

Eric Porter

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Tuesday, March 10, 2020 8:46 AM
To: Eric Porter
Subject: [EXTERNAL]Re: Use Permit UP 19-01; Draper (Lucerne Project) - request for comments

Eric,

For a Cannabis operation site, here is a list of Air Quality requirements that may be applicable to the site:

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. 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.
4. 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.
5. 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.
6. 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. Contact LCAQMD for more details.
7. 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 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.
8. 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.

Best,

Fahmy Attar

Air Quality Engineer

Lake County Air Quality Management District

2617 S. Main Street, Lakeport, CA, 95453

(707) 263-7000 | fahmya@lcaqmd.net

On Feb 28, 2020, at 4:39 PM, Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Greetings!

We received this Use Permit application a while ago, but the scope has changed, and I'm sending out a new Request for Review.

Original proposal: (1) A-Type 3 medium outdoor cultivation

Amended proposal: (4) A-Type 3 medium outdoor cultivation sites, and (1) Type 13 Self Distribution license.

Please return any comments you might have to me by March 10 if possible.

Thank you,

Eric Porter

Planner

COUNTY OF LAKE

<RFR UP 19-01.docm><Mary Draper (Lucerne) Early Activation Map (topo).pdf>

Eric Porter

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Saturday, February 29, 2020 7:15 PM
To: Eric Porter
Cc: Beristianos, J@NSD; Jack Smalley; David Casian
Subject: [EXTERNAL]Re: Use Permit UP 19-01; Draper (Lucerne Project) - request for comments

Good evening Mr Porter.

These comments are from CAL FIRE.

This Use Permit is in the SRA (State Responsibility Area).

The Lake County Chief Building Official is also the County Fire Marshall who shall ensure all Codes, Laws, Regulations and etcetera for this project shall be applied. The address for this Use Permit is located in the LRA (local Responsibility Area). This is also within the Northshore Fire Protection Districts Boundary, where they are a cooperater in applying and enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

This location is within proximity and or surrounded by a "VERY HIGH Wildland Fire Hazard Severity Zone" area. This is the most extreme and hazardous area category for wildland fire risk. (see below)

Recommendations for the AHJ listed below to be considered, but not be limited to:

- Property line setbacks for structures shall be a minimum of 30 feet.
- Addressing that is reflective and of contrasting colors from the public roadway to the location and at every intersection.
- On site water storage for fire protection of each structure per NFPA 1142.
- Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).
- All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress
- A "One Way" loop road standard could be used, or a two land road.
- A "Road" is two 10 foot lanes of travel for a total of 20 feet of derivable surface not including the shoulders.
- A "Driveway" is a 10 foot wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences.
- A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end

- A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two lane road or County Road.
- A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.
- A bridge shall not be less than 12 feet wide.
- A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that is is rated to support 75,00 pounds.
- Existing roadways on private property shall meet, and or be improved to meet "Road" standards.
- All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges).
- All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through.
- Maximum roadway slope is 16%.
- Gate width is 14 foot minimum.
- Gate set backs are a minimum of 30 feet from a road to the gate.
- Gates shall have access criteria locks and alike that meet the South Lake County Fire Protection District standard "KNOX" (or similar) access program.
- Parking at the site shall allow for turnarounds, hammerhead T, or similar.
- Minimum fuels reduction of 100 feet of defensible space from all structures.
 - Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10 foot radius of a non combustible surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10 foot radius.
- This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes

[California's Wildland-Urban Interface Code Information - CAL FIRE - Home](#)

www.fire.ca.gov

The law requires that homeowners do fuel modification to 100 feet (or the property line) around their buildings to create a defensible space for firefighters and to protect their homes from wildfires. New building codes will protect buildings from being ignited by flying embers which can travel as ...

http://www.lakecountyca.gov/Government/Directory/Environmental_Health/Programs/cupa.htm

[Hazardous Materials Management \(CUPA\)](#)

www.lakecountyca.gov

The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

[Hazardous Materials Management \(CUPA\)](#)

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<https://www.nfpa.org/assets/files/AboutTheCodes/1142/1142-A2001-ROP.PDF>

[Report of the Committee on - NFPA](#)

www.nfpa.org

351 Report of the Committee on Forest and Rural Fire Protection Richard E. Montague, Chair FIREWISE 2000, Inc., CA [SE] John E. Bunting, Secretary New Boston Fire Dept., NH [U]

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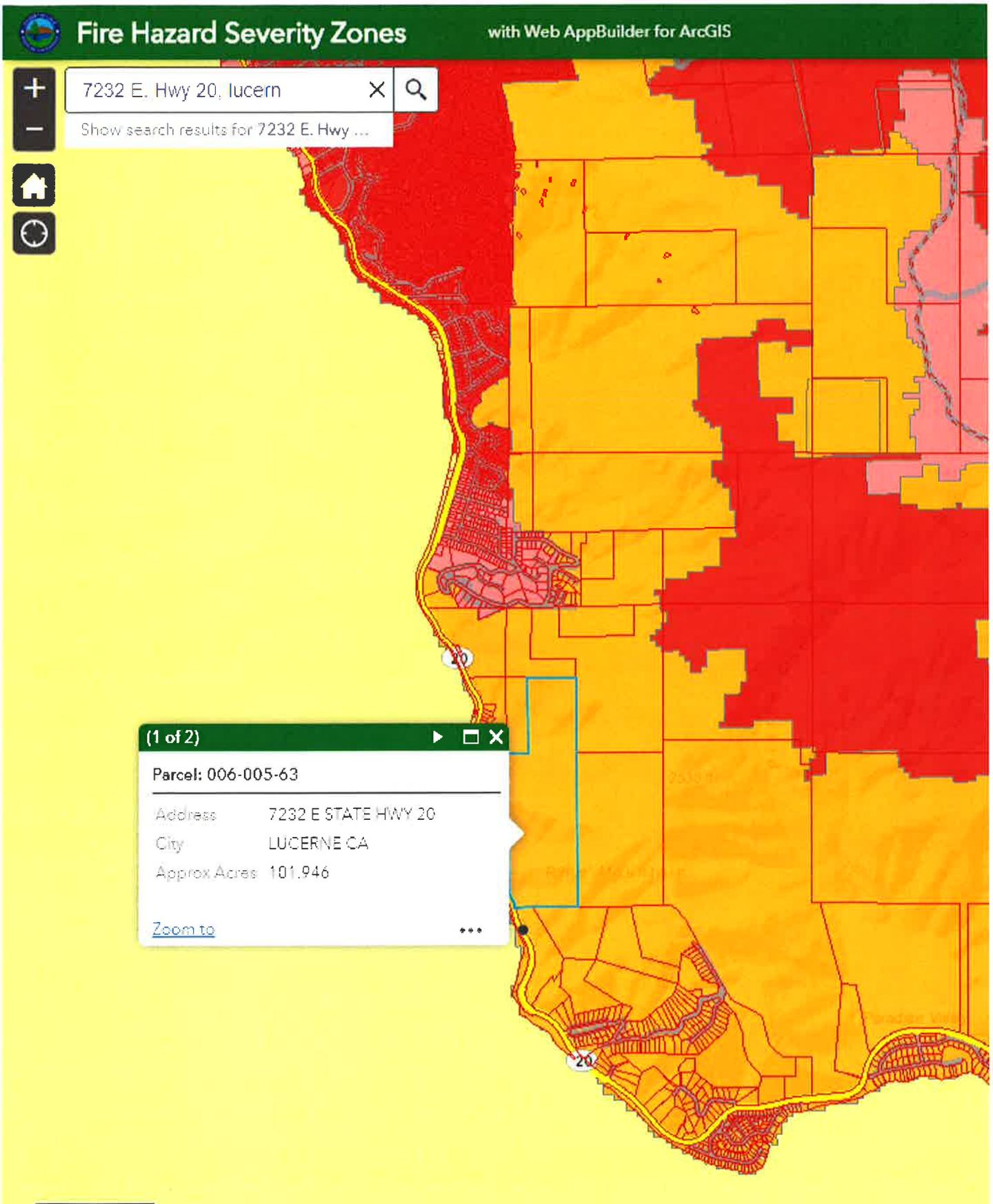
The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

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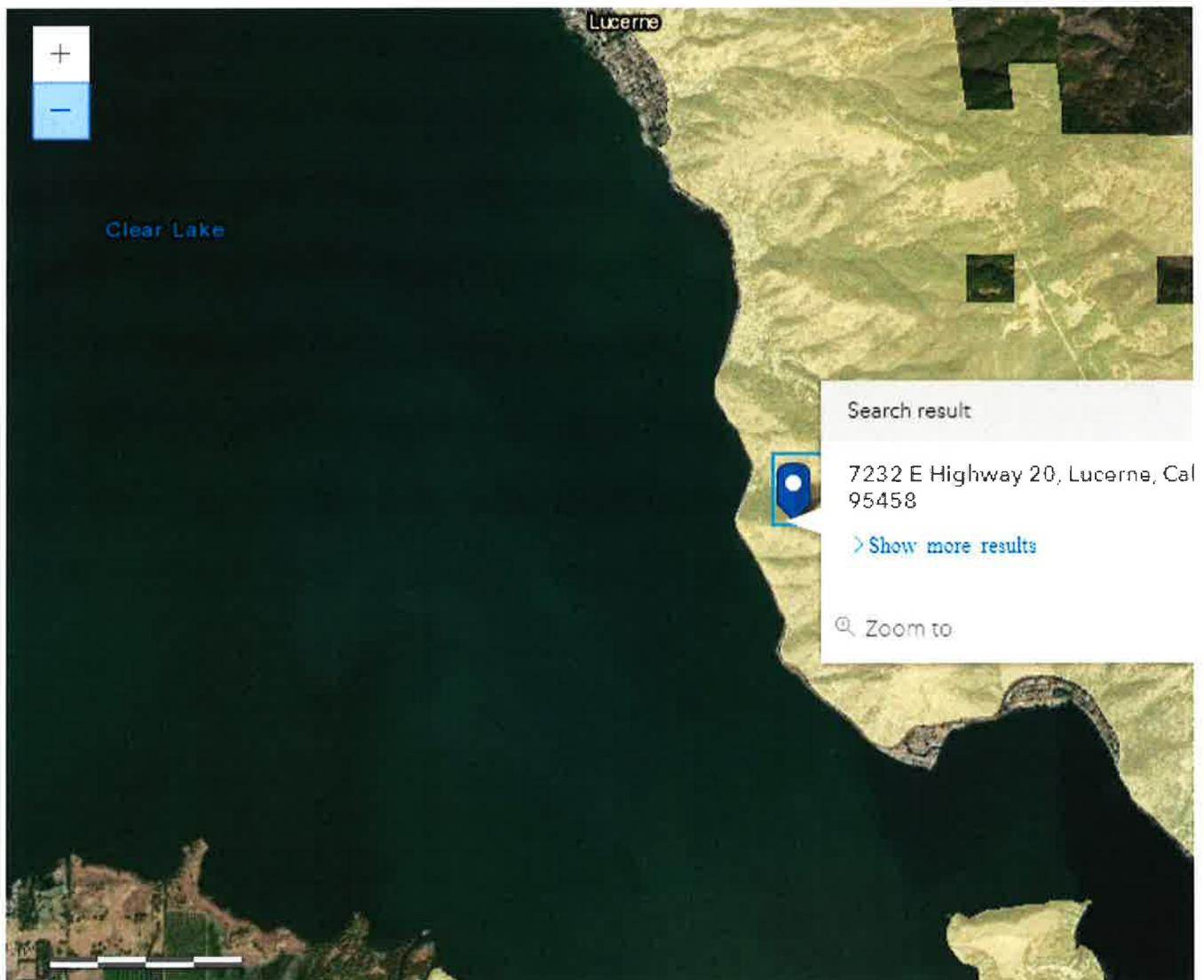
Board of Forestry and Fire Protection



State Responsibility Areas (SRA) are recognized by the Board of Forestry and Fire Protection as areas w fire suppression and prevention. The State Responsibility Area Viewer allows users to view SRA spatial also be used to search a specific address to help determine if a property is within SRA boundaries.

Instructions: Enter your complete address including zip code in the search box at the top right corner Use your mouse to move the location of the map. You can use the + and - or your mouse wheel to zoom

Legend: Lands shadowed by a yellow overlay are with State Responsibility Area.



From: Eric Porter <Eric.Porter@lakecountyca.gov>

Sent: Friday, February 28, 2020 4:39 PM

To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; 500, chief@LKP <chief500@lakeportfire.com>; Beristianos, J@NSD <chief800@northshorefpd.com>; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Fong, Gloria@CALFIRE <Gloria.Fong@fire.ca.gov>; pbleuss@kelseyvillefire.com <pbleuss@kelseyvillefire.com>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Michelle Scully <Michelle.Scully@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; David Casian <David.Casian@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Northwest Information Center <nwic@sonoma.edu>

Subject: Use Permit UP 19-01; Draper (Lucerne Project) - request for comments

Warning: this message is from an external user and should be treated with caution.

Greetings!

We received this Use Permit application a while ago, but the scope has changed, and I'm sending out a new Request for Review.

Original proposal: (1) A-Type 3 medium outdoor cultivation

Amended proposal: (4) A-Type 3 medium outdoor cultivation sites, and (1) Type 13 Self Distribution license.

Please return any comments you might have to me by March 10 if possible.

Thank you,
Eric Porter
Planner
COUNTY OF LAKE

Eric Porter

From: Tina Rubin
Sent: Wednesday, March 18, 2020 2:15 PM
To: Eric Porter
Subject: UP 19-01 7004 & 7232 E Hwy 20 CDD Review comments
Attachments: 006-021-22 006-005-63 UP 1901 7004 7232 E Hwy 20 CDD Review.pdf

See attached comments

Tina Dawn-Rubin
Environmental Health Aide

County of Lake

Department of Health Services
Environmental Health Division
922 Bevins Ct, Lakeport, CA 95453
Tel: 707-263-1164 Fax: 707-263-1681

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Eric Porter

From: Ryan Peterson <rpeterson@middletownrancheria.com>
Sent: Monday, March 2, 2020 1:13 PM
To: Eric Porter
Subject: [EXTERNAL]Re: Lake County - Use Permit UP 19-01 - consultation notice enclosed
Attachments: AB 52 Draper Lucerne.doc; Mary Draper (Lucerne) Early Activation Map (topo).pdf

Hey Eric,

The Middletown Rancheria of Pomo Indians of California (the “Tribe”) or (“Middletown Rancheria”) is in receipt of your notification dated 2/28/20 and attached to this email regarding the referenced project in the subject line of this email correspondence.

Our Tribal Historic Preservation Office has reviewed the project and concluded that it is not within the aboriginal territories of the Middletown Rancheria. Therefore, we respectfully decline any comment on this project.

Should you have any questions, please feel free to contact our office:

Middletown Rancheria
Tribal Historic Preservation Department
Office: (707) 987-1315
Email: THPO@middletownrancheria.com

We thank you for providing us with this notice and the opportunity to provide comments to the referenced project(s). Nothing herein should be construed to be a waiver or limitation of any of Middletown Rancheria’s rights in law, equity or otherwise. All rights, claims and remedies are specifically reserved.

Regards,

Ryan Peterson
Admin & Projects Coordinator
Middletown Rancheria
Tribal Historic Preservation Department
PO Box 1035 Middletown, CA 95461
Phone: (707) 987-1315
Fax: (707) 987-9091

On Fri, Feb 28, 2020 at 4:35 PM Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Greetings!

Please see the attached AB52 consultation notice and site plan. We have some additional information for this project that we can send you if you would like to see it.

Take care,

Eric Porter

Planner

COUNTY OF LAKE

707-263-2221

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
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>

March 11, 2020

File No.: 19-1520

Eric Porter, Project Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: UP19-01 / 7004 and 7232 E. Highway 20, Lucerne / Mary Draper

Dear Eric Porter

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: Use permit to allow four A-Type 3 outdoor commercial cannabis license, and one A-Type 13 self-distribution license. This includes 65,000 square foot cultivation site per license, and 43, 560 square foot canopy per license. Applicant also proposes fencing, security, some importation of fill, parking spaces, and 600 square feet of product storage area. Pesticides and agricultural chemical storage will be stored in a separate lockable building. The operation will include up to 10 employees during peak harvest time.

Previous Studies:

XX Study # 51460 (Parker 2018), covering approximately 60% of the proposed project area, identified one or more cultural resources (see recommendation below).

Archaeological and Native American Resources Recommendations:

XX Parker's study included a field survey of a portion of the proposed project area, and he reported "no 'significant' historic resources have been identified" (2018:2). This study location was based on an earlier scope of the proposed project, and did not include the most recent iteration of the project area. Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Lake County have been found in areas margin to Clear Lake and inland near intermittent and perennial watercourses. For these reasons there is a moderate to high potential for unrecorded Native American resources in project areas that have not received recent survey, and further study for archaeological resources is recommended.

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.

 The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

Built Environment Recommendations:

XX The 1958 USGS Lucerne 7.5' quad depicts one building in the proposed project area. If present, these unrecorded buildings or structures meet the Office of Historic Preservation's (OHP) minimum age standard that buildings, structures, and objects 45 years or older may be of historical value, and therefore, 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,



Matthew Neel
Researcher



Central Valley Regional Water Quality Control Board

28 July 2020

Eric Porter
Lake County
255 North Forbes Street
Lakeport, CA 95453

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, DRAPER LUCERNE UP 19-01 PROJECT, SCH#2020060360, LAKE COUNTY

Pursuant to the State Clearinghouse's 18 June 2020 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 Draper Lucerne UP 19-01 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

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the State Water Resources Control Board (State Water Board), Office of 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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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:

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.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

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/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.



Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Eric Porter
Lake County Planning Department
Eric.porter@lakecountyca.gov



COUNTY OF LAKE

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

DISTRIBUTION DATE: February 28, 2020

AB 52 TRIBAL CONSULTATION NOTIFICATION

In accordance with Section 21080.3.1(b) of the Public Resources Code, Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. If the Tribe would like to formally request an AB 52 consultation, please email or write your request and designated lead contact person to Eric Porter at eric.porter@lakecountyca.gov or mail them to the address listed in the letterhead above.

- | | |
|------------------------------------|------------------------------|
| @ HERC | @ Mischewal - Wappo |
| @ NATIVE AMERICAN HERITAGE TRIBES: | @ Middletown Rancheria |
| @ Big Valley Rancheria | @ Redwood Valley |
| @ Cortina Colony | @ Robinson Rancheria |
| @ Elem Colony | @ Scotts Valley Band of Pomo |
| @ Koi Nation | @ Upper Lake Habematolel |
| @ Yocha Dehe | |

FROM: Eric Porter, Associate Planner

REQUEST: Use Permit UP 19-01 and Initial Study IS 19-03; a request to establish four (4) **A-Type 3 outdoor commercial cannabis cultivation areas** on an existing \pm 220 acre property.

APPLICANT: Mary Draper, 3008 Cosley Court, El Dorado Hills, CA 95762

APNs: 006-005-62, 006-005-63, 006-024-12 and 006-024-13

LOCATION: 7004 and 7232 E. Highway 20, Lucerne

ZONING: RL – SC – WW; Rural Lands – Scenic Combining – Waterway

GENERAL PLAN: Rural Lands

FLOOD ZONE: "X"

SUPERVISOR DIST.: 3

NATURAL HAZARDS: SRA, High Fire Area

GROUND DISTURBANCE: Minimal; some site preparation for the above-ground pots that will be used to cultivate the commercial cannabis, and fencing to enclose the three cultivation areas.

PROPOSAL: The applicant is applying for a Use Permit to allow four (4) A-Type 3 outdoor commercial cannabis licenses. This includes 220,000 square foot outdoor cultivation site (total area) with 160,000 s.f. of canopy. The canopy areas will be contained within a 6-foot tall wire fence with privacy mesh.

The property is accessed from E. Highway 20. The property is served by well and contains a dwelling, a small shed, an established 1-acre outdoor cannabis cultivation area. Water source: Clear Lake (1898 water rights). Water storage: (12) 5,000 gallon water tanks. Annual water usage is estimated at 150,000 gallons.

Description of the type of requested permit as defined in Article 27, Section (at):

A - Type 3: "Outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

An Archeological and Cultural Study has been prepared for this site and is available upon request.

The cultivation sites are required to meet the following **access standards**: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public.

An Initial Study ***will be prepared*** for the project. Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. **In accordance with Section 21080.3.1(b) of the Public Resources Code, Consultation request under AB52 must be received in writing within 30 days of receipt of this notice.** If the Tribe would like to formally request an AB 52 consultation, please email or write your request and designated lead contact person to Eric Porter at eric.porter@lakecountycalifornia.gov or mail them to the address listed in the letterhead above. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts.

COMMENTS: _____

NAME _____ DATE _____



COUNTY OF LAKE
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division
 Courthouse - 255 N. Forbes Street
 Lakeport, California 95453
 Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: February 28, 2020

REQUEST FOR REVIEW FOR SUFFICIENCY

- | | | |
|----------------------------|---|------------------------------|
| <u>@</u> AG. COMMISSIONER | <u>@</u> FIRE PROTECTION DIST: | <u>@</u> CA DEPT FISH & WDLF |
| <u>@</u> AIR QUALITY MGMT | <u>@</u> Kelseyville FPD | ___ CALTRANS |
| <u>@</u> ASSESSOR | <u>@</u> Lake County FPD | ___ STATE LANDS COMM. |
| <u>@</u> BUILDING DIVISION | <u>@</u> Lake Pillsbury (no contact info) | <u>@</u> CRWQCB |
| <u>@</u> DPW – ROADS | <u>@</u> Lakeport County FPD | ___ STATE DEPT. OF HEALTH |
| <u>@</u> ENVIRON HEALTH | <u>@</u> Northshore FPD | ___ |
| ___ LAKEBED MANAGEMENT | <u>@</u> South Lake County FPD | <u>@</u> NW INFO CENTER |
| ___ PUBLIC SERVICES | <u>@</u> CAL FIRE | ___ ARMY CORPS |
| <u>@</u> SHERIFF | ___ PG&E | ___ BLM |
| <u>@</u> SPECIAL DISTRICTS | ___ HOA | <u>@</u> CALCANNABIS |
| <u>@</u> SURVEYOR | ___ WATER CO | <u>@</u> NRCS (USDA) |
| <u>@</u> TAX COLLECTOR | ___ OTHER | ___ US FISH & WILDLIFE SVC |
| ___ WASTE DISPOSAL | | ___ US FOREST SERVICE |
| <u>@</u> WATER RESOURCES | | |

FROM: Community Development Department

REQUEST: Major Use Permit, UP 19-01, Initial Study, IS 19-03, Early Activation, EA 20-08

OWNER/APPLICANT: Mary Draper, 3008 Cosley Court, El Dorado Hills, CA 95762

APN: **006-005-12, 006-005-13, 006-024-62 and 006-005-63**

LOCATION: 7004 and 7232 E. Highway 20, Lucerne

ZONING: Rural Lands – Scenic Combining - Waterway

GENERAL PLAN: Rural Lands

HAZARDS: Project Parcel Located within State Responsibility Area

FLOOD ZONE: “X”

SERPENTINE SOIL: None mapped on the site.

SOIL STABILITY: Severe erosion hazard

PREVIOUS PERMITS: Various building permits, septic; 2017 Self Certification, 2019 Early Activation

EXISTING DEVELOPMENT: House, several sheds

WATER SOURCE: Clear Lake (1898 water rights) and on-site water storage in (12) 5,000 gallon tanks

CONSTRUCTION: Estimated to be 4 to 6 weeks using a truck and some light construction equipment. Estimated trips during construction are 20 to 40 vehicle trips in total.

Note: This file was originally received in January 2019. Shortly after the County received the file, the applicant requested that the use permit review be placed on hold, and the applicant amended the project scope. The County received the revised site plan on February 25, 2020 (attached); the parcel numbers shown on the revised site plan are incorrect; the parcel numbers on this RFR sheet are correct.

PROPOSAL: Four (4) **A – Type 3: “Outdoor”**: Outdoor cultivation for adult use cannabis (65,000 s.f. total cultivation per license, 43,560 s.f. of canopy per license) and an **A-Type 13 Self Distribution license**. The

applicant is proposing fencing, security, some importation of fill, parking spaces, 600 sq. ft. of product storage area. Pesticides and agricultural chemical storage will be stored in a separate lockable building. The operation will include up to 10 employees during peak harvest time. ***Please refer to attached site plans and project description for further information.***

ACCESS: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.

Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **March 10, 2020**. Please email your comments to eric.porter@lakecountycalifornia.gov or mail them to the address listed in the letterhead above.

COMMENTS: _____

| NAME | DATE |
|---|---|
| cc: <u>3</u> Supervisorial District (RFR Only) _____ | Redbud Audubon Society |
| Other (Examples: _____ Sierra Club / _____ HOA / _____ @ _____) | Farm Bureau / etc.) (RFR Only) |
| <input checked="" type="checkbox"/> Carol Huchingson | <input checked="" type="checkbox"/> Michelle Scully |
| | <input checked="" type="checkbox"/> Susan Parker |