

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: December 16, 2020

REQUEST FOR REVIEW FOR SUFFICIENCY

- List of agencies for review including AG, AIR QUALITY, ASSESSOR, BUILDING DIVISION, DPW, ENVIRON HEALTH, LAKEBED MANAGEMENT, PUBLIC SERVICES, SHERIFF, SPECIAL DISTRICTS, SURVEYOR, TAX COLLECTOR, WASTE DISPOSAL, WATER RESOURCES, FIRE PROTECTION DIST, CA DEPT FISH & WDLF, CALTRANS, STATE LANDS COMM., CRWQCB, STATE DEPT. OF HEALTH, CALCANNABIS, NW INFO CENTER, SIERRA CLUB, FARM BUREAU, ARMY CORPS, BLM, NRCS (USDA), US FISH & WILDLIFE SVC, US FOREST SERVICE.

FROM: Eric Porter, Associate Planner
REQUEST: Major Use Permit, UP 20-96, Initial Study, IS 20-116, Early Activation, EA 20-112
OWNER/APPLICANT: Highland Farms, LP
APNs: 007-006-27, 34, 35, 40, 41, and 007-057-01, 02
LOCATION: 7522 Highland Springs Road, Lakeport - 007-006-351
ZONING: "RL-B5-WW" - Rural Lands - Frozen - Waterway
GENERAL PLAN: Rural Lands
HAZARDS: SRA Wildland Fire Hazard Area
NATURAL RESOURCES: None mapped
SUPERVISOR DIST: 4

PROPOSAL: The applicant is requesting approval of a Major Use Permit for commercial cannabis cultivation. According to the applicant's application packet, the applicant is proposing the following: Please refer to attached Site Plans for further information. Project details are as follows:
- Four (4) A-Type 3 medium outdoor commercial cannabis licenses for up to four acres of canopy.
- One (1) A-Type 13 'self-distribution' license to allow legal transportation of cannabis.
- One (1) 60' x 100' (6,000 sq. ft.) drying building including ADA compliant restroom and handwash station.
- Ten (10) 2,500 gallon water tanks.
- One (1) existing well that produces 75 gallons per minute, plus one additional well to be drilled next year.
- Two (2) shipping containers for equipment storage.
- Drip irrigation system.

Description of the type of requested permit:

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.

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.

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, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **1/4/2021**. Please email your comments to Eric Porter at [eric.porter@lakecountyca.gov](mailto:eric.porter@lakecountyca.gov) or mail them to the address listed in the letterhead above.

COMMENTS:

See attached memorandum

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NAME Tina Rubin DATE 11/15/2021

cc: 4 Supervisorial District (RFR Only) County Administration



**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: January 15, 2021

TO: Eric Porter, Associate Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 20-96 Major Use Permit, IS 20-116, EA 20-112  
Commercial Cannabis – Highland Farms

APN: 007-006-35 7522 Highland Springs Rd, Lakeport  
007-006-27 7527 Highland Springs Rd, Lakeport  
007-006-34 7408 Highland Springs Rd, Lakeport  
007-006-40 7634 Highland Springs Rd, Lakeport  
007-006-41 7746 Highland Springs Rd, Lakeport  
007-057-01 7257 Amber Ridge Rd, Lakeport  
007-057-02 7357 Amber Ridge Rd, Lakeport

Lake County Division of Environmental Health (EH) has on file for the subject parcel:  
**APN: 007-006-34** – a 2020 well permit WE 5448 AG & well log for an agricultural well  
**APN: 007-006-41** – a 1992 well permit WE 691 for a domestic well, a 1992 site evaluation report

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.

EH may require a field clearance 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 portable toilets, EH has no concerns.

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.

**From:** [William Collins](#)  
**To:** [Mary Claybon](#)  
**Subject:** RE: Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project  
**Date:** Friday, August 25, 2023 4:54:44 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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1. The processing facilities will require an accessible restroom and entrance.
2. Processing facilities will be a F1 occupancy and will need to comply with those requirements including automatic fire sprinklers for structures over 12,000 SF.
3. RFR specifies one 5,000 gallon tank for fire suppression. This needs to be calculated per NFPA specification and the calculation provided.
4. PRC 4290 requirements for access and water storage will need to be met.
5. Please make sure they get all applicable Building Permits.

Sincerely

**Bill Collins, CBO, CASp**  
**Chief Building Official**

County of Lake  
255 N. Forbes St.  
Lakeport, CA 95453  
707-263-2221 ex 38123 (Office)  
[william.collins@lakecountyca.gov](mailto:william.collins@lakecountyca.gov)



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**From:** Mary Claybon <Mary.Claybon@lakecountyca.gov>  
**Sent:** Friday, August 25, 2023 2:47 PM  
**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Douglas Gearhart <dougg@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; William Collins <William.Collins@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Katie Carpenter <Katie.Carpenter@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Paul.Duncan@fire.ca.gov; preitz@lakeportfire.com; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; amber.mccall@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; pkicenski77@gmail.com; Janae.Fried@Waterboards.ca.gov; Jason.Schroeder@Waterboards.ca.gov; nwic@sonoma.edu; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Ryan\_olah@fws.gov; lcfarmbureau@sbcglobal.net;

**From:** [Katherine Vanderwall](#)  
**To:** [Mary Claybon](#)  
**Subject:** UP 20-96 Highland Farms Comments  
**Date:** Friday, September 8, 2023 10:13:53 AM

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The project applicant will need to obtain a Private Applicator Certificate and Operator ID from the Ag Department prior to the purchase and use of any pesticides, including organic pesticides. The applicant will also need to comply with pesticide worker safety laws/regulations, recordkeeping, and reporting requirements.

*Katherine VanDerWall*

*Agricultural Commissioner/Sealer of Weights & Measures  
Lake County Department of Agriculture/Weights & Measures  
883 Lakeport Blvd  
Lakeport, CA 95453  
(707) 263-0217*

**From:** [Lake County Community Development - Resource Planning](#)  
**To:** [Mary Claybon](#)  
**Cc:** [Lake County Community Development - Resource Planning](#)  
**Subject:** RE: Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project  
**Date:** Tuesday, August 29, 2023 10:46:20 AM  
**Attachments:** [image001.png](#)

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Good afternoon Mary,

The following are my recommendations.

1. Ensure the August 10<sup>th</sup> 2023 amendments presented in the 2023 FMP and any recent changes to the Site Maps are still consistent with the project scope analyzed under the technical reports discussed below for this project. If not, amendments to these documents will also be necessary to accurately assess project impacts.
2. As indicated in the Geotechnical Reconnaissance Survey performed by Bauer & Associates Inc., there is a potential for project impacts:

*Based on the results of our work, we conclude that the proposed development is feasible from a geotechnical engineering standpoint. The primary geotechnical concern is the presence of relatively weak surface soils, near surface moderately to highly expansive soils, variable density old fills, if encountered, and variable bedrock conditions with the potential for difficult excavations in bedrock. Upon saturation, porous surface soils will lose strength and consolidate rapidly under loads of fill or structural elements. Due to exposed hard and strong bedrock, we anticipate difficult excavation may be encountered.*

A detailed geotechnical investigation should be encouraged for this project to identify appropriate mitigation measures:

*For any future site development, a detailed geotechnical investigation with subsurface exploration should be performed to provide recommendations for engineered grading, foundation types and design, concrete slabs-on-grade, retaining walls, geotechnical drainage improvements and other supplemental services. (pg. 4)*

*Additional review and subsurface exploration could reveal conditions not evident at this time. Therefore, the information in this report should be considered preliminary and subject to modification as subsurface information and/or more detailed information is available. (pg. 5)*

3. The *Hydrology and Hydraulic Calculations* and *Water Availability Analysis* will need to be reviewed by a County-approved Hydrogeologist
4. As indicated in the Biological Resources Assessment performed by Pinecrest Environmental, the following should be required for this project:
  - *“Due to the potential for several of the species listed in Appendix A to exist on or near the wetlands shown in Figures 4 & 5, we recommend two follow-up plant surveys to be conducted, which when combined with the May 2020 survey will encompass the range of early-, mid-, and late-season flowering phenologies, and also examine the site over two years encompassing*

*interannual variation. These surveys will be sufficient to determine if any of the species in Appendix A exist on or near the proposed cultivation areas, and should be conducted prior to significant ground disturbance.” (pg. 13)*

The FMP does mention (pg. 7) three subsequent surveys have been performed. These will need to be analyzed to ensure the above-mentioned species in Appendix A do not exist on or near the proposed cultivation area.

- *“Wetlands are easily discernable in the field during the wet season, and thus a qualified biologist should demarcate with stakes the edges of the potential wetlands shown in Figures 4 & 5 in order to measure the appropriate setbacks off of. We do not believe a protocol-level wetland delineation is required as long as a qualified biologist visits the site in the wet season and stakes out all potential wetland areas for avoidance with 100-foot buffers.” (pg. 13, and “Measure 1” on pg. 15)*

The FMP indicates (pg. 7) this has not yet occurred. In order to identify appropriate impacts and mitigation measures, a qualified biologist should perform the analysis required and submit the results for the project’s CEQA analysis.

The FMP indicates (pg. 21) that a 50-ft setback will be maintained from all watercourses. Note that if any of these watercourses are Class I or II and soils within their corridors are demarcated as “severe” a 100-ft setback will be needed.

- *One special-status plant species was observed at the time of the May 2020 survey, scrub oak (Quercus dumosa). There is also Konocti manzanita (Arctostaphylos manzanita ssp. elegans) located immediately offsite to the south. No impacts are predicted to these species since there is no chaparral removal planned as part of this project. There are however some herbaceous species associated with meadow and wetland habitats that are known to occur within 5 miles of the project site, and some of these habitats overlap with the proposed project areas.*

The FMP indicates (pg. 17, 20) low shrub/brush removal will occur when necessary. The location should be identified so it is shown not to conflict with this finding.

- Amend “Measure 3” to include a requirement to communicate the results of the survey, and to identify the extent of the buffer to the Community Development Department for the project file.

5. A Complex Grading Permit will be required for this project, which will include:

- Obtaining coverage under the Construction General for Discharges of Storm Water administered by the California Regional Water Quality Control Board and submitting a Notice of Intent (NOI) prior to Grading Permit issuance.
- Submitting a copy of the Storm Water Pollution Prevention Plan and the Water Discharger Identification Number (WDID) prior to Grading Permit Issuance.
- If the grading is to occur in a mapped Naturally Occurring Asbestos Area, an Asbestos Dust Mitigation Plan from the Lake County Air Quality Management District will also be required to submit to the Community Development Department prior to approval.
- A detailed Geotechnical Study, as requested under item 2 above will also be needed.

6. The project shall further comply with all sections of Chapter 29 (Storm Water Management) and



Chapter 30 (Grading Ordinance) of the Lake County, CA Municipal Code.

Thank you,



**Katherine Schaefers, MA**  
**Resource Planner**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 262-1843  
Email: [ResourcePlanning@lakecountyca.gov](mailto:ResourcePlanning@lakecountyca.gov)

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**From:** Mary Claybon <Mary.Claybon@lakecountyca.gov>

**Sent:** Monday, August 28, 2023 9:35 AM

**To:** Katherine Schaefers <Katherine.Schaefers@lakecountyca.gov>

**Subject:** Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project

Hi Katherine,

This RFR was sent to Laura rather than to you. I will add you to the distribution list for grading. Have a good day, Katherine!

Mary Claybon

Assistant Planner II

Community Development Department

Planning Division

# LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

2617 South Main Street  
Lakeport, CA 95453  
Phone (707) 263-7000  
Fax (707) 263-0421



**Douglas G. Gearhart**  
**Air Pollution Control Officer**  
doug@lcaqmd.net

## -MEMORANDUM-

**To:** Mary Claybon  
County of Lake Community Development Department

**DATE:** September 7, 2023

**FROM:** Peter Helldorfer, Air Quality Engineer *PH*

**SUBJECT:** Leventhal Realty Lake County, LLC ••• Highland Farms, LP ••• APN: 007-006-27, 34, 35, 40, 41, 007-057-01, 02 ••• Major Use Permit, UP 20-96 ••• Major Use Permit Application for a Commercial Cannabis cultivation facility

The Lake County Air Quality Management District (LCAQMD) received a Request for Review from the County of Lake Community Development Department regarding Leventhal Realty Lake County, LLC, Highland Farms, LP on August 29, 2023. The applicant requests a Major Use Permit for Commercial Cannabis cultivation at 7527, 7522, 7408, 7634, 7746 Highland Springs Road and 7257 and 7357 Amber Ridge Road, Lakeport, CA 95453. Authority to Construct (A/C) permit applications are required. Contact the LCAQMD for more details regarding the permitting requirements and process.

An A/C permit is required for indoor Cannabis operations utilizing odor abatement equipment, for any diesel powered equipment, or other equipment with potential for air emissions.

The facility is subject to AB 2588 air emission inventory requirements administered by the LCAQMD if it uses listed hazardous or toxic materials. The operator should maintain records, including the Material Safety Data Sheets (MSDS) for all volatile organic compounds utilized including cleaning materials. The facility is required, upon request, to provide the LCAQMD such information necessary to complete an emissions inventory.

Demolition or renovation activities are subject to the Asbestos National Emission Standards for Hazardous Air Pollutants. A complete asbestos survey and renovation/demolition notification must be submitted to the LCAQMD office before any demolition or renovation activities begin. Contact the LCAQMD for more details regarding the notification requirements and process.

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.

The project parcels are not located in a mapped area known to contain serpentine rock and/or soils. The LCAQMD and State of California Air Resources Board regulate surfacing and construction activities involving serpentine. Serpentine commonly contains regulated amounts of asbestos. If serpentine is discovered or is present during the course of grading or construction, all work shall stop until an approved serpentine dust control plan is in place.

Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measure for Compression Ignition Engines. The applicant should promptly contact the LCAQMD for further information as the project includes multiple backup generators.

Site development and vegetation disposal shall not create nuisance odors or dust. During the site preparation phase, the LCAQMD recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property.

Significant dust may be generated from increased 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 LCAQMD 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.

Given the above concerns are adequately addressed and a complete A/C permit applications are submitted, the project as proposed with mitigation measures, can be supported for air quality concerns.

## Mary Claybon

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**From:** John Everett  
**Sent:** Sunday, January 24, 2021 8:20 PM  
**To:** Eric Porter  
**Subject:** RE: Request for Review - file no. UP 20-96, Highland Farms

Eric,

I reviewed the proposed major use permit for Highland Farms, MUP 20-96, IS 20-116, EA 20-112, APN 007-006-27 at 7522 Highland Springs Road, in Lakeport. Sorry for being late with these comments. They are as follows:

1. The farm/ construction site has an existing connection with Highland Springs Road. This connection with the County maintained paved road will need to be improved to existing standards for a commercial driveway, Std. No. 231-D.
2. All driveways, parking areas, areas subject to semi-trailer/ truck traffic or general site access need to be surfaced with an all-weather or gravel medium as a minimum.
3. All accessible parking areas, routes of building ingress/egress, and/or access to bathrooms shall meet California Building Code Requirements.
4. A Stabilized Construction Entrance or Stabilized Construction Roadway for the construction site should be in place immediately after grading is completed.

These are my only comments. Please don't hesitate to contact me at (707) 263-2719.

John Everett PE  
Associate Civil Engineer  
County of Lake  
255 N. Forbes St., Room 309  
Lakeport, CA 95453  
(707) 263-2719

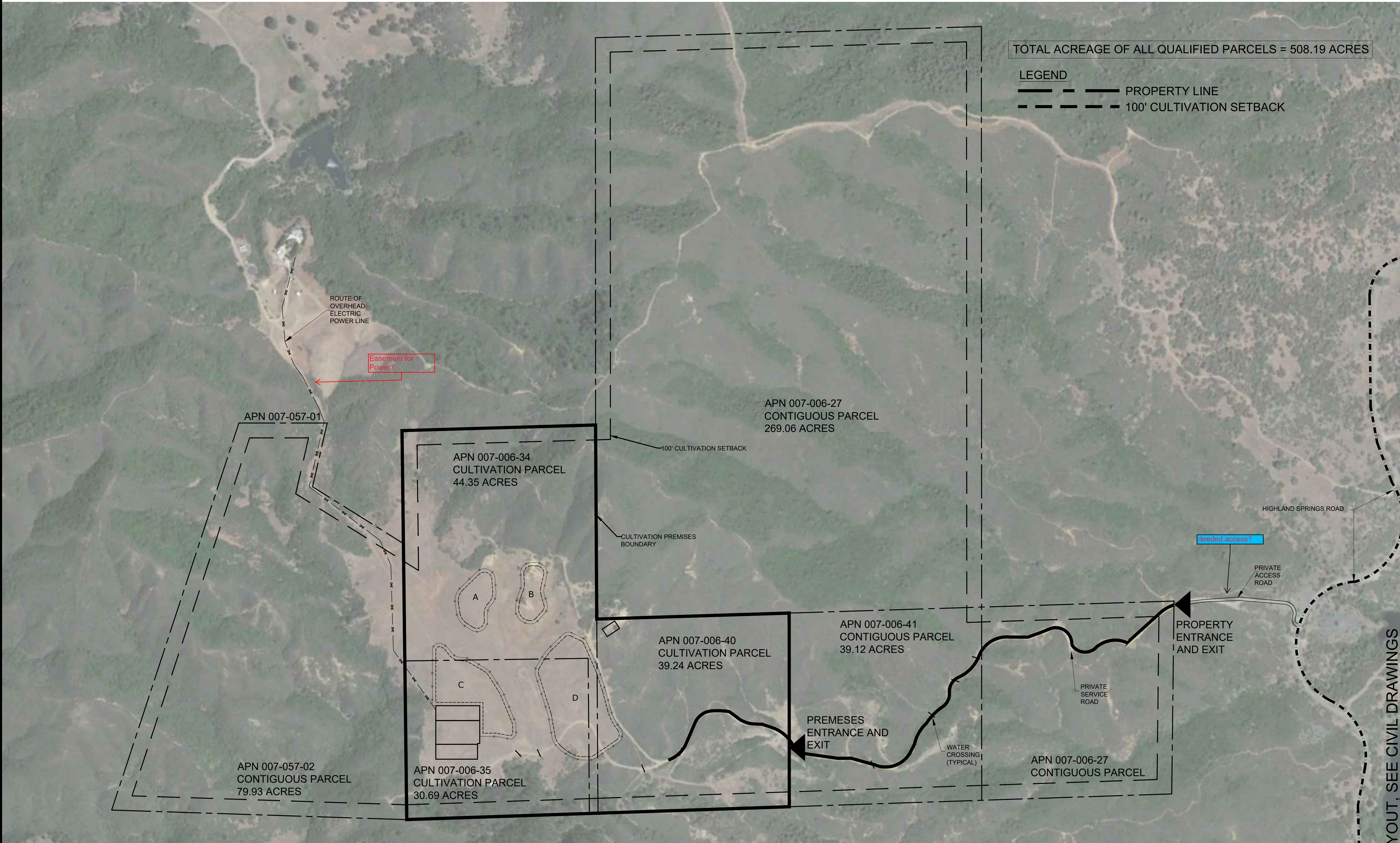
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**From:** Eric Porter  
**Sent:** Wednesday, December 16, 2020 12:17 PM  
**To:** Steven Hajik <Steven.Hajik@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; John Everett <John.Everett@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Paul Bleuss <Pbleuss@Kelseyvillefire.com>; Mike Ciancio <chief800@northshorefpd.com>; chief500@lakeportfire.com; kyle.stoner@wildlife.ca.gov; Kevin Ponce <Kevin.Ponce@cdfa.ca.gov>; Northwest Information Center <nwic@sonoma.edu>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>  
**Subject:** Request for Review - file no. UP 20-96, Highland Farms

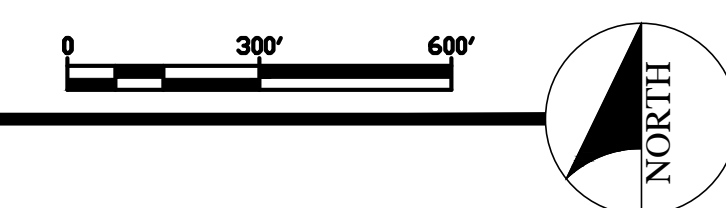
Greetings!

The County has received a major use permit application for an outdoor commercial cannabis cultivation project. Please provide comments to me on or before January 4, 2021 if possible.

The applicant did not provide electronic copies of the project, which I am requiring. If you need more / different information such as a water analysis or stormwater plans, please let me know and I will send them once I receive them.



**1 PROPERTY PLAN**  
 1" = 300'



SCHEMATIC LAYOUT, SEE CIVIL DRAWINGS



CONTACT:  
 AUTUMN KARCEY, CEO  
 LAKE COUNTY DEVELOPMENT CO., LLC  
 AUTUMN@LAKECODEVELOPMENT.COM  
 530-379-8588

**HIGHLAND FARMS, LP**  
 CANNABIS CULTIVATION OPERATION  
 HIGHLAND SPRINGS RD AND AMBER RIDGE ROAD  
 LAKEPORT, CA 95453

**PROPERTY PLAN**

DATE ISSUED 17 DEC 21  
 COUNTY PLANS 27 JAN 21

DRAWN BY R.JL  
 CHECKED BY R.JL  
 JOB NO. 21031

**GS-01**

**From:** [Lori Baca](#)  
**To:** [Mary Claybon](#)  
**Subject:** RE: Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project  
**Date:** Thursday, August 24, 2023 12:46:22 PM  
**Attachments:** [image001.jpg](#)

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Mary,

This project is outside of any Special Districts service areas, no impact.

Have a great day!

## Lori A. Baca

Customer Service Supervisor

[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)

Office Number (707) 263-0119

Fax (707) 263-3836



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**From:** Mary Claybon [mailto:Mary.Claybon@lakecountyca.gov]

**Sent:** Thursday, August 24, 2023 11:56 AM

**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Douglas Gearhart <doug@lcaqmd.net>; Elizabeth Knight <elizabethk@lcaqmd.net>; William Collins <William.Collins@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Katie Carpenter <Katie.Carpenter@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Vance Ricks <Vance.Ricks@lakecountyca.gov>; Paul.Duncan@fire.ca.gov; preitz@lakeportfire.com; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Rex.Jackman@dot.ca.gov; amber.mccall@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; pkicenski77@gmail.com; Janae.Fried@Waterboards.ca.gov; Jason.Schroeder@Waterboards.ca.gov; nwic@sonoma.edu; localverification@cannabis.ca.gov; Laura Hall <Laura.Hall@lakecountyca.gov>; Ryan\_olah@fws.gov; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; robert@mtkonociwines.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnammackiewicz@gmail.com; vbrandon95457@gmail.com; wshock@mchsi.com; debsal14@gmail.com; mrsnelsanders@gmail.com; raeebycarl@hotmail.com; deanie82@sbcglobal.net; timchiara@hotmail.com; maacamax@att.net

**Cc:** Michael Green <Michael.Green@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>

**Subject:** Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project

Hello fellow agencies,

Attached you will find the Request for Review for Sufficiency: UP 20-96 Highland



# LAKE COUNTY SHERIFF'S DEPARTMENT

1220 Martin Street • Lakeport, California 95453

**Administration**  
(707) 262-4200

**Central Dispatch**  
(707) 263-2690

**Coroner**  
(707) 262-4215

**Corrections**  
(707) 262-4240

**Patrol/Investigation**  
(707) 262-4230

**Substation**  
(707) 994-6433

**Brian L. Martin**  
Sheriff / Coroner

Lake County Community Development

RE: MUP 20-96  
Highlands Farms / Highland Springs Rd. Amber Ridge Rd.  
Lakeport, CA

In review of the Security Management Plan submitted for MUP 20-96 via the Lake County Community Development Department in August 2023. The Lake County Sheriff's Office has determined the submitted security plan meets the requirements of the County of Lake as set forth in Lake County Ordinance 3084 / 3073.

The Lake County Sheriff's Office's review of the Security Plan is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the minimum requirements as outlined in Lake County Ordinance 3084 / 3073.

The original, official document is retained by the Lake County Community Development Department. All inquiries regarding the status of cannabis permits or the application process should be directed to the Community Development Department.

*L. Bingham*  
Lieutenant Luke Bingham  
Lake County Sheriff's Office  
1220 Martin St.  
Lakeport, CA 95453  
707 262 4200

CALIFORNIA  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
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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  
1400 Valley House Drive, Suite 210  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<https://nwic.sonoma.edu>

September 8, 2023

File No.: 23-0270

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

re: UP 20-96; IS 20-116 / Highland Springs Road & Amber Ridge Ct. / Highland Farms, LP

Dear Mary Claybon,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Project Description:**

The applicant is requesting approval of a Major Use Permit to allow the following license types: Nineteen (19) 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.

Two (2) A&M Type 3B” Mixed light”: Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, all inclusive, of total canopy size on one premises.

One (1) Type 4 “Nursery”: Cultivation of adult use cannabis solely as a nursery.

One (1) (b) Type 13 Distributor Transport only: The transport of medicinal cannabis goods between entities licensed pursuant to California Code.

One (1) (c) Type 13 Distributor Transport only, Self -Distribution: The transport of medicinal cannabis goods between entities licensed pursuant to California Code.

**Previous Studies:**

XX Study #1069 (French 1976) and Study #20040 (Neuenschwander 1998) included parts of the proposed project parcels in their maps. However, the reports are unclear as to whether the researchers surveyed the proposed project areas (see recommendation below).



XX In the case that a qualified archaeologist has conducted a recent study of the proposed project area, we recommend the study be submitted to NWIC for inclusion in the state inventory. Our archaeological recommendations only reflect the studies and records available and may be amended as such information develops.

**Archaeological and Native American Resources Recommendations:**

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study of the proposed project by a qualified professional archaeologist is recommended prior to commencement of 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.

     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:**

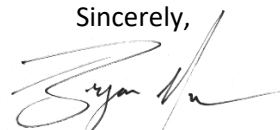
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture 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



August 24, 2023

Mary Claybon  
County of Lake  
255 N Forbes St  
Lakeport, CA 95453

Ref: Gas and Electric Transmission and Distribution

Dear Mary Claybon,

Thank you for submitting the UP 20-96 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management

## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



August 29, 2023

Mary Claybon  
County of Lake  
255 N Forbes St  
Lakeport, CA 95453

Re: UP 20-96  
Highland Farms

Dear Mary Claybon,

Thank you for providing PG&E the opportunity to review the proposed plans for UP 20-96 dated 8/24/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management



**From:** [Fried, Janae@Waterboards](mailto:Fried, Janae@Waterboards)  
**To:** [Mary Claybon](mailto:Mary.Claybon)  
**Subject:** [EXTERNAL] RE: Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project  
**Date:** Friday, September 8, 2023 3:30:44 PM

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Good afternoon Mary,

MUP 20-96 Highland Farms: Is enrolled in the [Cannabis General Order](#) as a Tier 2, low risk site under WDID 5S17CC429031; the site has been enrolled since 10/02/2020 (original NOA date), an updated NOA was issued 04/27/2021; Cultivator is Highland Farms with Autumn Karcey as the contact, Landowner is Leventhal Reality Lake County LLC with Autumn Karcey as the contact. The APNs match; Cultivation Area covered: 911,081 SF; Disturbed Area covered: 915,000 SF; SMP and NMP were submitted on 04/05/2021; all past year's invoices have been paid; All watercourses appear to be accounted for on the site maps and given appropriate setbacks.

- While the 2021 Annual Monitoring Report (AMR) was submitted on time last year. The AMR for 2022, which was due on 3/1/2023, has not been submitted.

I will be reaching out to the Discharger in a separate email with directions on how to correct the above issue and return to compliance. Besides the annual report, this site has the proper coverage.

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](mailto:Janae.Fried@Waterboards.ca.gov)  
Office Line: 530-224-3291

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**From:** Mary Claybon <Mary.Claybon@lakecountyca.gov>  
**Sent:** Thursday, August 24, 2023 11:56 AM  
**To:** katherine.vanderwall@lakecountyca.gov; doug.gearhart@lakecountyca.gov; elizabethk@lcaqmd.net; william.collins@lakecountyca.gov; Scott.DeLeon@lakecountyca.gov; katie.carpenter@lakecountyca.gov; Lucas.Bingham@lakecountyca.gov; lori.baca@lakecountyca.gov; vance.ricks@lakecountyca.gov; Duncan, Paul@CALFIRE <Paul.Duncan@fire.ca.gov>; preitz@lakeportfire.com; PGEPlanReview@pge.com; R2CEQA@wildlife.ca.gov; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Twitchell, Amber@DOT <amber.twitchell@dot.ca.gov>; ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; pkicenski77@gmail.com; Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>; Schroeder, Jason@Waterboards <Jason.Schroeder@Waterboards.ca.gov>; nwic@sonoma.edu; Local Verification@Cannabis <localverification@cannabis.ca.gov>; laura.hall@lakecountyca.gov; Ryan\_olah@fws.gov; lcfarmbureau@sbcglobal.net; dave.rosenthal@sbcglobal.net; robert@mtkonociwines.com; roberta.lyons@att.net; redbud.audubon@gmail.com; donnammackiewicz@gmail.com; vbrandon95457@gmail.com; wshock@mchsi.com; debsal14@gmail.com; mrsmeldanders@gmail.com; raebycarl@hotmail.com; deanie82@sbcglobal.net; timchiara@hotmail.com; maacamax@att.net  
**Cc:** michael.green@lakecountyca.gov; susan.parker@lakecountyca.gov  
**Subject:** Request for Review for Sufficiency: UP 20-96 Highland Farms Commercial Cannabis Cultivation project

EXTERNAL:



May 7, 2024

Mary Claybon, Associate Planner  
County of Lake  
Courthouse – 255 North Forbes  
Street Lakeport, CA 95453  
(707) 263-2221  
cannabisCEQA@lakecountyca.gov

Re: Initial Study/Mitigated Negative Declaration (SCH No. 2024040347) – UP 20-96  
Highland Farms, LP Project

Dear Ms. Claybon:

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 Lake County for the proposed UP 20-96 Highland Farms, LP Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, 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 Project, but to all future CEQA documents related to cannabis business applications in Lake County.

DCC offers the following comments concerning the IS/MND.

### **General Comments (GCs)**

#### ***GC 1: Proposed Project Description***

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) The types of equipment anticipated for operations and maintenance activities;
- 2) Description of facility operations and maintenance, including:
  - a. The number of workers employed at the cultivation site;
  - b. Estimated number of weekly trips to and from the site for delivery of materials or supplies, shipment of products, and disposal of all waste generated by the Project;
  - c. Any water efficiency equipment that would be used; and
  - d. Details about proposed landscaping.
- 3) The source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

### ***GC 2: Impact Analysis***

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support all impact conclusions in the checklist, including the sources of information relied upon to make conclusions.

### ***GC 3: Requirements for Mitigation Measures***

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts as a result of Proposed Project activities.

### ***GC 4: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC’s cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

### ***GC 5: Evaluation of Cumulative Impacts***

It is important for CEQA analysis to consider the cumulative impacts of commercial cannabis business activities in Lake County. 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 noise;
- 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 Project coupled with other commercial cannabis business projects being processed by the County and any other reasonably foreseeable projects in Lake County that could contribute to cumulative impacts similar to those of the Project.

***GC 6: Site-Specific Reports and Studies***

The IS/MND references several project-specific plans, studies, and reports, including a Biological Resources Assessment. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

**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)	DCC Comments and Recommendations
1	I	19 to 20	Aesthetics	The IS/MND would be improved if it referenced DCC’s requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)).
2	II	28 to 33	Biological Resources	The IS/MND could be improved by providing additional detail regarding the environmental setting for biological resources at the project site and impact conclusions regarding individual species and habitats. It appears that this detail may be included in the Biological Assessment prepared for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise the applicant to provide a copy of the Biological Assessment with its state application package for an annual cultivation license to DCC.

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at [Kevin.Ponce@cannabis.ca.gov](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

Lindsay Rains  
Licensing Program Manager



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## Central Valley Regional Water Quality Control Board

8 May 2024

Mary Claybon  
County of Lake  
255 North Forbes Street  
Lakeport, CA 95453  
[mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, UP 20-96 HIGHLAND FARMS, LP PROJECT, SCH#2024040347, LAKE COUNTY**

Pursuant to the State Clearinghouse's 9 April 2024 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 UP 20-96 Highland Farms, LP 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 Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Cannabis General Order**

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy-to-use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at:

[www.waterboards.ca.gov/cannabishttps://public2.waterboards.ca.gov/CGO](http://www.waterboards.ca.gov/cannabishttps://public2.waterboards.ca.gov/CGO)

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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water_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](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](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](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

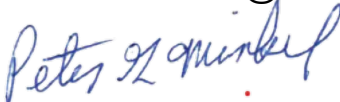
require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). 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](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 G. Minkel  
Engineering Geologist

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