code. Subsequent to that meeting, City staff determined that additional modifications to Section 8-6 were necessary to clarify the ordinance, particularly related to the prohibition of parking and storing of vehicles on unimproved property.

The Police Department is responsible for enforcing parking regulations in the city. Internally, the primary responsibility for this enforcement is shared between the Patrol and Code Enforcement bureaus. The regulations enforced are primarily contained in the California Vehicle Code and in the Uniform Traffic/Parking Regulations section of the Clearlake Municipal Code.

Staff has conducted a review of the Uniform Traffic/Parking Regulations section and have prepared the attached ordinance that is recommended for adoption by the City Council. The ordinance has been prepared with the consideration of pedestrian and vehicular safety, reducing blight in the community and ensuring uniformity, to the extent practicable, with other municipal jurisdictions.

The following is a summary of the proposed changes:

1. Parking in Excess of 72 Hours: Requires that when a vehicle is tagged for violating this section, it must be moved at least 500 feet away from the location it was tagged. It can return to the original location 72 hours after it was moved. This prevents a violator from circumventing the intent of the regulation by moving a vehicle a short distance away each time it is tagged. Adds a requirement that prior to towing a vehicle, a notice must be placed on the vehicle notifying the owner of a potential violation of the section.

2. Parking Vehicle on Unimproved Property: Expressly prohibits the parking or storing of vehicles on unimproved parcels. This provides consistency with the intent of the Zoning Code and addresses blight caused by the use of vacant parcels for parking as opposed to their intended use. The updated proposed ordinance specifically annotates exceptions to this prohibition, to include the vehicle being actively used in the maintenance or repair of the parcel for up to 72 hours, if the lot’s primary use is that of a legally permitted

parking lot, and where a lawful primary use of the property has been established pursuant to the Zoning Code and the parking or storing of the vehicle is expressly permitted by the Zoning Code.

3. No Parking Areas: Prohibits parking in areas where no-parking signs have been posted, where the city engineer has determined parking or stopping of a vehicle would constitute a hazard or where a street has been closed to traffic. Additionally prohibits parking on streets that have been closed for cleaning, repair or construction, or the movement of oversized vehicles. Provides for storage and removal of the vehicles pursuant to the Vehicle Code.

4. Vehicle Repairs: Prohibits vehicle repair, dismantling, or similar activities being done on streets, including private streets open to the public and in parking lots. Provides an exception for emergency repairs necessary to move a vehicle to a more proper place. This provision is common throughout cities in California. Prohibits leaving a car on blocks, jack stands, or similar equipment on streets and parking lots. This condition poses a safety hazard and contributes to blight.

5. Removal of Vehicles: Implements the authority granted in the California Vehicle Code for the removal and storage of vehicles parked in violation of City ordinances, or City Council resolution, when signs are posted giving notice of the removal.

Environmental Considerations: Adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

OPTIONS:

1. **Re-introduce the ordinance and hold the first reading, and set for a second reading and adoption at a subsequent Council meeting**
2. **Give direction to staff**

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Re-introduction and first reading of Ordinance No. 263-2022: AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-6 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC AND PARKING REGULATIONS, read by title only and set second reading and adoption for the July 21, 2022 meeting.

ATTACHMENT:

1. Ordinance No. 263-2022

ORDINANCE NO. 263-2022

AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-6 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC AND PARKING REGULATIONS

WHEREAS, the City Council desires to update the Uniform Traffic/Parking Regulations to address the use of city streets for the storage of vehicles, the parking of vehicles on unimproved lots, to define certain no parking areas, to prohibit the repair of vehicles on streets and in parking lots, and to define when the removal and storage of vehicles is authorized for violating parking ordinances and resolutions pursuant to the authorities granted in California Vehicle Code Section 22651; and

NOW, THEREFORE, the City Council of the City of Clearlake, State of California does ordain as follows:

SECTION 1. FINDINGS.

- A. The above recitals are declared to be true and correct findings of the City Council of the City of Clearlake.

SECTION 2.

Chapter 8, Section 8-6, beginning with Subsection 8-6.2 is hereby amended to read as follows:

8-6.2 Definitions.

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of these regulations.

- a. ALLEY shall mean any city street having a roadway not exceeding twenty-five (25') feet in width which is primarily used for access to the rear or side entrances of abutting property.

- b. STREET is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street shall include all or any part of the entire width of the street or public right-of-way, whether or not such entire area is actually used for street purposes. Street is synonymous with highway.

- c. TRAILER is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Trailer includes automobile trailer, trailer coach, trailer, motorhome, recreational vehicle, camping trailer, or camper shell which includes bed and/or other items associated with a living unit.

e. VEHICLE shall mean any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power. Vehicle includes trailer.

f. VESSEL means a vessel as defined in Section 9840(a) of the California Vehicle Code, as the same now reads or may hereafter be amended.

8-6.3 Parking in Excess of Seventy-Two (72) Consecutive Hours Prohibited.

No vehicle shall be parked or left standing on any street or alley for more than seventy-two (72) consecutive hours. Any vehicle so parked is subject to storage and removal at the owner's expense, pursuant to California Vehicle Code section 22651(k), when a notice of violation of this section was posted to the vehicle.

A vehicle posted with notice pursuant to this section shall be moved and not re-parked on any street, alley, or other city property within 500 feet of the location where it was posted for a period of seventy-two (72) consecutive hours from when it was moved.

8-6.4 Parking and Storing Vehicles on Unimproved Property Prohibited.

- a. No person shall park or store any vehicle, nor shall any parcel owner permit the parking or storing of any vehicle, on any unimproved parcel or unimproved property, except when the vehicle is being continuously and actively used for maintenance or repair of the parcel, not to exceed seventy-two (72) consecutive hours.
- b. For purposes of this subsection, unimproved parcel or unimproved property shall mean any parcel or property which is not lawfully improved with a commercial building or dwelling structure, including land that was once improved with a commercial building or dwelling structure but is now devoid of such building or structure.
- c. This subsection shall not apply to the following parcels or properties:
 - a. A parcel or property that is lawfully established as a parking lot as a primary use pursuant to the Zoning Code.
 - b. A parcel or property where a lawful primary use has been established pursuant to the Zoning Code and the parking or storing of the vehicle is expressly permitted by the Zoning Code.
- d. This subsection shall not apply to a vehicle owned by a federal, state, or local government agency nor to a vehicle owned by a utility provider, when used by a representative of the utility in the performance of their duties.

8-6.5 No Parking Areas.

No person shall stop, park, or leave standing a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

- a. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.

- b. Where the city engineer determines that parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property when such area is indicated by appropriate signs or by curb markings.

- c. On any street or highway that has been closed pursuant to the authority set forth in the California Vehicle Code or pursuant to this Code and signs or barriers have been placed to effectuate the closure.

- d. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the side of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic; provided, that signs giving notice of no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(l).

- e. On any street or highway where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(m).

- f. In any area established by resolution of the City Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.

- g. Upon, along or across any railroad track in such manner as to hinder, delay or obstruct the movement of any railroad car traveling upon such track.

- h. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.

8-6.6 Repairing Vehicles on Streets and in Parking Lots.

- a. No person shall repair, dismantle, overhaul, or perform any mechanical work upon a vehicle, nor park or leave standing a vehicle for said purpose, while the vehicle is upon any street or public parking lot or, if upon a private parking lot open to the public, then without the consent of the property owner.

This does not prohibit the driver of any vehicle which is disabled while upon any street or public parking lot, to such extent that it is impossible to avoid stopping, from making

or causing to be made minor immediate repairs necessary to enable such vehicle to be moved to a proper place.

b. No person shall park or leave standing a vehicle on blocks, jack stands, metal car ramps or similar items on any street, public parking lot or private parking lot open to the public.

c. For purposes of this subsection, street shall include a privately maintained street held open to the public for vehicular traffic.

8-6.7 Removal of Vehicles.

Except as specified, a vehicle in violation of this section, or in violation of any parking regulation adopted by resolution of the City Council, is subject to citation and/or removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(n) when signs are posted giving notice of the removal.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Approval of Lakeshore Drive Design with BKF Engineering	MEETING DATE: July 7, 2022
SUBMITTED BY: Director of Finance, Kelcey Young	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to Authorize the City Manager to execute the Lakeshore Drive Design Contract with BKF Engineering for Phase One and Two of Lakeshore Drive design not to exceed \$450,000.00

BACKGROUND/DISCUSSION:

Lakeshore Drive has had initial design plans and streetscape design concepts already completed. An RFP was issued and the evaluation committee ultimately selected BKF Engineering. BKF Engineering will incorporate the previous documents as best they can and complete the design in stages. This will also allow for construction to be completed in stages if the City chooses to do so. BKF will provide streetscaping plans, Landscape architecture and grant writing support to help complete further design and construction of the project.

Stage 1: Not to Exceed \$170,000.00

Stage 2: Not to Exceed \$280,000.00

Total amount of contract Not to Exceed \$450,000.00 plus authorization of a 10% contingency if necessary.

OPTIONS:

1. Move to authorize City Manager to the Lakeshore Drive Design agreement with BKF Engineering
2. Other direction

FISCAL IMPACT:

None \$450,000 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: 24

Section K, Item 15.

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to authorize City Manager to execute an amendment.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration and Approval of On Call Consultant Contracts	MEETING DATE: July 7, 2022
SUBMITTED BY: Director of Finance, Kelcey Young	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to Authorize the City Manager to execute nine (9) On Call Consulting contracts for a not to exceed amount of \$200,000 per contract.

BACKGROUND/DISCUSSION:

To create efficiency, provide for enough consultant capacity, and prepare for upcoming projects such as Measure V Roads projects, the City solicited for On-Call Consulting contracts to provide engineering, architecture, land scape architecture and other services. The City received nine proposals and all the consultants who proposed provide needed services and were selected. Each contract will have a not to exceed amount of \$200,000 to be spent over 5 years. The contracts will be paid for on a project basis and will mostly be paid out of a project account. There is no obligation for the City to spend all of this money and will only pay for work performed.

Contracts are being awarded to the following consultants:

1. California Engineering Company
2. Borelli & Associates
3. REY Engineers
4. LACO Associates
5. TJKM
6. Tall Tree Engineering
7. Green Valley Consulting Engineers
8. Studio W Architects
9. RSA

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Award of Contract for the 2022 Chip Seal Project	MEETING DATE: July 7, 2022
SUBMITTED BY: Adeline Brown, Engineer Tech	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a contract for the 2022 Chip Seal Project and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

BACKGROUND/DISCUSSION:

The city solicited proposals for 2022 Chip Seal Project. This project includes chip sealing 10 miles of various roads in the city. Some of the roads include portions of the Avenues as well as those adjacent to the Airport property and roadways behind Foods Etc.

OPTIONS:

1. Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.
2. Other direction

FISCAL IMPACT:

None Contract amount to be presented Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other: 240-4205-850-887
 Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to approve the contract and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Updates to Management Classification and Benefits Plan and City Salary Schedule	MEETING DATE: July 7, 2022
SUBMITTED BY: Alan D. Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to consider changes to the Management Classification and Benefits Plan.

BACKGROUND/ DISCUSSION:

An updated Management Employees Classification and Benefit Plan was adopted by the Council in 2018. According to Section 6-2.1 Salary Adjustments of the Management/Confidential Employees Classification and Benefit Plan (MBP), "Management Employees shall receive a salary adjustment each July 1st. The salary adjustment shall take into consideration the March to March U.S. All Urban Cities Consumer Price Index, equity adjustments based on the labor market, and the financial condition of the City." The Consumer Price Index (CPI) March to March increases which were adopted by the Council were 1.9% in 2019, 1.5% in 2020, and 2.6% in 2021.

As you are aware inflation over the past year has been well above "normal". This has resulted in the CPI from March 2021 to March 2022 being 8.5%. The Council may consider it a stretch to provide a 8.5% COLA to management when the other bargaining groups were provided either a 3% or 4% COLA starting July 1st, even though that is consistent with the Management Benefit Plan. It should be noted that over the past five years the CPI provided to management has fallen behind the COLA provided to all other units, which results in increasing compaction of salaries over time. Over the past five years other units have received 2% more cumulatively in adjustments from those received by management. The Council could consider a range of options including, a 4% increase (consistent with other recent agreements for this year), a 6% increase (including the 4% and an additional 2% reflecting the difference over the past five years and to reduce compaction), an 8.5% (consistent with the the Management Plan), or something in between.

OPTIONS:

- 1. Provide Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Attachments:

1. Management Benefit Plan
2. CPI Press Release

CHAPTER 6
MANAGEMENT EMPLOYEES
CLASSIFICATION AND BENEFIT PLAN
SECTION 6

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CHAPTER 6

**MANAGEMENT EMPLOYEES
CLASSIFICATION AND BENEFIT PLAN
SECTION 6**

SECTION 6.1 CLASSIFICATION PLAN

Section 6-1.1 Classification Plan, Management: The following Classifications are considered “Management” employees:

- CITY MANAGER
- ASSISTANT CITY MANAGER
- ADMINISTRATIVE SERVICES DIRECTOR/CITY CLERK
- CHIEF OF POLICE
- COMMUNITY DEVELOPMENT DIRECTOR
- CITY ENGINEER
- DIRECTOR OF PUBLIC WORKS
- PUBLIC WORKS SUPERINTENDENT
- DIRECTOR OF FINANCE
- POLICE CAPTAIN
- POLICE LIEUTENANT
- SENIOR PLANNER
- PUBLIC WORKS CONSTRUCTION PROJECT MANAGER

SECTION 6-2 BENEFIT PLAN

Section 6-2.1 Salary Adjustments:

Management Employees shall receive a salary adjustment each July 1st. The salary adjustment shall take into consideration the March to March U.S. All Urban Cities Consumer Price Index, equity adjustments based on the labor market, and the financial condition of the City. (Res 28-2007)

Section 6-2.2 Longevity Pay:

The City will provide a longevity payment to all sworn and non-sworn unit employees based on the following schedule:

Completion of Years of Service	% of Salary Longevity Payment
5	1.0%
6	2.0%
7	3.0%
8	4.0%

9	5.0%
10	6.0%
11	7.0%
12	8.0%
13	9.0%
14	10.0%
15	11%

(Res 97-04 and 2009-50)

Section 6-2.3 Medical/Dental/Vision and Life Insurance: The City will provide one hundred (100%) of the monthly premium for the employee and dependents including a \$50,000 life insurance policy for each - employee and \$100,000 Line of Duty benefit for each safety employee.. (Res 2017-45)

Section 6-2.4 Retirement Contribution: All employees shall pay 100% of the employee’s share of the Public Employees Retirement System (Res 2017-45).

The City shall maintain a deferred compensation plan of the City’s choice for employee’s voluntary participation in said plan.
(Res 86-108, Res 93-79)

Section 6-2.5 Executive Leave Account: The City shall establish an executive leave account for management employees. Effective July 1, 2002, executive leave shall be earned and credited to the employee’s executive leave account as follows:

- a) For the period of January 1st through June 30th of each year forty (40) hours of executive leave shall be earned and shall be credited to the employee’s executive leave account on January 1st.
- b) For the period of July 1 through December 31 of each year, an additional forty (40) hours of executive leave shall be earned and shall be credited to the employee’s executive leave account on July 1st.
- c) Executive leave during the first six months of employment shall be pro-rated based upon the date of commencement of employment.

Unused executive leave may be accrued up to a maximum of twice the number of hours earned annually. (Res 86-108, Res 02-40)

Unused executive leave may be paid out up to forty (40) hours per calendar year (Res 2017-45).

Section 6-2.6 Sick Leave: Each employee shall accrue sick leave at the rate of eight hours per month which shall be placed in a sick leave account for each employee. (Res 86-108)

Section 6-2.7 Unused Sick Leave Conversion: The City will modify its contract with the Public Employees Retirement System (PERS) to allow management employees to convert unused sick leave to service credit upon retirement (Res 2009-50).

Section 6-2.8 Sick Leave Incentive:

- (a) Management employees who have an accrued sick leave account balance on June 30th of not less than 192 hours of sick leave shall be eligible to receive benefits during the subsequent fiscal year under the Annual Sick Leave Incentive Program.

On July 1st of each year the unused portion of sick leave accrued during the previous fiscal year which is in excess of eight (8) days, but not to exceed thirty (32) hours, shall be placed in the Annual Sick Leave Incentive Program. Eligible employee may elect to:

- 1. receive pay-off of that portion of unused sick leave which has been placed in the Annual Sick Leave Incentive Program up to the maximum of thirty (32) hours; or
- 2. convert said unused sick leave which has been placed in the Annual Sick Leave Incentive Program to vacation leave up to the maximum of thirty (32) hours; or
- 3. return said unused sick leave which has been placed in the Annual Sick Leave Incentive Program said unused leave to the employee's sick leave account.

- (b) Employees who have:

- 1) completed 20 years of service with the City of Clearlake; and
- 2) have a minimum balance of 1,000 hours of accrued unused sick leave; and
- 3) who separate from employment for any reason except termination for cause shall upon separation from employment with the City receive sick leave pay-off of one-hundred (100%) percent of the accrued unused sick leave balance that is in excess of 1,000 hours up to a maximum of 500 hours of sick leave pay-off.

At the City's sole discretion, sick leave pay-off may be paid to the employee spread over a period of up to three (3) fiscal years. Whenever sick leave payment is not paid in full at the time of separation, sick leave payment shall not be subject to interest and payments shall be dispersed to the employee at a minimum rate of one-third (1/3) of the total amount of sick leave pay due the employee with the first payment to be made upon separation from employment with the City and each

subsequent payment to be made on the anniversary date of separation. (Res 86-108, Res 93-79, Res 02-40)

Section 6-2.9 Vacation: Effective January 1, 1997, each employee covered under this benefit plan shall earn vacation leave with pay as follows:

<u>Years of Service</u>	<u>Vacation Hours Per Year</u>
0 - 2 yrs.	96
2 - 3	100
4	104
5	108
6	112
7	116
8	120
9	124
10	128
11	132
12	136
13	140
14	144
15	148
16	152
17	156
18	160
19	164
20	168

An employee may accumulate unused vacation leave up to a maximum of twice the number of days due annually. Under extraordinary circumstances and when the best interest of the City so requires, the City Manager may permit a temporary accumulation of vacation leave in excess of the maximum accrued. (Res 86-108, Res 93-79, Res 97-04)

Section 6-2.10 Holidays: The following holidays shall be observed:

- New Years Day ---- January 1st
- Martin Luther King's Birthday -- Third Monday in January
- Washington's Birthday -- Third Monday in February
- Memorial Day -- Last Monday in May
- Independence Day -- July 4th
- Labor Day -- 1st Monday in September
- Veteran's Day -- November 11th
- Thanksgiving Day - 4th Thursday in November
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day

New Years Eve

(Res 86-108)

Section 6-2.11 Bereavement Leave: An employee shall receive five (5) days bereavement leave due to death of his or her parent, step-parent, mother-in-law, father-in-law, spouse, child, step child, adopted child, grandchild, grandparent, sister, brother, sister-in-law, brother-in-law, or the death of any person residing in the immediate household of the employee at the time of death. (Res 86-108)

Section 6-2.12 Mileage Reimbursement:

- a) Effective immediately, except for the Chief of Police, Police Captain and Police Lieutenant, management employees shall receive \$200 per month vehicle allowance unless otherwise provided for under the terms and conditions of an employment contract.
- b) The Chief of Police shall have personal use of a City vehicle.
- c) The Police Captain and Police Lieutenant shall have use of a city vehicle during the course of conducting business or events which arise as a result of city employment. The Police Captain and Police Lieutenant may have the privilege of a city vehicle while traveling to and from work of the Clearlake Police Department subject to approval by the City Manager.
- d) The Public Works Director and Public Works Superintendent shall have the use of a City vehicle during the course of conducting business or events which arise as a result of City employment. The vehicle may be used while traveling to and from work subject to approval of the City Manager. (Res 2009-44)

Benefits provided pursuant to provisions of this section shall be subject to applicable State and Federal taxes. (Res 86-108, Res 00-96, Res 02-40)

Section 6-2.13 Legal Representation: The City will provide legal defense of its public employees pursuant to requirements set forth in Part 7 of the California Government Code commencing with Section 995. (Res 86-108, Res 02-40)

Section 6-2.14 Disability Plan: City shall provide a disability indemnity plan either through State Disability and/or a private plan. The type of plan shall be at the sole discretion of the City, however, benefits provided under said plan shall not be less than the benefits provided under the State Disability Plan. (Res 86-108, Res 02-40)

Section 6-2.15 Tuition and Books: The City will reimburse management employees up to \$600 per year for the cost of educational classes and books to encourage higher education, subject to the approval of the City Manager (Res 2009-50).

Section 6-2.16 Disciplinary Action: Disciplinary action of management employee shall be subject to the disciplinary procedures set forth in the Personnel Rules of the City of Clearlake unless otherwise provided for under the terms and conditions of an “at-will” employment contract.
(Res 02-40)

Section 6-2.17 Incentives – Certificate Incentive: Police Lieutenants who possess a POST Advanced Certificate shall be paid in an amount equal to two and one-half (2.5%) percent of base pay.

Section 6-2.18 Conflicts: In the event that any of the provisions of this agreement conflict with those contained within a personal employment contract, the terms of the contract shall take precedent. (Res 02-40)

- (Res 86-108) November 17, 1986
- (Res 87-04) January 5, 1987
- (Res 87-75) September 8, 1987
- (Res 93-79) September 14, 1993
- (Res 97-04) January 9, 1997
- (Res 99-34) July 22, 1999
- (Res 99-60) November 18, 1999
- (Res 02-40) June 27, 2002
- (Res 28-2007) June 28, 2007
- (Res 2009-44) September 24, 2009
- (Res 2009-50) October 22, 2009
- (Res 2017-45) July 13, 2017
- (Res 2019-14) March 28, 2019
- (Res 2020-56) November 5, 2020
- (Res 2022-16) April 7, 2022

Codified and updated through April 7, 2022.



Economic News Release



Consumer Price Index News Release

Transmission of material in this release is embargoed until
8:30 a.m. (ET) April 12, 2022 USDL-22-0619

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi
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CONSUMER PRICE INDEX – MARCH 2022

The Consumer Price Index for All Urban Consumers (CPI-U) increased 1.2 percent in March on a seasonally adjusted basis after rising 0.8 percent in February, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 8.5 percent before seasonal adjustment.

Increases in the indexes for gasoline, shelter, and food were the largest contributors to the seasonally adjusted all items increase. The gasoline index rose 18.3 percent in March and accounted for over half of the all items monthly increase; other energy component indexes also increased. The food index rose 1.0 percent and the food at home index rose 1.5 percent.

The index for all items less food and energy rose 0.3 percent in March following a 0.5-percent increase the prior month. The shelter index was by far the biggest factor in the increase, with a broad set of other indexes also contributing, including those for airline fares, household furnishings and operations, medical care, and motor vehicle insurance. In contrast, the index for used cars and trucks fell 3.8 percent over the month.

The all items index continued to accelerate, rising 8.5 percent for the 12 months ending March, the largest 12-month increase since the period ending December 1981. The all items less food and energy index rose 6.5 percent, the largest 12-month change since the period ending August 1982. The energy index rose 32.0 percent over the last year, and the food index increased 8.8 percent, the largest 12-month increase since the period ending May 1981.

Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Mar. 2022
	Sep. 2021	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	
All items.....	.4	.9	.7	.6	.6	.8	1.2	8.5
Food.....	.9	.9	.8	.5	.9	1.0	1.0	8.8
Food at home.....	1.2	.9	.9	.4	1.0	1.4	1.5	10.0
Food away from home (1)...	.5	.8	.6	.6	.7	.4	.3	6.9
Energy.....	1.2	3.7	2.4	.9	.9	3.5	11.0	32.0
Energy commodities.....	1.2	4.7	4.2	1.3	-.6	6.7	18.1	48.3
Gasoline (all types)....	1.1	4.6	4.5	1.3	-.8	6.6	18.3	48.0
Fuel oil (1).....	3.9	12.3	3.5	-2.4	9.5	7.7	22.3	70.1
Energy services.....	1.2	2.4	.2	.3	2.9	-.4	1.8	13.5
Electricity.....	.6	1.4	.2	.5	4.2	-1.1	2.2	11.1
Utility (piped) gas service.....	2.9	5.9	.3	-.3	-.5	1.5	.6	21.6

All items less food and energy.....	.3	.6	.5	.6	.6	.5	.3	6.5
Commodities less food and energy commodities....	.3	1.1	.9	1.2	1.0	.4	-.4	11.7
New vehicles.....	1.3	1.3	1.2	1.2	.0	.3	.2	12.5
Used cars and trucks....	-.5	2.5	2.4	3.3	1.5	-.2	-3.8	35.3
Apparel.....	-.7	.6	.7	1.1	1.1	.7	.6	6.8
Medical care commodities (1).....	.3	.6	.1	.0	.9	.3	.2	2.7
Services less energy services.....	.2	.4	.4	.3	.4	.5	.6	4.7
Shelter.....	.4	.5	.5	.4	.3	.5	.5	5.0
Transportation services	-1.0	.2	.7	.0	1.0	1.4	2.0	7.7
Medical care services...	.2	.4	.3	.3	.6	.1	.6	2.9

1 Not seasonally adjusted.

Food

The food index increased 1.0 percent in March as the food at home index increased 1.5 percent over the month. All six major grocery store food group indexes increased in March. The largest increase was for other food at home which increased 2.0 percent over the month. The index for fruits and vegetables rose 1.5 percent following a 2.3-percent increase in February.

The index for meats, poultry, fish, and eggs increased 1.0 percent in March, while the index for cereals and bakery products rose 1.5 percent and the index for nonalcoholic beverages increased 1.2 percent over the month. The dairy and related products index also increased 1.2 percent in March.

The food away from home index rose 0.3 percent in March, a smaller increase than in recent months. The index for full service meals rose 0.7 percent over the month, in contrast to the index for limited service meals which declined 0.2 percent, its first decrease since October 2018.

The food at home index rose 10.0 percent over the last 12 months, the largest 12-month increase since the period ending March 1981. The index for meats, poultry, fish, and eggs increased 13.7 percent over the last year as the index for beef rose 16.0 percent. The other major grocery store food group indexes also rose over the past year, with increases ranging from 7.0 percent (dairy and related products) to 10.3 percent (other food at home).

The index for food away from home rose 6.9 percent over the last year, the largest 12-month increase since December 1981. The index for full service meals rose 8.0 percent over the last 12 months, and the index for limited service meals rose 7.2 percent. The index for food at employee sites and schools, in contrast, declined 30.5 percent over the past 12 months, reflecting widespread free lunch programs.

Energy

The energy index rose 11.0 percent in March following a 3.5-percent increase in February. The gasoline index rose sharply in March, increasing 18.3 percent after rising 6.6 percent in February. (Before seasonal adjustment, gasoline prices rose 19.8 percent in March.) The index for electricity increased 2.2 percent in March, while the index for natural gas rose 0.6 percent over the month.

The energy index rose 32.0 percent over the past 12 months with all major energy component indexes increasing. The index for gasoline rose 48.0 percent over the last year and the index for natural gas rose 21.6 percent. The index for electricity rose 11.1 percent for the 12 months ending March.

All items less food and energy

The index for all items less food and energy rose 0.3 percent in March. The shelter index increased 0.5 percent in March and accounted for nearly two thirds of the monthly increase in the all items less food and energy index. The rent index increased 0.4 percent in March as did the owners' equivalent rent index. The index for lodging away from home rose 3.3 percent over the month after rising 2.2 percent in February.

Table 1. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category, March 2022

[1982-84=100, unless otherwise noted]

Expenditure category	Relative importance Feb. 2022	Unadjusted indexes			Unadjusted percent change		Seasonally adjusted percent change		
		Mar. 2021	Feb. 2022	Mar. 2022	Mar. 2021-2022	Feb. 2022-2022	Dec. 2021-Jan. 2022	Jan. 2022-Feb. 2022	Feb. 2022-Mar. 2022
All items	100.000	264.877	283.716	287.504	8.5	1.3	0.6	0.8	1.2
Food	13.405	271.812	292.794	295.728	8.8	1.0	0.9	1.0	1.0
Food at home	8.234	253.231	274.568	278.612	10.0	1.5	1.0	1.4	1.5
Cereals and bakery products	1.043	284.746	306.193	311.606	9.4	1.8	1.8	1.1	1.5
Meats, poultry, fish, and eggs	1.878	268.457	301.240	305.116	13.7	1.3	0.3	1.2	1.0
Dairy and related products	0.761	229.249	242.386	245.258	7.0	1.2	1.1	1.9	1.2
Fruits and vegetables	1.434	311.168	333.675	337.503	8.5	1.1	0.9	2.3	1.5
Nonalcoholic beverages and beverage materials	0.944	180.018	192.210	194.342	8.0	1.1	0.0	1.6	1.2
Other food at home	2.174	219.263	237.143	241.804	10.3	2.0	1.6	0.8	2.0
Food away from home(1)	5.171	300.897	320.880	321.689	6.9	0.3	0.7	0.4	0.3
Energy	7.547	225.861	267.771	298.246	32.0	11.4	0.9	3.5	11.0
Energy commodities	4.173	252.840	313.522	375.027	48.3	19.6	-0.6	6.7	18.1
Fuel oil(1)	0.134	276.100	384.179	469.743	70.1	22.3	9.5	7.7	22.3
Motor fuel	3.961	248.681	307.422	368.440	48.2	19.8	-0.8	6.7	18.3
Gasoline (all types)	3.883	247.652	305.959	366.499	48.0	19.8	-0.8	6.6	18.3
Energy services	3.374	209.623	235.017	237.825	13.5	1.2	2.9	-0.4	1.8
Electricity	2.502	216.528	236.453	240.558	11.1	1.7	4.2	-1.1	2.2

Footnotes

- (1) Not seasonally adjusted.
- (2) Indexes on a December 1982=100 base.
- (3) Indexes on a December 1996=100 base.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Designation of Voting Delegates and Alternate(s) For the League of California Cities Annual Conference in September	MEETING DATE: July 7, 2022
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to designate a voting delegate and alternate voting delegate for the CalCities Conference in September.

BACKGROUND/DISCUSSION:

The League of California Cities’ Annual Conference is scheduled for September 7 – 9, 2022. The Conference is scheduled to held in person in Long Beach. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate. In the event that the designated voting delegate is unable to serve in that capacity, the Council may appoint up to two (2) alternates.

We have not yet received the information on the issues coming up for vote before the League delegates.

OPTIONS:

1. Move to appoint one Council Member and up to two alternates as voting delegates.
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City

- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to designate _____ as voting delegate and _____ as alternate(s).

- Attachments:** 1) League of California Cities Voting Delegates Packet

Council Action Advised by August 31, 2022

DATE: June 1, 2022

TO: City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – September 7-9, 2022**

Cal Cities 2022 Annual Conference & Expo is scheduled for September 7-9, 2022 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 9. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Friday, September 2. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

- **Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by June 1 on the [Cal Cities](#) website. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, September 7, 8:00 a.m. – 6:00 p.m.; Thursday, September 8, 7:00 a.m. – 4:00 p.m.; and Friday, September 9, 7:30 a.m.–12:30 p.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Friday, September 2. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2022 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Friday, September 2, 2022. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email _____

Mayor or City Clerk _____ Date _____ Phone _____
(circle one) (signature)

Please complete and return by Friday, September 2, 2022 to:

Darla Yacub, Assistant to the Administrative Services Director

E-mail: dyacub@calcities.org; Phone: (916) 658-8254