

**ATTACHMENT A
SUPPLEMENT**

SERPENTINE FORMATIONS AND SOILS ON THE PROJECT SITE

A. The MND Incorrectly Claims that Serpentine Formations and Soils Do Not Exist on the Project Site (*Supplement*)

1. A certified geologist at Miller Pacific Engineering Group examined a portion of the County-owned parcels included in the Project site and verified the existence of serpentine formations and soils onsite. (See Miller Pacific Engineering Group (Sept. 23, 2024), *Geologic Evaluation, Udding Road at Highland Springs Road, Lakeport, California*, EXH-235¹ et seq.) During a reconnaissance survey on September 5, 2024, Miller Pacific “observed several outcrops of serpentine bedrock...including a large and prominent outcrop in the northeastern corner of the study area that is exposed within about 200 linear feet of the road cut adjacent to Highland Springs Road.” (EXH-237.) Based on the GPS marking, the serpentine formation extends along the roadway at least 633 feet from Highland Springs Road.

2. County Community Development (CDD) now acknowledges the existence of this serpentine area. In an August 20, 2024, memorandum to the Lake County Board of Supervisors (Board) (aka, “Legislation Text”), page 6, CDD states: “A portion of the access easement connecting to Highland Springs Road contains mapped serpentine soils...” CDD includes a map showing the area inundated with serpentine soils and formations.

3. The applicant now acknowledges the existence of this serpentine area. An August 9, 2024, letter prepared by the applicant’s consultant Summit (Summit Letter), accompanying a proposed serpentine dust mitigation plan (Summit Plan), page 1, likewise states: “...the County Air Quality Management District has identified that there are areas of serpentine soil on the County owned portion of the driveway which leads to the project site...” On page 2 of the Summit Letter, Summit refers to the area as “the mapped serpentine area.” The applicant proceeded to submit a Serpentine Dust Control Plan, providing further evidence that serpentine soils and formations exist onsite.

a. This admission conflicts with statements made by the applicant’s consultant at the May 23, 2024, Planning Commission hearing, in response to public comment about serpentine at the Project entrance and the access road. There, applicant’s consultant Sarah Bodner stated: “...additionally the specific section of road that was just mentioned was studied by the biologist and no serpentine was found. Sometimes what is, appears on the GIS is thought to be existent in a region is not actually found in the soils. So, they didn’t come up with that result. The biologists studied the entire road...” (05/23/2024 Planning Commission Hearing recording, timestamp: 1:17:50, available at https://lakecounty.granicus.com/player/clip/722?view_id=1&meta_id=259627&redirect=

¹ Electronic copies of supplemental resources cited in the attachment supplements are included herein as exhibits, and exhibit page numbers are included herein with each citation, e.g., “EXH-####, et seq.,” starting at EXH-235 where pagination for the previously submitted exhibits ended.

[true](#)) This critical error made by the applicant’s biologist calls into question the reliability of the original biological reconnaissance work performed for the Project.

4. The MND, however, fails to acknowledge and analyze this serpentine area. This contravenes the California Governor’s Office of Planning and Research (OPR) CEQA Technical Advice Series on Mitigated Negative Declarations (see EXH-241 et seq. for select pages with highlighted portions). OPR requires a lead agency to make a “good faith effort to determine whether there is substantial evidence that the project would result in any significant environmental effect.” (EXH-245.) Further, evidence in the record must support the agency’s determination (*ibid.*), whereas here, evidence demonstrates that there may be a significant environmental effect associated with serpentine soils and formations. This analysis must occur “*before* the draft MND is circulated for public review and comment. In other words, the draft document must reflect the revised project, with changes and mitigation measures.” (EXH-248, emphasis added.) An agency cannot conduct this analysis and provide additional mitigation measures *after* public review has occurred and after a project has been approved. (*Ibid.*) Thus, the County and applicant cannot now revise the Project and perform post-MND, post-approval analysis. An environmental impact report (EIR) must be prepared. (EXH-248.)

B. The Project Site Includes an Access Road through County-Owned Parcels, and the Access Road Contains Serpentine Formations and Soils (*Supplement*)

1. By confirming the presence of Leather Oak and other serpentine endemic plants along the access road through the privately owned parcels (see July 26, 2024, ATTACH. A, p. 2), it is evident that serpentine exists not just on the access road at the entrance but along the additional 6,500 feet of road through the Leather Oak chaparral (see ATTACH B *Supplemental*).

...

D. Construction Impacts: Airborne Asbestos and Health Effects (*Supplement*)

1. Serpentine soils often contain naturally occurring asbestos. Naturally occurring asbestos (NOA) is a Toxic Air Contaminant (TAC), as explained in an EIR for another project in another area prone to serpentine. (See El Dorado County (Sept. 2023), *Diamond Springs Community Park Draft EIR*, prepared by Dudek, see EXH-259 et seq. for select pages with highlighted portions.) TACs have the “potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects.” (EXH-261.) NOA is a “TAC of concern” that can “become airborne [during construction] and may be inhaled, which can cause chronic local inflammation and disrupt orderly cell division, both of which can facilitate the development of asbestosis...and cancer.” (EXH-262.)

2. OPR’s Memorandum to All CEQA Lead Agencies on Addressing Naturally Occurring Asbestos in CEQA Documents (see EXH-265 et seq. for select pages with highlighted portions) explains that: “CEQA requires that Lead Agencies evaluate the effects of proposed projects on the environment, including public health and safety impacts such as those resulting from the release of NOA by project activities, citing to CEQA Guidelines section 15126.2. (EXH-267.) OPR goes on to instruct that the “Lead Agency should address the possibility of

human exposure to NOA *in* the CEQA document for a proposed Project.” (EXH-268, emphasis added.) Importantly, this discussion must occur “*in*” the CEQA document for a “proposed” project and not after a project has already been approved and its MND already adopted, which is what appears to be occurring here.

3. Disturbance of these formations and soils via construction and traffic will cause naturally occurring asbestos to fill the air at possibly toxic levels, as explained in our July 26, 2024, submission of documentary evidence. As stated in *Coalition for Reasonable Regulation of Naturally Occurring Substances v. California Air Resources Bd.* (2004) 122 Cal.App.4th 1249, 1258: “‘Traffic over serpentine-covered unpaved roads was found to generate measurably elevated levels of airborne asbestos at downwind distances to at least 250 feet.’ [] [D]ata shows that even small amounts of asbestos in rock used to surface unpaved roads pose a danger to human health by vehicles traveling over the rock.”

4. The applicant submitted a proposed serpentine dust mitigation plan prepared by Summit Engineering, i.e., the Summit Plan.

5. The Summit Plan is not a substitute for CEQA-required analysis and mitigation, which must be performed in a CEQA document *prior* to project approval and MND adoption. CEQA does not allow post-MND analysis of potentially significant environmental impacts such as human health impacts associated with the airborne release of naturally occurring asbestos. An EIR must be prepared that analyzes and mitigates this potentially significant environmental impact.

6. Notwithstanding, the Summit Plan is inadequate for several reasons:

a. It only attempts to mitigate the serpentine dust of the first 500 feet of the access road on County-owned parcel 007-043-01, even though multiple sources have confirmed the extent of the serpentine along the entire 7,500 feet of road surface through multiple parcels. (See ATTACH A *Supplemental*, Section A, above.) The Summit Plan, Map C9.0, states: “...Data for preparation of this map was acquired from the Lake County GIS portal August 8, 2024. Property lines, rights-of-way, and serpentine soil limits are derived from this data...” However, as noted above, a certified geologist performing an onsite survey of that portion of the access road confirmed that the serpentine extends to at least 633 feet along the County-owned portion of the roadway and into parcel 007-043-04.

b. It does nothing to mitigate the impacts to the serpentine-specific special-status species that have been identified at the entrance to the roadway and along the portion of the access road that traverses through leather oak chaparral. (See July 26, 2024, ATTACH. B, Section B.) Project biologists inventoried *Konocti manzanita* and *Quercus dumosa* within the leather oak chaparral. (See MND Biological Assessment (p. 10, [PDF file p. 11], Biological Memorandum p. 8, [PDF file p. 37].)

c. It does not address the use of the unimproved roadway for up to three years prior to Stage 2 of the Project, when access road construction would occur, which, as explained in more detail below, would result in a significant impact.

d. It presents conflicting information. The Summit Letter, page 2, states: “To improve the driveway, including installing surface material of either non-asbestos containing gravel surfacing or asphalt pavement....” The Summit Plan does not specify whether asphalt or any other binding or sealing agent would be used on the access road. Using gravel surfacing would violate CARB regulations that require sealing of serpentine roadways near paved roadways such as Highland Springs Road and would violate the MNDs mitigation (inadequate as it is). (See July 26, 2024, ATTACH. A, Section F.) The gravel would result in enormous amount of airborne dust that would contain serpentine soils and likely naturally occurring asbestos. To demonstrate the dust generated by vehicles driving on gravel roadways, along with this attachment, we are submitting a video of passenger vehicles and a light-duty truck travelling at 15mph speed limit on a recently graveled access road in Lake County. Figures A6.A to A6.C below are stills from the video showing the dust generated



Figure A6.A



Figure A6.B



Figure A6.C

Figures A6.A to A6.C: Images of dust generated by passenger vehicles and a light duty truck travelling at 15mph speed limit on an unpaved road recently surfaced with compacted gravel without adhesives

E. Pre-Construction Impacts: Airborne Asbestos and Health Effects (*Supplement*)

1. The MND states that improvements to the access road would not occur until Phase 2 of the Project, planned for approximately two to three years after the onset of Project Stage 1. (MND, p. 4.) In its October 11, 2024, appeal response letter to the Board, the applicant affirms that the Project would result in 52 vehicle trips per day over an unimproved access road containing serpentine soils (page 15 of the letter). (MND, p. 24.)

2. The road is currently unused and unimproved. It is extremely rare to see any vehicle on that road (less than one vehicle per month). The road is steep and heavily rutted, as shown in Figure A7 below. This makes access nearly impossible for normal passenger vehicles. Only off-road and high-clearance vehicles can safely access the road; however, there is a sign at the entrance prohibiting off road traffic.



Figure A7: Ruts, steep slope and warning sign at the access road entrance

3. This use will disrupt sensitive serpentine formations and special-status species (discussed below) and generate an enormous amount of dust, shown above, which could contain naturally occurring asbestos and result in significant air quality and human health impacts. As explained in the Summit Letter, page 2: “The driveway is currently unpaved, and in it’s [sic] existing condition, vehicle traffic on the road risks creating airborne serpentine material.” This situation is unacceptable and could result in the release of an enormous amount of airborne asbestos for years that could cause human health effects to construction workers, nearby recreationists, passersby, etc., as described above and in our July 26, 2024, Attachment A. There is no legal mechanism that prevents this impact from occurring and no analysis or mitigation is offered. The County must analyze this significant impact.

...

H. Additional Environmental Review Must Be Performed and Mitigation Provided to Lessen Significant Impacts (*Supplement*)

B. Pursuant to our July 26, 2024, submission of documentary evidence, inclusive of its attachments and exhibits to attachments, and per evidence and OPR requirements presented above, the County must acknowledge *in an EIR* the serpentine formations and soils present on the Project site and analyze the environmental impacts associated with destroying and disturbing this documented serpentine area.

**ATTACHMENT B
SUPPLEMENT**

**INACCURATE, INADEQUATE, AND INCOMPLETE BIOLOGY AND
HYDROLOGY/WATER REPORTS RESULT IN FLAWED MND**

...

B. The Biology Reports/MND Failed to Assess Impacts to Special-Status Species Within Serpentine Habitat (*Supplement*)

1. As discussed by the County in its recently published July 2024 Guenoc Valley Mixed Use Planned Development Project Draft Partially Revised Environment Impact Report (EIR) (Guenoc Valley Draft PREIR) (see EXH-272 et seq. for select pages with highlighted portions), serpentine formations are considered sensitive habitat by the California Department of Fish and Wildlife. (EXH-284.) This sensitive habitat requires an impact analysis, and the application of mitigation measures. (EXH-297, 299, 301; see also Guenoc Valley Draft PREIR Biological Resources Assessment, EXH-323 et seq. for select pages with highlighted portions [providing extensive biological analysis of serpentine formations].) Guenoc Valley Draft PREIR mitigation requires avoidance where feasible and other compensatory measures to offset impacted habitat. (EXH-318-321; see also, e.g., Santa Clara Valley Water District Stream Maintenance Program Update Final Subsequent EIR, EXH-373 et seq. for select pages with highlighted portions, EXH-375-376 [discussing impacts to serpentine habitats], EXH-377 [listing “Compensatory Mitigation for Serpentine Communities”].)

2. The same analysis must be done for the current project in an EIR. There is no justification for the County to have prepared this important analysis for the Guenoc Valley Draft PREIR but not the current Project. The Project will significantly impact the serpentine formations onsite.

3. Notably also, the Guenoc Valley Draft PREIR discusses risks associated with naturally occurring asbestos in sensitive serpentine formations and provides essential mitigation to manage the risk. (EXH-313-315.) The same analysis must be done for the current project in an EIR.

...

D. The Biology Reports/MND Fail to Protect Wetlands Because They Do Not Require a Wetland Delineation and Ignore Project Biologist Recommendations (*Supplement*)

1. As part of public comment submitted prior to the August 13, 2024, Board hearing, at least one commenter, Pam Smithstan, submitted several satellite imagery photos (from Google Earth) showing a comparison of the Project’s cultivation area during the dry season of an historic drought, which was the period when the applicant’s biologists surveyed the site, and again after the drought ended. These images are reproduced here as Figures B7 through B11 below. What is clear from this imagery and the overlays is that the wetlands are far broader in scope and size than estimated by the applicant’s biologists. It is also clear that the wetlands are interconnected,

which is a critical fact not identified or discussed in the MND. Although, notably, one Project biologist observed and discussed this interconnectedness:

Due to the configuration of wetlands and watercourses onsite, we do not believe it is feasible to cultivate on the majority of the north parcel. The configuration of potential wetlands, and the existence of three branches of jurisdictional watercourse appear to preclude access to any potential cultivation areas on the north parcel without having to transit through wetlands or watercourses. ***Potential wetlands and watercourses shown in the original BA that are in the same hydrological drainage can be assumed to be connected*** even if they are not shown as such in the original BA, making access to any potential cultivation areas in the north parcel problematic....”

(See July 26, 2024, ATTACH. B, Section D, emphasis added.)



Figure B7: Satellite imagery of cultivation site during dry season of historic drought (i.e., when Project surveys were conducted)



Figure B8: Satellite imagery of cultivation site after post-drought

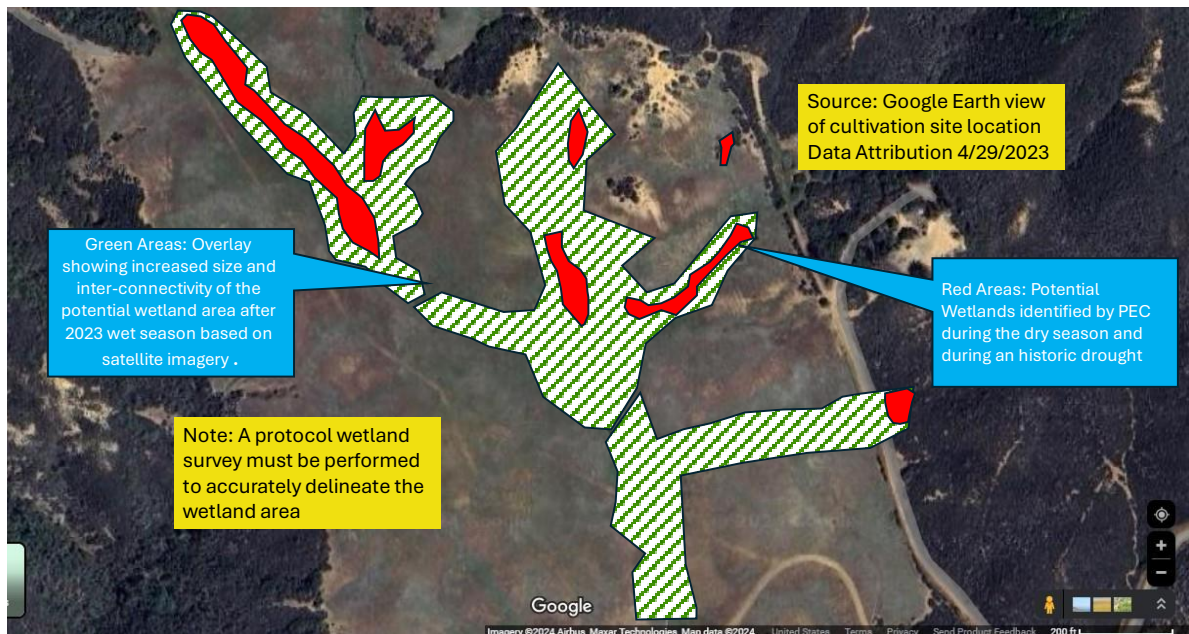


Figure B9: Post-Drought wetland overlay (green stripe) with applicant biologist mapping (red areas)

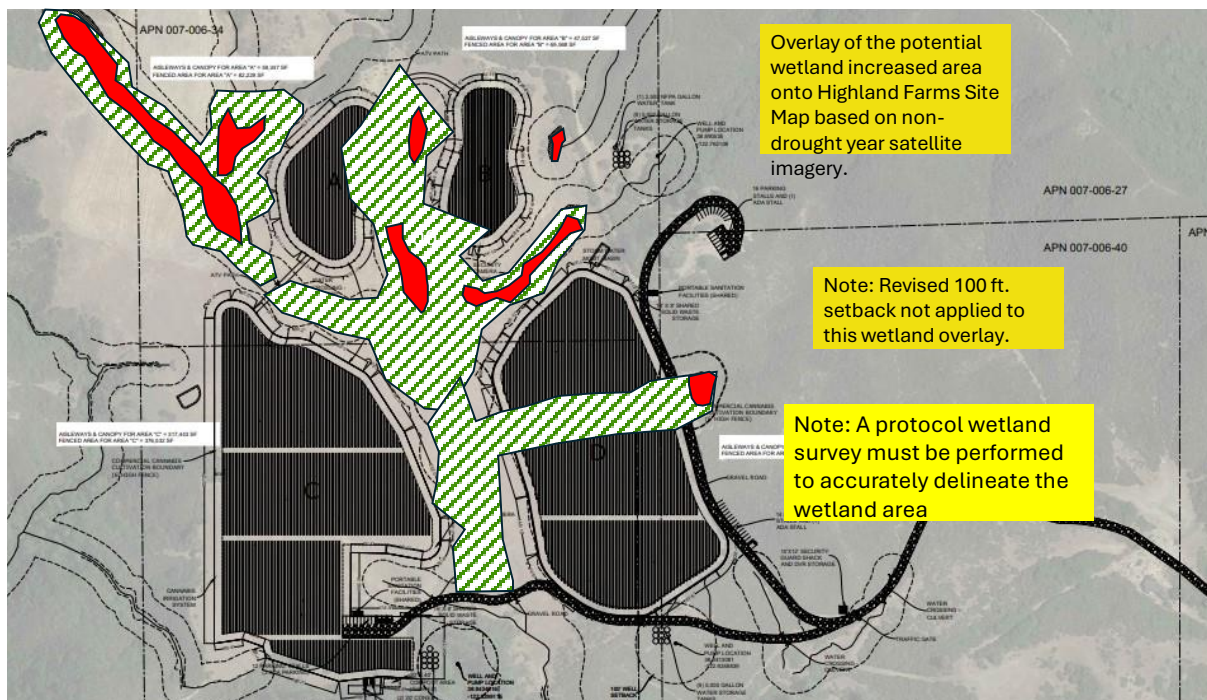


Figure B10: Post-Drought wetland overlay (green stripe) with applicant biologist mapping (red areas) applied to approved Project Site Plan

2. As shown in this imagery, the northern cultivation sites (Cultivation Sites A and B) infringe on the wetlands, just as the Project biologist had warned. Cultivation Site D infringes on a previously unidentified wetland-waterway.

3. Recently (September 2024), the applicant provided a revised Site Plan that essentially divides the applicant's cultivation site "D" into "D1" and "D2" in an apparent attempt to address wetland comments. This site plan revision, however, does not address the clear impacts to wetlands that the Project's cultivation area will have, and certainly would not adhere to required setbacks. See Figure B11 below showing the wetland overlay applied to the revised site plan.

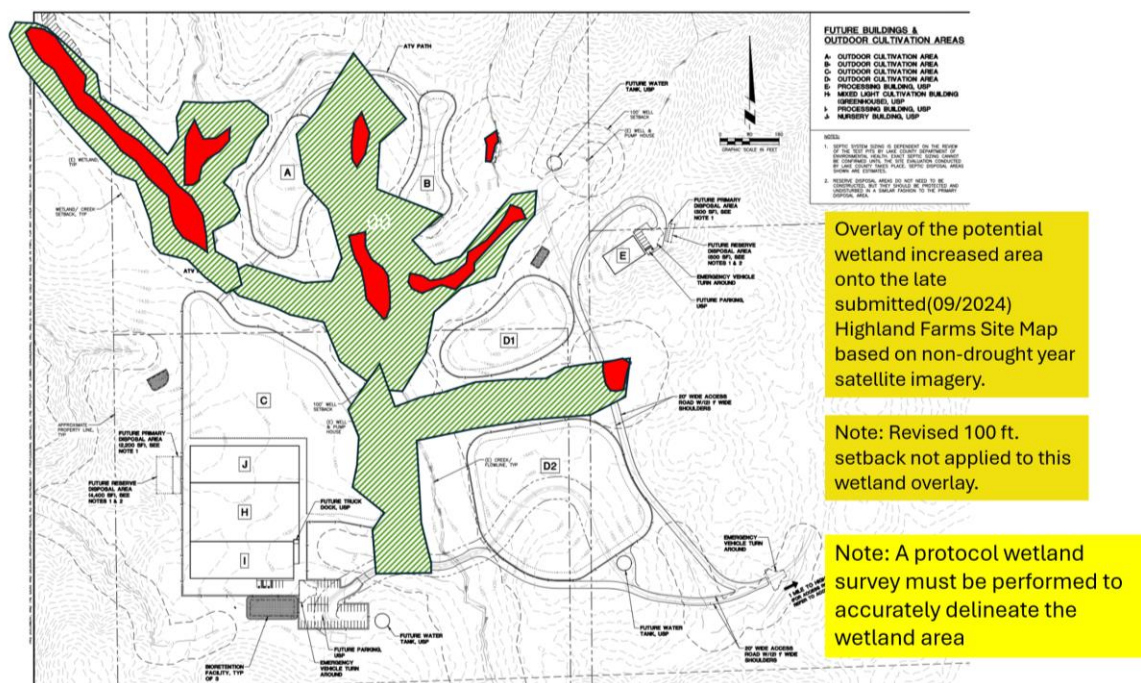


Figure B11: Post-Drought wetland overlay (green stripe) with applicant biologist mapping (red areas) applied to late submittal of revised Project Site Plan

4. As shown, the Project, even revised, will still significantly impact wetlands. This critical impact is unacknowledged and unanalyzed in the MND. To ensure all potential impacts to wetlands are identified and mitigated, an EIR must be prepared that requires a wetland delineation performed by a U.S. Army Corps of Engineers (USACE)-certified wetland delineation expert using USACE methodology, as described in Attachment B, Section D, of our July 26, 2024, submission of documentary evidence. (See also July 26, 2024, EXH-107 et seq.)

5. Per the USACE Wetlands Delineation Manual (see EXH-378 et seq. for select pages with highlighted portions): "The presence of hydric soils and wetland hydrology indicators in addition to vegetation indicators will provide a logical, easily defensible, and technical basis for the presence of wetlands. The combined use of indicators for all three parameters will enhance the technical accuracy, consistency, and credibility of wetland determinations." (EXH-381.) While the use of aerial imagery is an important part of wetland mapping (see State Water Resources Control Board [SWRCB], *Technical Memorandum No. 4: Wetland Identification and*

Delineation, see EXH-434 et seq. for select pages with highlighted portions, p. 3 [EXH-437]) and can expose a high probability for hydric soils and wetlands, a full wetland delineation is required, including potentially consulting with local experts and conducting soil investigations, to adequately determine the size and scope of the wetlands on the Project site. (EXH-382 et seq. [USACE Wetlands Manual Part IV: Methods].)

6. A wetland delineation has not been performed for the Project nor is one required via any mitigation measure or condition of approval. There is no mitigation offered for the obvious impacts to wetlands that will result from Project construction and operation.

7. Further revising the Project site plan to avoid wetlands could be one option to avoid or lessen impacts to wetlands, but this revision must have occurred prior to Project approval and must be evaluated in an EIR. Mitigation must be provided to offset any impacts to wetlands. CEQA requires this level of analysis and mitigation, and so does the SWRCB Cannabis Cultivation General Order, amongst other federal and state laws and regulations, which both the County and applicant risk violating by proceeding with Project absent adequate analysis of impacts to wetlands.

**ATTACHMENT C
SUPPLEMENT**

INADEQUATE AND INACCURATE CUMULATIVE IMPACTS ANALYSIS

...

C. Cumulative Roadway Safety Concerns (*Supplement*)

1. While East Highland Springs Road does not allow through traffic, Highland Springs Road does allow through traffic in the Highland Springs Recreation Area. However, while East Highland Springs Road has signage announcing to drivers that they are in the Park and to drive slowly, see Figure C7 below, there is no comparable signage on either end of Highland Springs Road informing drivers to drive slowly and that they are still inside park boundaries, where people recreate. Because of the absence of proper signage, many drivers do not realize the Highland Springs Road from Mile Marker (MM) 4.28 to approximately the Ridge Road intersection is still within the park. Especially with heavy commercial vehicles driven by persons not familiar with Highland Springs Road, as currently occurs with existing cannabis operations in the area and which would be exacerbated by the Project, the lack of this type of signage creates additional safety risks as they travel to and from cannabis sites in the area.



Figure C7: East Highland Springs Road signage announcing to drivers they are in the Highland Springs Recreation Area

2. Without speed limit signs on the unpaved portion of Highland Springs Road from MM 6.37 to approximately Ridge Road, motorists drive faster than is safe. In addition to the traffic safety risks, travel at high speed generates a tremendous amount of dust that people recreating along the unpaved portion of the road are forced to breathe. Heavy commercial vehicles regularly used by the cannabis operations in the area generate even greater amounts of dust. Higher than safe speed combined with the limited visibility due to sharp and blind curves contribute to the drivers' inability to slow down quickly enough to reduce the dust hazard to recreationists. This safety issue would be exacerbated by Project-generated traffic.

**ATTACHMENT D
SUPPLEMENT**

**INADEQUATE SETBACK FROM PUBLIC LANDS AND VIOLATION OF
COUNTY CANNABIS CULTIVATION ORDINANCE**

...

D. The Project Is Sited Within 1,000 Feet of Public Lands—Highland Springs Regional Park—and Therefore Violates the Prohibition [in Lake County Zoning Ordinance Article 27, section 27.13 from Locating Cannabis Cultivation within 1,000 feet of Public Lands] (*Supplement*)

1. Lake County Zoning Ordinance Article 27, section 27.13(at)1.v (p. 27-120) states: “Commercial cannabis cultivation is prohibited within a [sic] 1,000 feet of ... Public lands” County Ordinance No. 3096 updated the definition of Public Lands subject to this prohibition to include all state and county parks and “[p]ublic lands, where, because of development or other actions, it is clear that the public is invited to use such locations as places of recreation and other destination activities, including but not limited to, hiking, birdwatching, equestrian activities, and camping.”

2. Highland Springs Recreation Area (aka, Highland Springs Regional Park or Highland Springs Park) is mapped and defined as County Public Land per Lake County Parcel Viewer. See Figure D8 below.

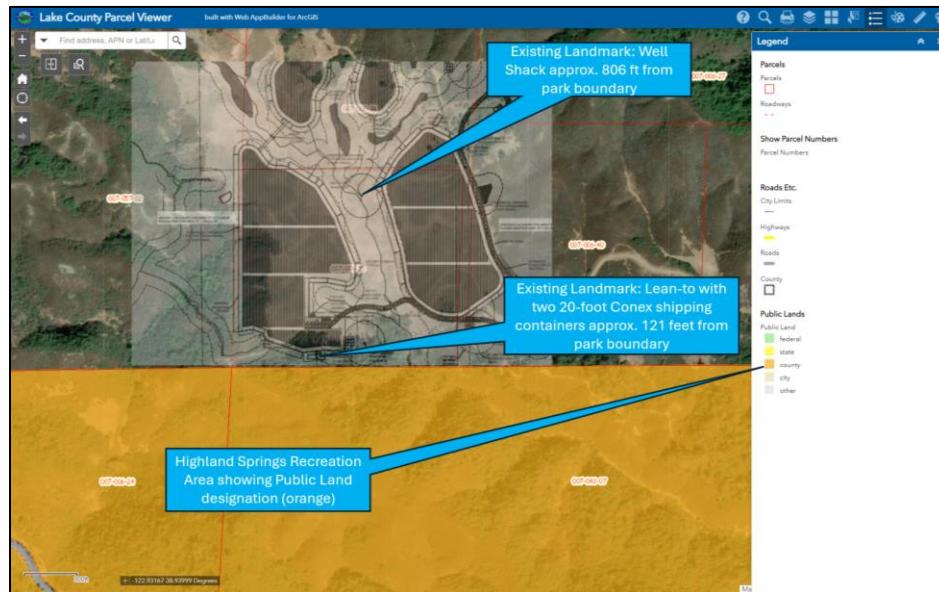


Figure D8: Lake County Parcel Viewer showing County Public Land designation for Highland Springs Recreation Area, Site Plan overlay and existing landmarks

3. In its Legislative Text for the appeal, page 8, CDD states: “The Highland Springs Recreation Area (a County Maintained Park) is adjacent (northeast) of the project site. At the Planning Commission hearing, trail maps from Highland Springs were reviewed by staff and

staff confirmed the closest trail was approximately 2,940 feet from the cultivation site. Therefore active trails are not within 1000' setback from the closest cultivation site....” This is incorrect for the following reasons:

a. A trail need not exist for the 1,000-foot setback from public lands to apply. Per Ordinance 3096, a County Park is Public Land and the 1,000-foot setback from Public Lands for the purposes of cannabis cultivation applies. No additional requirements are necessary. Also, nowhere in the ordinances does it mention the measurements are to be taken from a trail or any other particular feature within the Public Land. The measurement is taken from the public land boundary.

b. Additionally, and as an example, the County promotes hunting as a recreation activity in major portions of Highland Springs Recreation Area including in areas directly adjacent to the border with the Project site. Hunters are not obligated to stay on defined trails as part of that form of recreation. Pursuant to the Ordinance, this qualifies the land as “public lands” subject to the prohibition. Maps provided to hunters are published on the County’s Hunting website <https://www.lakecountycalifornia.gov/1141/Hunting-at-Highland-Springs>. See also Figure D9 below.

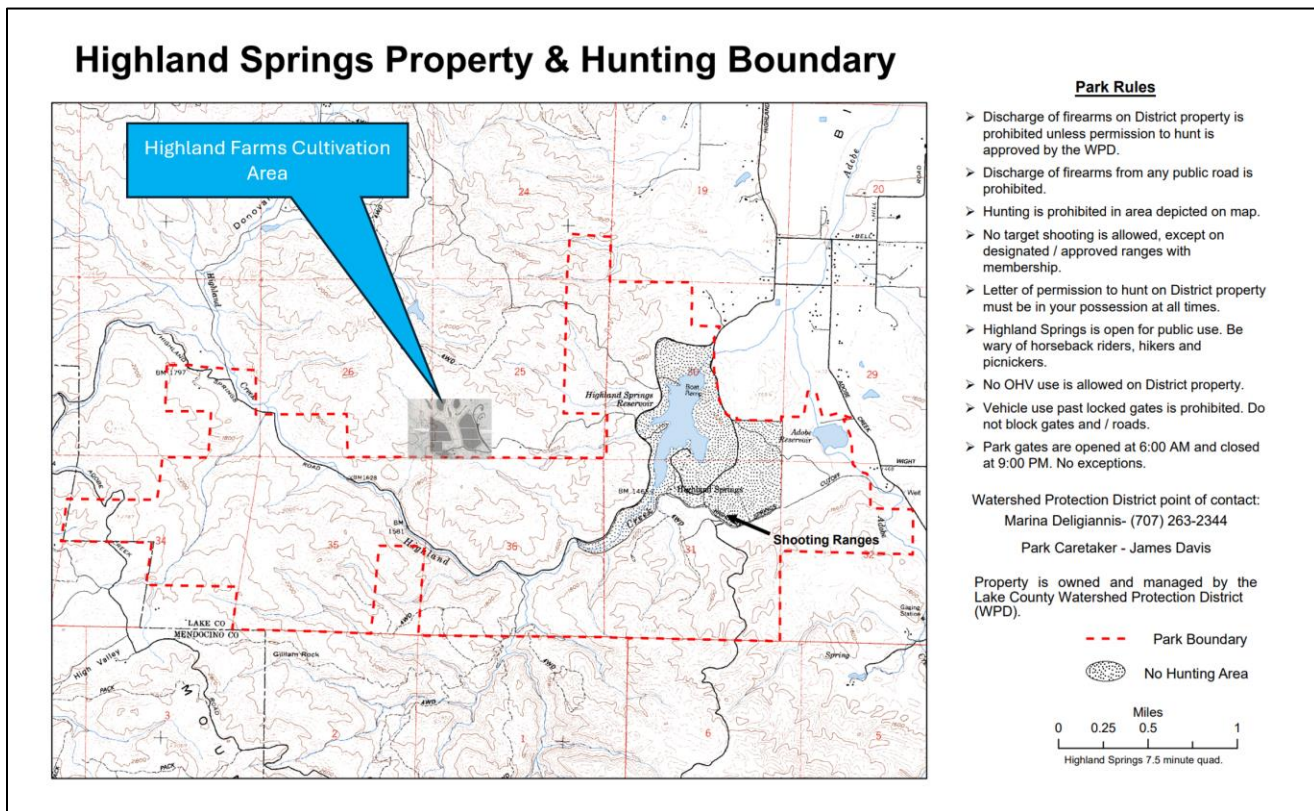


Figure D9: Highland Springs Park Rules and Hunting Boundary Map promoting hunting with Highland Farms cultivation site overlay

c. The County received public comments from hunters who use that public area across from the Project’s cultivation area. Hunters have expressed concerns and

strong objections about the 1,000-foot setback not being honored. (See, e.g., August 13, 2024, comment submission from Greg Pope.

d. Highland Springs Recreation Area is not only northeast of the cultivation site, but Highland Springs Regional Park is also directly adjacent south of the cultivation site and entire Project area. Quarry Trail is located in this area of the Park, and it is an active and heavily used trail. This is evident in the trail map referenced by CDD in its Legislative Text, Figure 5. This trail map, cited by the County, clearly identifies and promotes Quarry Trail. Further, the County advertises these trails on its website at www.lakecountycalifornia.gov/Facilities/Facility/Details/Highland-Springs-Park-66 and <https://lakecounty.com/place/highland-springs-recreation-area/>. The County also has either installed or approved the installation of public signs and maps within Highland Springs Recreation Area identifying Quarry Trail, as well as signage and mile markers on the trail, exhibited in Figures D10.A, D10.I, and D11.A to D11.C below. These are all indicators that the public is being invited to hike and recreate on Quarry Trail, which, pursuant to the Ordinance, qualifies the land as “public lands” subject to the prohibition.

e. While no trail is necessary for the 1,000-foot setback from public lands to apply, an active trail does exist very close to the cultivation site. As indicated previously, Quarry Trail closely follows the border between the cultivation site and the Park. For more than 1,500 feet, Quarry Trail stays within 0 feet to 150 feet of the Project’s cultivation areas. The cannabis cultivation and infrastructure are plainly visible from the Quarry Trail and within 1,000 feet from the trail, shown on Figures D10 and D10.A through D10.J below. The well shack near the center of the cultivation area is approximately 800 feet from Highland Springs Recreation Area exclusion zone and is plainly visible in several photos taken from the Quarry Trail. (See Figures D10, D10.A through D10.J.)

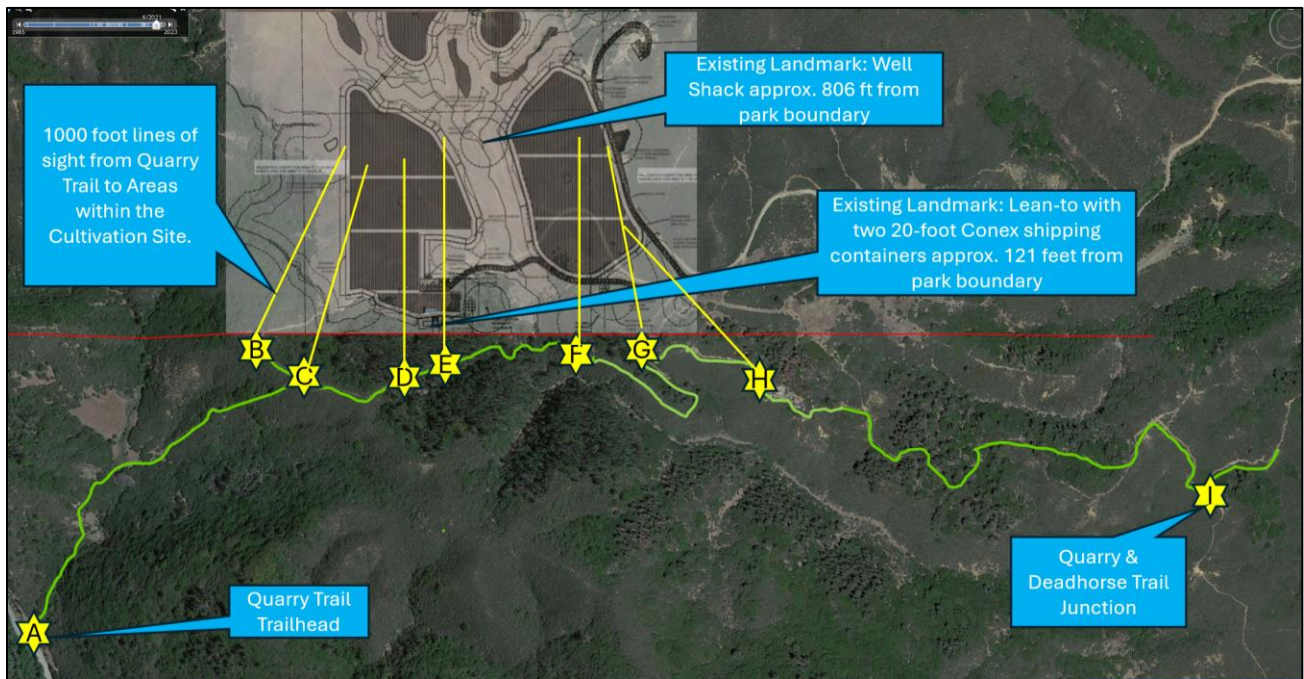


Figure D10: Locations of cultivation site photos taken from the Quarry Trail

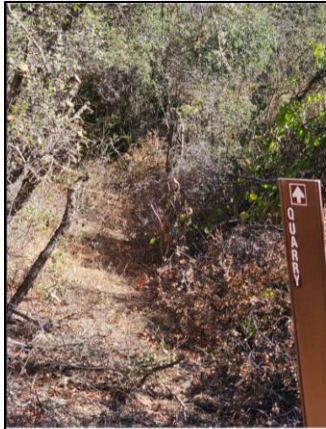


Figure D10.A



Figure D10.B



Figure D10.C



Figure D10.D



Figure D10.E



Figure D10.F

NOTE: Red circles in Figures D10.D and D.10.F highlight the well shack—an existing landmark on the proposed cultivation site within the 1000-foot setback from public lands.



Figure D10.G



Figure D10.H



Figure D10.I



Figure D10.H



Figure D10.I

NOTE: Red circles in the Figures D10.H and D10.I highlight the well shack and lean-to covering Conex shipping containers—both are existing landmarks on the proposed cultivation site within the 1000-foot setback from public lands.



Figure D11.A

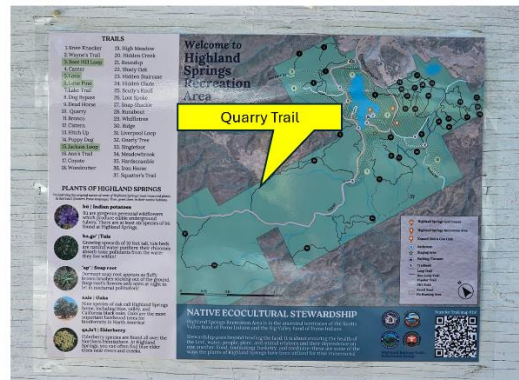


Figure D11.B

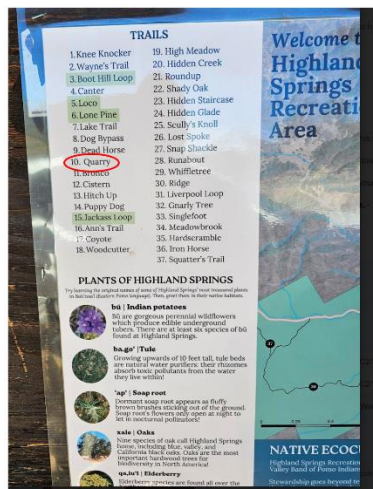


Figure D11.C

Figures D11.A to D11.C: Maps posted in the kiosks within the Highland Springs Recreation Area welcoming visitors and showing the Quarry Trail

f. At the County's first reading of Ordinance 3096 at the County Board meeting on August 4, 2020, it was clear that the Board wanted to explicitly protect State and County Parks. There, Supervisor Sabatier stated: "First off, we created the exclusionary zone to make sure people are away from our community growth boundaries, and just where, people live, where there are a lot of residences. And then we pushed them out so far they started touching BLM lands and so on and so forth and now all of a sudden they are being denied the ability to do this activity." (08/04/2020 Board Hearing recording, timestamp: 4:34:50, available at https://lakecounty.granicus.com/player/clip/411?meta_id=129366) Supervisor Sabatier went on: "So what we were looking at was what would be a good way to ensure that we do save the public lands that we are looking for people to enjoy, such as Konocti State Park [a.k.a. Konocti County Regional Park], or Clear Lake State Park, or Anderson Marsh State Park or just a general destination area." (*Id.*, timestamp: 4:35:05.)

E. Placing the Project Within 1,000 Feet of Public Lands Would Cause Potential Significant Environmental Effects (*Supplement*)

Odor Impacts

1. Additional evidence of the odor impacts of cannabis cultivation and processing operations was presented in the August 11, 2024, comment submission on the appeal made by Lucinda Wilson. Ms. Wilson reports that she and her family have been negatively affected by the "pungent odor" of a nearby indoor grow operation. She indicates that "Highland Farms will also generate odor." If an indoor grow operation with air filtering components can emit a pungent odor that annoys nearby members of the public, then an outdoor grow operation without any filtration could as well. This impact must be better analyzed.

2. Ms. Wilson also explains that cannabis plants emit volatile organic compounds (VOCs) that are "dangerous to human health and the environment." Potential impacts associated with Project-related VOCs must be analyzed.

**ATTACHMENT F
SUPPLEMENT**

VIOLATION OF STATE MINIMUM FIRE SAFE REGULATIONS

...

B. The Project's Access Road Is a Dead-End Road and Would Exceed the Allowable Length, Therefore Violating State Minimum Fire Safe Regulations (*Supplement*)

1. In its July 2024 Guenoc Valley Draft PREIR, the County revised the project there to "[reconfigure] the roadway plan so there are no dead-end, non-looped road segments that exceed one mile in length" (EXH-278), presumably to comply with State Minimum Fire Safe Regulations and reduce risks associated with wildfire evacuation. The instant Project contains dead-end and looped road segments that exceed one mile in length, and this same reconfiguration must be applied. (See July 26, 2024, ATTACH. F). The County must uniformly enforce state regulations.

ATTACHMENT G
SUPPLEMENT

VIOLATION OF STATE CANNABIS CULTIVATION GENERAL ORDER

A. The Project Violates the SWRCB Cannabis Cultivation General Order (*Supplement*)

1. The applicant's changes to the Project's site plan, submitted *after* the Project was approved and the MND had been adopted by the Planning Commission, do not change the violation of the SWRCB Cannabis Cultivation General Order, identified originally by the Project's biologist, which requires that cannabis operations be setback 100 feet from wetlands. Please refer to the discussion above in Attachment B *Supplement*.

**ATTACHMENT H
SUPPLEMENT**

**INCORRECT AND UNVERIFIED EASEMENTS AND VIOLATION OF
COUNTY CANNABIS CULTIVATION ORDINANCE**

...

**B. The Project Violates County Ordinance Article 27 on Cannabis Cultivation
(Supplement)**

1. The applicant's changes to the Project's site plan, and its proclamation that it is withdrawing its application for Cannabis Processor License , submitted *after* the Project was approved and the MND had been adopted by the Planning Commission, do not change the Project's violation of County Ordinance Article 27 (§ 27.13(aaa)4.i, p. 27-165). The Project would still locate and operate cannabis processing facilities on a parcel that does not "front and have direct access to a paved State or County maintained road..." This will be explained further in a subsequent submission to the Board replying to the applicant's October 11, 2024, response to the appeal and its documentary evidence.