

# **Justifications for Appeal of Planning Commission Decision on WeGrow UP 20-22**

Prepared by: Jesse Cude on behalf of the Dohnery Ridge Subdivision, Shadow Hills Subdivision, Rim Ranch Subdivision, numerous Hidden Valley residents and numerous Rancho Subdivision residents.

## **Article 27**

- The illegal building and felony violation should prevent the permit from being issued according to Lake County Ordinance Chapter 21, Article 27. The felony violation is documented in a CHP report, CHP Northern ISU Case # F0005-107-20. The Planning Commission's only response to the CHP report, was, "Did the stolen equipment fall from the sky?". The property owner's agent responded that they could not find that this report existed, and it could have been squatters. I am aware that the Code Violation has been cleared, however the Cannabis Code Ordinance says that once you have been caught, you cannot have a permit approved. During the Planning Commission Hearing, the Red Tag violation was not given any weight by the Commissioner's.

## **Water Analysis/Use: 27-12**

- Estimates the water usage 4,713,000 million gallons per year. This number comes from the applicant, Ms. Otchkova – There is no foot note to show how that estimate came to be. What scientific study offered these numbers? It is likely a lot higher. – Even at 4.7 million gallons, this will likely affect the surrounding residential wells.

## **Policy LU-1.3 (Prevent Incompatible Uses)**

- The County shall prevent the intrusion of new incompatible land uses into existing community areas.
- 40-80 trips a day will certainly impact the residents of Shadow Hills and Dohnery Ridge subdivisions, as well as the residents on the windy, narrow Spruce Grove Rd. In addition, there are no stop signs, speed limit signs, or center lane striping in the subdivisions.
- The mitigation from the applicant was "tell people to drive slow". This is not sufficient.
- Road maintenance agreement. Shadow Hills & Dohnery Ridge sub-divisions pay the County for road maintenance. Herrington Rd is not included, this was only an easement to the ranch, not a Road when the Subdivisions were established. This project expects 40-80 trips per day on Tinilyn Rd and Jaclyn Dr. This is significantly more traffic than was expected in this subdivision when

the Road Maintenance Agreement was developed. This Agreement needs to be re-written, and Herrington Rd should be added with a significantly higher cost for their part. As of now, the residents in this subdivision will be economically impacted while paying for road maintenance with this project and the applicant has been using our roads for free. This economic impact was not addressed in the Initial Study and was ignored when brought up to the Planning Commission during the Public Hearing.

**Policy LU-1** (to encourage the overall economic and social growth of the County while maintaining its quality-of-life standards.)

- The Final Staff Report says they will have perimeter lighting. This will certainly have an impact on quality-of-life to all residents surrounding the grow. (est. 21 residents).

### **Proposed Site Plan**

- The site plan map included in the Final Staff Report does not match the Attachment 5-site plan included in the Final Agenda for the Public Hearing. The site plan Attachment 5 would be of less visual impact to the neighboring properties to the north, but it is not clear which site plan will be used.

### **Energy Usage**

- The Final Staff Report and the Initial Study is deficient as the applicant has not provided energy use calculations.
- Clarification on generators. (ie: how much use during power outage?)

### **Sewage Disposal**

- The Final Staff Report indicates that sewage disposal will be done through existing and future on-site septic systems. The existing system is un-permitted, and the viability is unknown. This was not discussed in the Initial Study or the Staff Report.

### **Biological Study**

- The March 2020 Biological Study is outdated. The study required a follow up biological assessment prior to cultivation and prior the Planning Department Hearing. This was not completed. The study does not satisfy CEQA as no seasonal survey was completed.

### **Exclusion Zone**

- In the Initial Study and the Final Staff Report it states that the property is 309 acres which would allow for the 15 licenses that are being sought (20 acres per license). However, approximately 70 acres of the property are in the

exclusionary zone and cannot be used or included in the calculation for the number of licenses. The number of licenses allowed should be amended to 10 licenses. Nowhere in the Cannabis Cultivation Ordinance does it allow for exclusionary zone property to be included in the calculation for the number of licenses. This was not mentioned in the Initial Study, or the Planning Commission Hearing.

### **Herrington Road**

- The Final Staff Report states that a dirt road is ok, but the Conditions for Approval states that chip seal, asphalt or an equivalent all-weather surfacing is required on the primary access and parking areas, this is another inconsistency.

### **Middletown Area Plan Conformance**

- The Final Staff Report includes the Middletown Area Plan Conformance, objective 5.1.1/policy 5.1.1.a states that the development proposal should contain a high level of community participation. However, during the planning commission comment section, one of the Planning Commissioner's said that she did not want to hear any comments that had been previously brought up. The purpose of this public hearing was to allow the public to bring forward any concerns they had, not to be quieted by a Commissioner that did not want to hear them. The hearing seemed somewhat bias as the applicant's side was allowed to have an expert witness, who is also a former planning commission employee give testimony on the applicant's behalf. The oppositions side was not afforded the same luxury. Also, how can the planning commission be unbiased when they have never denied a commercial cannabis permit request?

### **Air Quality**

- Both in the Initial Study and Final Staff Report, it does not clarify what type of mitigation will be used for greenhouse odor control. It should be required to have ongoing monitoring for air quality and light pollution.

### **Environmental Review**

- In the staff report, under hydrology it states the project will have an adverse impact related to hydrology, water quality, and amount of water used. This was not addressed by the Planning Commissioner's, in fact, they downplayed the public concern for water usage and told the public not to talk about it anymore. The mitigation suggested in the staff report for this problem is water storage. This does not mitigate hydrology, water quality, nor the amount of water used.
- Condition of Approval should include hiring local.