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NOV 24 2021

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.



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

**APPEAL TO BOARD OF SUPERVISORS**

Date: 11/24/2021

Project Name (if applicable): Lake Vista Farms, LLC

Appellant's Name: David R Hughes et.al.

Appellant's Mailing Address: PO Box 3490

Clearlake CA 95422 Phone #: 707-994-9940 work

Appellant's Representative same

Phone #: \_\_\_\_\_

Location of Project: 2050/2122 Ogulin Canyon Rd

Clearlake CA 95422

Assessor's Parcel Number: 010-053-01 & 02

Previous Action Taken: APPROVAL OF UP 19-36

Date: 11/24/2021

Reason for Appeal: (Attach extra sheets if necessary)

ATTACHED

[Signature]  
Signature of Appellant/s

FOR OFFICE USE ONLY	
Appeal Number: <u>AB 21-05</u>	Related File#: <u>UP 19-36</u>
Fee: <u>\$1,136.30</u>	Receipt #: <u>61256</u>
Date Received: <u>11/24/21</u>	Received By: <u>Trish Turner</u>

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APPEAL TO THE BOARD OF SUPERVISORS, COUNTY OF LAKE

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

UP 19-36 at 2050/2122 Ogulin Canyon Rd, Clearlake, CA 95422

I am filing this appeal on behalf of no fewer than 12 residents located within the Burns Valley Basin. Approval of this Use Permit was completed on November 18, 2021 by the Planning Commission over our objection.

This property is located within the Burns Valley Watershed which drains into the Burns Valley Basin straddling Hwy 53 on both the East and West sides almost to Hwy 20. Property owners feel that many of the wells in the basin have been impacted by the development of grape vineyards on both the East and West sides of Hwy 53 and at least 5 active cannabis grows as you travel north on Ogulin Canyon Rd on the East side of Hwy 53. Recently there has been an additional approved grow on Ogulin Canyon Rd in the County, an approved cannabis project under construction at 2560 Hwy 53 in Clearlake, an approved cannabis project at 2185 Ogulin Canyon Rd in Clearlake, and basically adjacent to 2050/2122 Ogulin Canyon Rd, which we have appealed, and now this project.

Under CEQA 15355. **Cumulative Impacts--"Cumulative Impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.**

**(a) The individual effects may be changes resulting from a single project or a number of separate projects.**

**Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.**

The hydrology study provided for this project mentions cumulative impact to surrounding areas with information on storage capacity, usable storage capacity and the fact that hops was once grown on the property. It references a 2006 Lake County Groundwater Management Plan which we feel could be outdated. The study concludes with the basin "appears to have sufficient storage and recharge to meet the proposed projects' water demand, during both a dry and average rainfall year. In addition the proposed cannabis cultivation uses less water than the previous hops farm. Therefore, the proposed project water use would; not likely have a cumulative impact on the surrounding area."

We feel this to be short in focusing on the true 'cumulative' impact of the project when combined with previous projects. While we agree that the current drought situation is a part of the problem, it is our opinion that the dramatic increase in cannabis grows along with previously planted vineyards within the Burns Valley Watershed are impacting wells within the basin and further study should be conducted prior to approval of, not only cannabis grows, but any agricultural undertaking, especially under the current drought. We see nothing that indicates the cannabis uses ARE NOT impacting our wells.

In addition to the water issue, we object to the outdoor growing of cannabis within the County's 1000 foot setback from the City Limits. While the City did send an approval letter for an Early Activation permit to grow in February 2020, that permit was revoked in May 2020 due to violations of the permit. It is our feeling that the 1000 foot setback is there for good reason with proper findings when it was enacted by the County. In addition, the City of Clearlake does not allow outdoor grows within the City

Limits and it does not seem reasonable to allow outdoor grows within a few hundred feet of the City Limits.

We urge the Board of Supervisors to grant our appeal on the basis of these two concerns by the Burns Valley neighborhood. Grows should not be allowed within the 1000 foot County established setback and further study should be given to the impact to the Burns Valley Basin prior to allowing more agricultural use. I have attached a copy of a map showing the Burns Valley Watershed for reference.

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DEVELOPMENT DEPT.

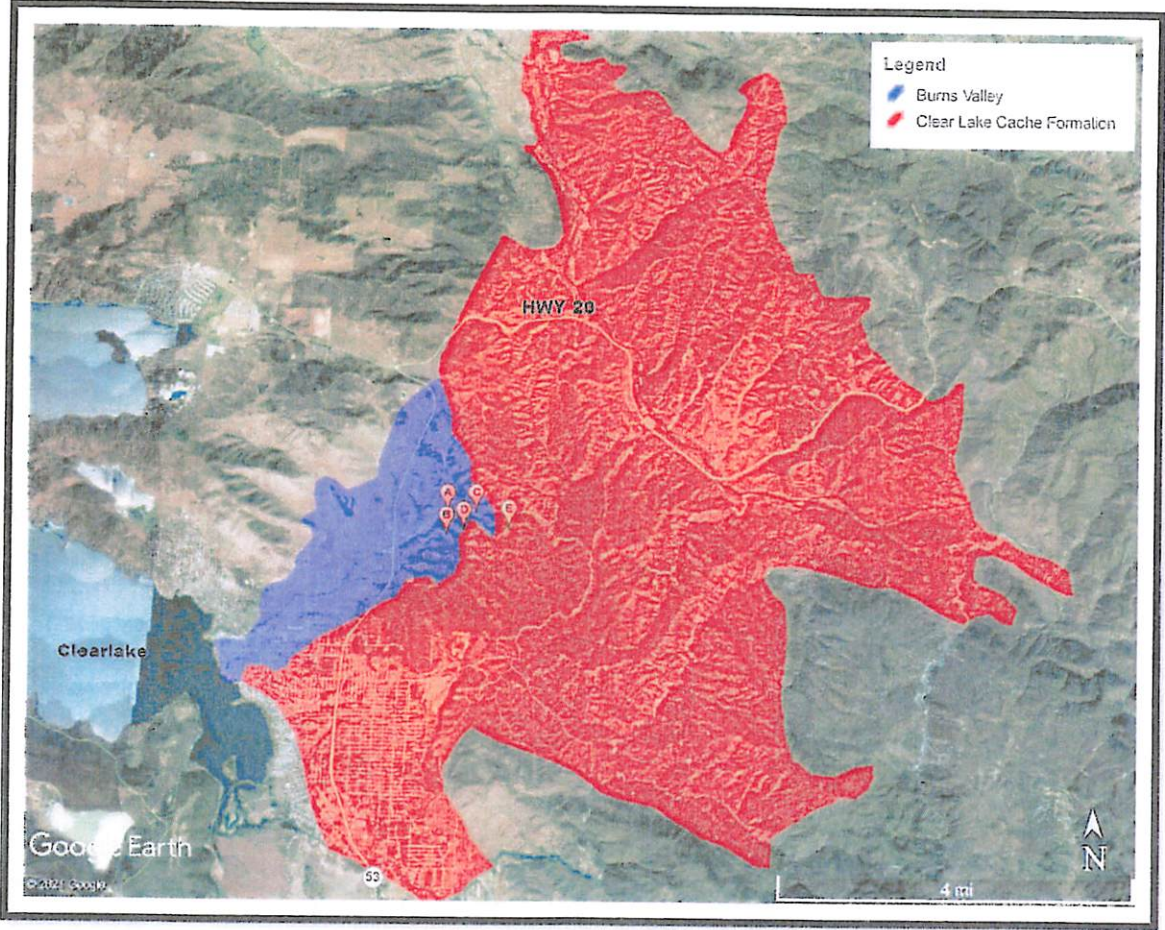


Figure 2. Field Locations (labeled A through E) and Mapped Groundwater Basins

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LAKE COUNTY COMMISSION  
DEVELOPMENT SERVICES





**COUNTY OF LAKE**  
**Community Development Department**  
**PLANNING DIVISION**  
 Courthouse - 255 N. Forbes Street  
 Lakeport, California 95453  
 Phone (707) 263-2221 FAX (707) 263-2225

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LAKE COUNTY COMMUNITY  
 DEVELOPMENT DEPT.

**Planning Division Application**  
 (Please type or print)

**Project name:** Lake Vista Farms - UP 19-36  
**Assessors Parcel # :** 010 - 053 - 01  
010 - 053 - 02

INITIAL FEES:	
AB <u>21-05</u>	\$1,065.00
<b>Sub Total:</b>	\$1,065.00
Technology recovery 2% Cost	\$21.30
General Plan Maintenance Fee	\$50.00
<b>Total:</b>	\$1,136.30

Zoning: RL-WSW  
 General Plan: RL  
 Receipt # \_\_\_\_\_  
 Initial: TMT

**APPLICANT:**  
**NAME:** David Hughes  
**MAILING ADDRESS:** Palox 3490  
**CITY:** Clearlake  
**STATE:** CA **ZIP:** 95422  
**PRIMARY PHONE:** (707) 994-9940  
**SECONDARY PHONE:** (707) 989-6297  
**EMAIL:** dubughe@hotmail.com

**PROPERTY OWNER (IF NOT APPLICANT):**  
**NAME:** Lake Vista Farms, LLC  
**MAILING ADDRESS:** 637 Lindero St Ste 201  
**CITY:** San Rafael  
**STATE:** CA **ZIP:** 94901  
**PRIMARY PHONE:** ( ) \_\_\_\_\_  
**SECONDARY PHONE:** ( ) \_\_\_\_\_  
**EMAIL:** \_\_\_\_\_  
 C/O Brian Mensack

**PROJECT LOCATION**  
**ADDRESS:** 2050/2122 Ogulin Canyon Rd  
**PRESENT USE OF LAND:** \_\_\_\_\_

**DESCRIPTION OF PROJECT:**  
CANNABIS GROW

**SURROUNDING LAND USES:**  
 North: Ag  
 South: Ag  
 East: Ag  
 West: Ag to Residential

**PARCEL SIZE(S):**  
 Existing: \_\_\_\_\_  
 Proposed: \_\_\_\_\_  
 Existing/Proposed Water Supply: Wells  
 Existing/Proposed Sewage Disposal: Septic  
 Fire Protection District: \_\_\_\_\_  
 School District: Konocti

## At-Cost Project Reimbursement

I, David R Hughes, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$ 4,136.30 as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19, February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.
7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.
8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.
9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.
10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.
11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). [www.envirostor.dtsc.ca.gov/public/](http://www.envirostor.dtsc.ca.gov/public/) The proposed project site is  or is not  included on the most recent list.
12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

13. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP  
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)**

Ownership

Contract to Purchase\*

Letter of Authorization\*

Power of Attorney\*

*\*Must Attach Evidence*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

\_\_\_\_\_  
*(Please Print)*

Name of Company or Corporation *(if applicable)*:

\_\_\_\_\_  
*(Please Print)*

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:  
*(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)*

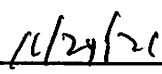
Name: \_\_\_\_\_


Date: \_\_\_\_\_

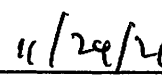
Email address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

  
\_\_\_\_\_  
**Signature of Owners/Agent\* Name**

  
\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
**Signature of Applicant**

  
\_\_\_\_\_  
**Date**





**COUNTY OF LAKE**  
 Community Development Department  
 255 N. Forbes St.  
 Lakeport, CA 95453  
 (707) 263-2382

Receipt No.: **61256**  
 Receipt Date: **11/24/2021**

# RECEIPT

**RECORD & PAYER INFORMATION**

Record ID: AB21-05  
 Record Type: Planning Entitlement  
 Property Address: 2050 OGULIN CANYON RD, CLEARLAKE 95422  
 Parcel Number: 010-053-01  
 Description of Work: Appeal to PC Hearing on 11/18/21 for Lake Vista Farms (UP 19-36),  
 Job Value: \$0.00  
 Payer: David Hughes  
 Applicant: David Hughes  
 , CA  
 Owner: LAKE VISTA FARMS LLC

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
11/24/2021	Check	3396	TTURNER		\$1,136.30

**FEE DETAIL**

Fee Description	Account	Fee Amount	Current Paid
Appeal to the Board	001-2702-492.79-90	\$1,000.00	\$1,000.00
Appeal to the Board	001-1908-492.79-90	\$65.00	\$65.00
General Plan Maintenance	001-2702-461.66-21	\$50.00	\$50.00
Technology Recovery 2% Cost	001-2702-461.66-19	\$21.30	\$21.30
		<u>\$1,136.30</u>	<u>\$1,136.30</u>