

August 5, 2020

Mr. Scott DeLeon, Director
Lake County Community Development Department
255 N. Forbes Street, Third Floor, Rm 323
Lakeport, CA 95453

[VIA EMAIL TO SCOTT.DELEON@LAKECOUNTYCA.GOV]

**RE: *Early Activation (EA 20-22) for Major Use Permit (UP 19-36)
2050 and 2122 Ogulin Canyon Road, Clearlake, CA
Resolution Proposal***

Dear Mr. DeLeon:

This firm has been authorized by Lake Vista Farms, LLC (“LVF”) and Clearlake Nirvana Farms, LLC (“CNF”) (collectively, the “Applicant”) to propose for your consideration a pathway toward reinstatement of the above-referenced Early Activation Permit, which was revoked by the Community Development Department (“CDD”) on May 13, 2020. We are mindful of the precedential value of this matter, and have attempted below to propose terms that balance the gravity of the alleged¹ violations against the Applicant’s significant investment in obtaining County approvals and potential losses resulting from its inability to cultivate under EA 20-22.

Brief Background. LVF is the owner of the subject property and principal applicant for MUP 19-36, which would authorize commercial cannabis cultivation on approximately 15 acres on property located at 2050 and 2122 Ogulin Canyon Road, Clearlake, and identified by Assessor’s Parcel Numbers 010-053-01 and 010-053-02. On February 28, 2020, CDD issued EA 20-22 allowing early activation of MUP 19-36, subject to certain conditions.

Following inspection in early May, 2020, CDD revoked EA 20-22 and issued four notices of violation, citing the following conditions in violation of EA 20-22 and/or the County zoning ordinance: (1) grading; (2) installation of hoop houses; and (3) EA 20-22 conditions of approval Four, Seven, Nine and Seventeen. The CDD revoked EA 20-22 by letter to the Applicant dated May 13, 2020, effective immediately. The Applicant subsequently timely appealed CDD’s action.

Early Activation Requirements. Section 27.4 of Article 21 of the Lake County Code generally authorizes CDD to issue an early activation permit “allowing for the immediate activation of any use requiring a minor use permit or major use permit, subject to” certain enumerated conditions. These

¹ / Given that LVF and CNF have appealed the EA revocation and associated notices of violation, we use the term “alleged” in this letter. This letter is not intended to dispute the merits of CDD’s action, but it is also not to be construed as an admission of any material fact.

conditions include a prohibition on grading and tree removal and control of dust, parking, traffic, drainage and erosion control. (Lake County Code, § 27.4) Section 27.13(at)(2)(i)(c) of Article 21 of the Lake County Code authorizes CDD to issue early activation permits for commercial cannabis cultivation specifically, subject to three additional requirements.

While both Section 27.4 and Section 27.13(at)(2)(i)(c) specify conditions precedent to issuance of an early activation permit, neither section specifies the process by which an early activation permit may be revoked or reinstated. Additionally, no procedures specific to early activation permits appear in Article 60 of the Lake County Code, relating to “Expiration, Revocation, or Modification of Permits and Reapplication.” The Zoning Code perhaps leaves such questions to the CDD Director’s discretion, as it does in many other respects, subject of course to basic due process and property rights.

Proposal. The Applicant’s objective is fourfold: first, the Applicant seeks to correct the conditions cited in CDD’s May 13 letter and notices of violations. Second, the Application seeks to rebuild trust with CDD and County decisionmakers, and also with the City of Clearlake, which lies just to the west. Third, the Applicant seeks reinstatement of EA 20-22. Fourth, the Applicant seeks to preserve its ability to obtain approval of MUP 19-36, in which, as noted, the Applicant has invested significant time and resources. Toward these objectives, the Applicant proposes the following for the County’s consideration:

1. **Completed Corrective Actions:**

- a. The Applicant immediately removed the cited hoop houses.
- b. The Applicant has performed stabilizing earthwork to graded areas.
- c. Applicant has installed stormwater management controls (“Best Management Practices” or “BMPs”) to prevent erosion and runoff. An overview plan of these BMPs follows as Figure 1. Photographs of these BMPs are attached as **Exhibit 1**.

The site is now in a stable condition appropriate for further corrective actions, as described below.

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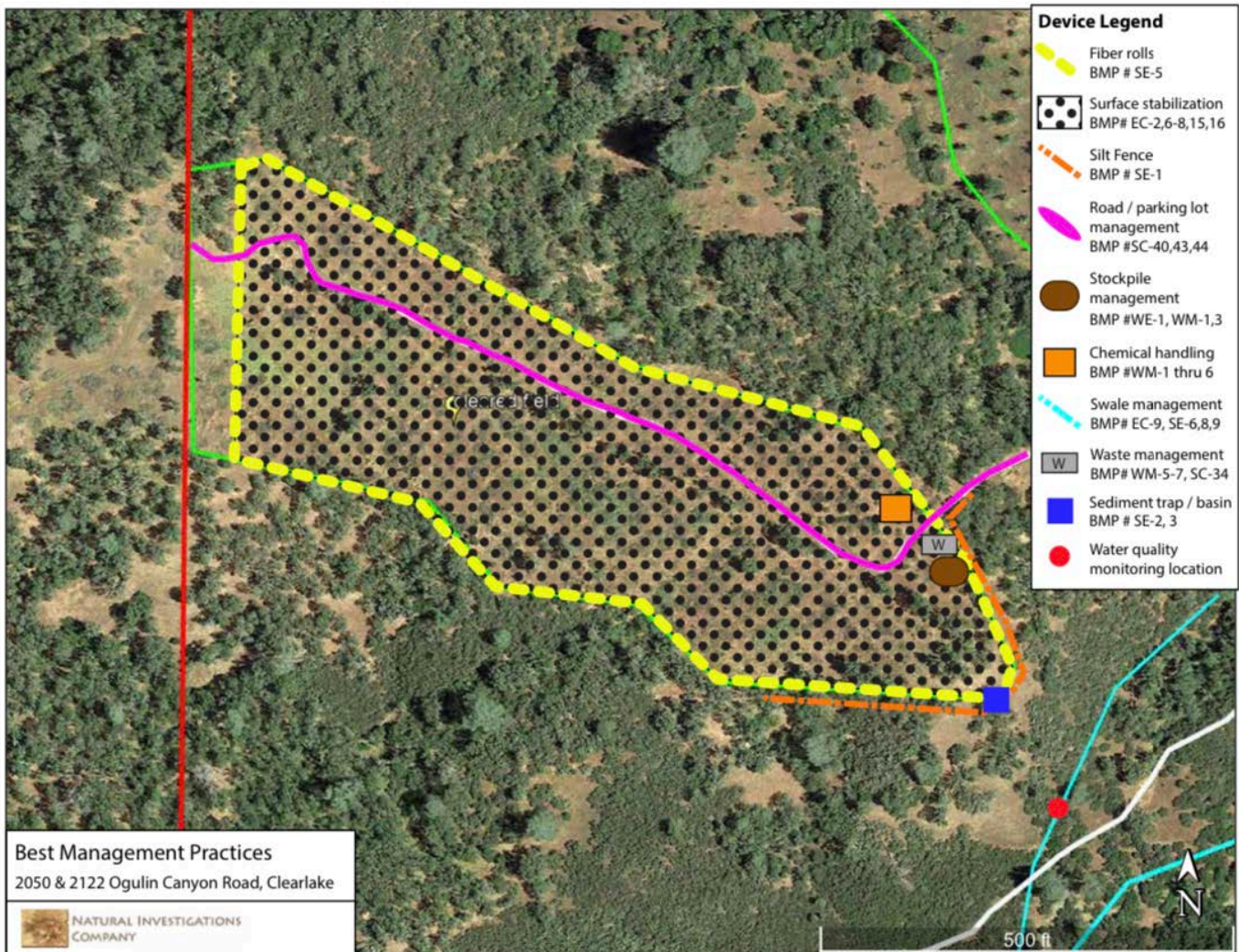
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Figure 1. Stormwater BMPs (Installed).



2. **Future Corrective Actions:**

- a. **Grading.** The Applicant, as noted, has already corrected some of the cited grading work noted and has stabilized the site. The Applicant now proposes to apply for a grading permit to either (1) correctly grade the site for future cultivation activities; or (2) restore the site to approximate pre-grading condition. The Applicant has prepared grading plans for both approaches.

These grading plans are attached for County review as **Exhibit 2** (cultivation grading approach) and **Exhibit 3** (restoration approach), respectively. The Applicant is prepared to finalize these plans and submit a grading application for either approach at the County's direction.

Mr. Scott DeLeon
EA 20-22 Resolution Proposal
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- b. Stormwater Compliance. The Applicant has a Stormwater Pollution Prevention Plan (“SWPPP”) in place, and will amend and comply with its SWPPP to reflect existing conditions and BMPs, and additional grading following the County’s direction.
- c. Reduced Cultivation Area. The Applicant is prepared to accept a reduction in cultivation area under EA 20-22 to exclude the graded area. The Applicant would continue to seek the full cultivation area requested under MUP 19-36.
- d. Penalties. The Applicant is prepared to pay County penalties at the County’s discretion.
- e. Appeal Withdrawal. The Applicant would immediately withdraw its appeal of The County’s revocation of EA 20-22 and notices of violation as part of any final resolution.
- f. Additional Inspection/Reporting. The Applicant would accept additional inspection and/or reporting obligations as a condition to EA 20-22 and MUP 19-36.

We believe this proposal, as noted above, reflects the seriousness of the conditions cited in the CDD’s May 13 letter to the Applicant and notices of violation, while still affording an opportunity to the Applicant to correct the conditions and an opportunity to recover some of its investment in the property.

In this regard, we understand that while you have many demands on your time, a prompt response to this proposal from the County is necessary for the Applicant to have any ability to cultivate this calendar year. Similarly, prompt action by the County on either of the grading approaches described above is essential so that the Applicant can perform the grading work and stabilize the size prior to the approaching rainy season.

We appreciate your attention to this matter and look forward to discussing with you further. I can be reached by telephone at (916) 704-6393 and by email at bjohnson@hthjlaw.com.

Very truly yours,
HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON

By 
Bradley Johnson

cc: Supervisor Bruno Sabatier, District 2
Anita E. Grant, Esq., County Counsel
Brian Pensack, Lake Vista Farms, LLC
Kuldeep Gyani, Clearlake Nirvana Farms, LLC

EXHIBIT 1









EXHIBIT 2

GENERAL NOTES

1. ALL MATERIAL WORKMANSHIP AND CONSTRUCTION SHALL CONFORM TO THE COUNTY OF LAKE STANDARD SPECIFICATIONS AND STANDARD PLANS, THE STATE OF CALIFORNIA STANDARD PLANS AND SPECIFICATIONS, AND THE COUNTY OF LAKE GRADING ORDINANCE ARTICLE IV.
2. THE CONTRACTOR SHALL GIVE THE COUNTY OF LAKE 72 HOURS NOTICE BEFORE STARTING WORK.
3. WORK HOURS ARE LIMITED TO MONDAY THROUGH FRIDAY, 7:00 AM TO 7:00 PM.
4. ANY DISCREPANCY DISCOVERED BY THE CONTRACTOR IN THESE PLANS OR ANY FIELD CONDITIONS DISCOVERED BY THE CONTRACTOR THAT MAY DELAY OR OBSTRUCT THE PROPER COMPLETION OF THE WORK PER THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD, THE COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT OR THE OWNER IMMEDIATELY UPON DISCOVERY. NOTIFICATION SHALL BE IN WRITING.
5. THE CONTRACTOR SHALL MAINTAIN A NEAT APPEARANCE TO THE WORK. IN ANY AREA VISIBLE TO THE PUBLIC, THE FOLLOWING SHALL APPLY: WHEN PRACTICAL, BROKEN CONCRETE AND DEBRIS DEVELOPED DURING CLEARING AND GRUBBING SHALL BE DISPOSED OF CONCURRENTLY WITH ITS REMOVAL. IF STOCKPILING IS NECESSARY, THE MATERIAL SHALL BE REMOVED OR DISPOSED OF WEEKLY. THE CONTRACTOR SHALL FURNISH TRASH BINS FOR ALL DEBRIS FROM STRUCTURE CONSTRUCTION. ALL DEBRIS SHALL BE PLACED IN TRASH BINS DAILY.
6. THE CONTRACTOR SHALL PROVIDE COMPACTION, GRADATION, SAND EQUIVALENT AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE.
7. THE CONTRACTOR SHALL PROVIDE THE ENGINEER OF RECORD OR THE COUNTY OF LAKE THE RESULTS OF ANY COMPACTION, GRADATION, SAND EQUIVALENT, ETC., AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE OR THESE PLANS.

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
VOLUME	1.000	1.15	56640 Sq. Ft.	1315 Cu. Yd.	1315 Cu. Yd.	0 Cu. Yd.<Fill>

CONTRACTOR IS RESPONSIBLE FOR CALCULATING QUANTITIES.

NOTIFICATION FOR INSPECTIONS

APPROVAL OF ALL WORK SHALL BE NECESSARY AT THE COMPLETION OF EACH OF THE FOLLOWING STAGES OF WORK AND SUCH APPROVAL MUST BE OBTAINED BEFORE SUBSEQUENT STAGES OF WORK MAY BE COMMENCED. ADDITIONALLY, THE INSPECTOR SHALL BE NOTIFIED AT LEAST 72 HOURS IN ADVANCE OF ANY OF THE FOLLOWING STAGES OF WORK. ANY CONSTRUCTION OR EXCAVATION REQUIRING INSPECTION THAT IS UNDERTAKEN WITHOUT INSPECTION IS SUBJECT TO RECONSTRUCTION AND RE-EXCAVATION AT THE CONTRACTOR'S EXPENSE.

INSPECTION MUST BE SCHEDULED FOR THE FOLLOWING ITEMS OF WORK:

1. REMOVE ALL WEAK SOIL IN FILL SLOPE AREAS.
2. COMPACT SUBGRADE.
3. PLACING AND COMPACTING OF MATERIAL
4. FINAL CLEAN-UP AND BMP INSTALLATION.

PRESERVATION OF SURVEY MONUMENTS

1. CONTRACTOR IS RESPONSIBLE FOR PRESERVATION AND/OR PERPETUATION OF ALL EXISTING MONUMENTS WHICH CONTROL SUBDIVISIONS, TRACTS, BOUNDARIES, STREETS, HIGHWAYS, OR OTHER RIGHT-OF-WAY, EASEMENTS, OR PROVIDE SURVEY CONTROL WHICH WILL BE DISTURBED OR REMOVED DUE TO CONTRACTOR'S WORK. CONTRACTOR SHALL PROVIDE A MINIMUM OF 10 WORKING DAYS NOTICE TO CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK PRIOR TO DISTURBANCE OR REMOVAL OF EXISTING MONUMENTS. CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK SHALL COORDINATE WITH CONTRACTOR TO RESET MONUMENTS OR PROVIDE PERMANENT WITNESS MONUMENTS AND FILE THE REQUIRED DOCUMENTATION WITH THE COUNTY SURVEYOR PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 8771.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COST TO RESET ANY SURVEY MONUMENTS DAMAGED BY CONTRACTOR'S PERSONNEL.

SPECIFIC GRADING NOTES

PREPARATION FOR FILL:

AREAS TO BE GRADED SHALL BE STRIPPED OF THE UPPER FEW INCHES OF SOIL CONTAINING ORGANIC MATTER. SOIL CONTAINING MORE THAN 2% BY WEIGHT OF ORGANIC MATTER SHOULD BE CONSIDERED ORGANIC. THE STRIPPINGS SHALL BE REMOVED FROM THE SITE, OR IF SUITABLE, STOCKPILED FOR RE-USE AS TOPSOIL. WEAK POROUS SURFACE SOILS SHALL BE OVEREXCAVATED TO A MINIMUM DEPTH OF 2 FEET. THE AMOUNT OF OVEREXCAVATION SHOULD BE DETERMINED IN THE FIELD BY THE SOILS ENGINEER OR FIELD TECHNICIAN AT THE TIME OF CONSTRUCTION. THE OVEREXCAVATED MATERIALS WITH AN ORGANIC CONTENT OF 3 PERCENT OR LESS SHALL BE RECOMPACTED AS ENGINEERED FILL.

SUBGRADE PREPARATION

AFTER THE SITE HAS BEEN PROPERLY CLEARED AND STRIPPED AND ANY NECESSARY EXCAVATIONS HAVE BEEN MADE, THE EXPOSED SOILS TO RECEIVE FILL SHOULD BE SCARIFIED TO A DEPTH 12 INCHES, MOISTURE CONDITIONED TO SLIGHTLY ABOVE OPTIMUM WATER CONTENT AND COMPACTED TO THE REQUIREMENTS FOR STRUCTURAL FILL.

FILL MATERIAL:

SELECT ENGINEERED FILL SHOULD CONSIST OF PREDOMINANTLY GRANULAR, NON-EXPANSIVE, SOILS WITH A PLASTICITY INDEX OF 15 PERCENT OR LESS AND AN R-VALUE OF 10 OR GREATER. THE SELECT FILL SHOULD BE FREE OF PERISHABLE MATTER AND ROCKS OR LUMPS OVER 6 INCHES IN THE GREATEST DIMENSION WITH NOT MORE THAN 15% LARGER THAN 2.5 INCHES. THE SOILS ENGINEER SHOULD APPROVE IMPORTED MATERIALS PRIOR TO USE AS SELECT ENGINEERED FILL.

COMPACTION:

ALL ENGINEERED FILL LESS THAN 5 FEET THICK SHOULD BE COMPACTED TO AT LEAST 90% RELATIVE COMPACTION. ENGINEERED FILL GREATER THAN 5 FEET HIGH, SHOULD BE COMPACTED TO AT LEAST 95% RELATIVE COMPACTION. FILL MATERIAL SHOULD MOISTURE CONDITIONED TO 3% ABOVE OPTIMUM MOISTURE AND SPREAD AND COMPACTED IN LIFTS OF NOT MORE THAN 8" IN UNCOMPACTED THICKNESS. IF CONSTRUCTION PROCEED DURING OR IMMEDIATELY FOLLOWING WET WINTER MONTHS, IT MAY REQUIRE TIME TO DRY THE ON-SITE SOILS TO BE USED AS FILL.

GRADING NOTES

1. CONTRACTOR SHALL COMPLY WITH ANY AND ALL GRADING PERMIT REQUIREMENTS ADMINISTERED BY THE COUNTY OF LAKE PLANNING AND BUILDING SERVICES DEPARTMENT.
2. AS A MINIMUM, ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEED FOR EROSION CONTROL BY THE CONTRACTOR. SEED AND MULCH WILL BE APPLIED BY OCTOBER 1ST TO ALL CUT AND FILL SLOPES WITHIN OR ADJACENT TO PROJECT ROADS. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED BELOW. ON SLOPES, STRAW WILL BE APPLIED BY BLOWER OR BY HAND AND ANCHORED IN PLACE BY PUNCHING. ALL CRITICAL EARTHWORK OPERATIONS SHALL BE PERFORMED DURING THE DRY WEATHER SEASON, FROM APRIL 15TH TO OCTOBER 1ST OR AS OTHERWISE APPROVED BY THE COUNTY OF LAKE. THE CLEARING OF EXISTING VEGETATION SHALL BE CONFINED WITHIN THE LIMITS OF ACTUAL EARTHWORK. STAGING OF THE WORK SHALL BE REQUIRED TO ENSURE THAT THE AMOUNT OF LAND CLEARED AT ANY TIME IS LIMITED TO THE AREA THAT CAN BE DEVELOPED DURING THE CONSTRUCTION PERIOD. STORM WATER SHALL NOT BE ALLOWED TO FLOW DIRECTLY DOWN UNPROTECTED SLOPES. ENERGY DISSIPATING STRUCTURES AND EROSION CONTROL DEVICES SHALL BE PLACED AT ALL DRAINAGE OUTLETS WHICH DISCHARGE TO NATURAL CHANNELS AS SHOWN ON THESE PLANS. ALL SEDIMENT TRAPS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME THAT THE COUNTY ACCEPTS MAINTENANCE RESPONSIBILITY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE DUST CONTROL MEASURES FOR THE ENTIRE CONSTRUCTION PERIOD OF THIS PROJECT TO THE SATISFACTION OF THE CITY OF CLEARLAKE.
4. PROJECTS GREATER THAN OR EQUAL TO 1-ACRE IN SIZE WILL REQUIRE A CONSTRUCTION GENERAL PERMIT AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) THROUGH THE APPROPRIATE REGIONAL WATER QUALITY CONTROL BOARD. SUBMIT COPIES TO COUNTY OF LAKE.
5. INSTALL JUTE NETTING ON ALL CUT SLOPES STEEPER THAN 3:1 PER SS-7 OF CALTRANS CONSTRUCTION SITE BMP'S MANUAL.
6. INSTALL FIBER ROLLS ON ALL CUT-SLOPES AND DISTURBED AREAS AS DIRECTED BY ENGINEER OF RECORD PER SC-5 OF CALTRANS CONSTRUCTION SITE BMP'S MANUAL.

ITEM	POUNDS PER ACRE
"BLANDO BROME".....	30
ANNUAL RYE GRASS.....	20
FERTILIZER (16-20-0 & 15% SULPHUR).....	500
STRAW MULCH.....	4000 OR 3500 LB. OF WOOD CELLULOSE

GRADING PLAN

APN: 010-051-01
2050 OGULIN CANYON ROAD
CLEARLAKE, CA 95422

LAND OWNER

BRIAN D PENSACK &
GARRETT W BURDICK
637 LINDARO STREET
PETALUMA, CA 94952
PHONE: (415) 637-6456
lakevistafarms@gmail.com

PROJECT MANAGER

ADAM PERRY
(702) 279-7287

ABBREVIATIONS

DW	DRIVEWAY
(E)	EXISTING
EP	ELEVATION
FL	FLOWLINE
HORZ	HORIZONTAL
INV	INVERT ELEVATION
LF	LINEAL FEET
P/L	PROPERTY LINE
(P)	PROPOSED
T.B.R.	TO BE REMOVED
T.R.	TO REMAIN
TYP	TYPICAL
VERT	VERTICAL

COMPACTION TESTING

Yale Bertolucci, CQE
Construction Quality Enterprises
149 N. Main Street, Suite 250
P.O. Box 627
Lakeport, CA 95453
Toll Free: 877-813-9181
Phone: 707-281-6427
Email: yalebertolucci@ybcqe.com

DISTURBED SOIL

1.2 ACRES

SCOPE OF WORK

THESE PLANS ARE FOR AN ON-SITE GRADING PLAN TO PREPARE THE SITE FOR FUTURE CANNABIS DEVELOPMENT. NO STRUCTURES ARE PROPOSED. THE FOUR PADS SHOWN ON THESE PLANS WERE RECENTLY CONSTRUCTED W/O A GRADING PERMIT. THESE PLANS ARE PROVIDED TO CONTINUE GRADING ACTIVITIES AND REPAIR THE FILL AREAS TO BE IN COMPLIANT WITH LAKE COUNTY GRADING ORDINANCE

SURVEY DATA

THESE PLANS ARE BASED ON A TOPOGRAPHIC MAPS PREPARED BY VANDERWALL ENGINEERING. FIELD DATA WAS COLLECTED MAY 2020. DATUM IS RANDOM. NO SURFACE UTILITIES WERE FOUND IN TOPOGRAPHIC AREA SHOWN WITH EXCEPTION OF AN IRRIGATION WELL.

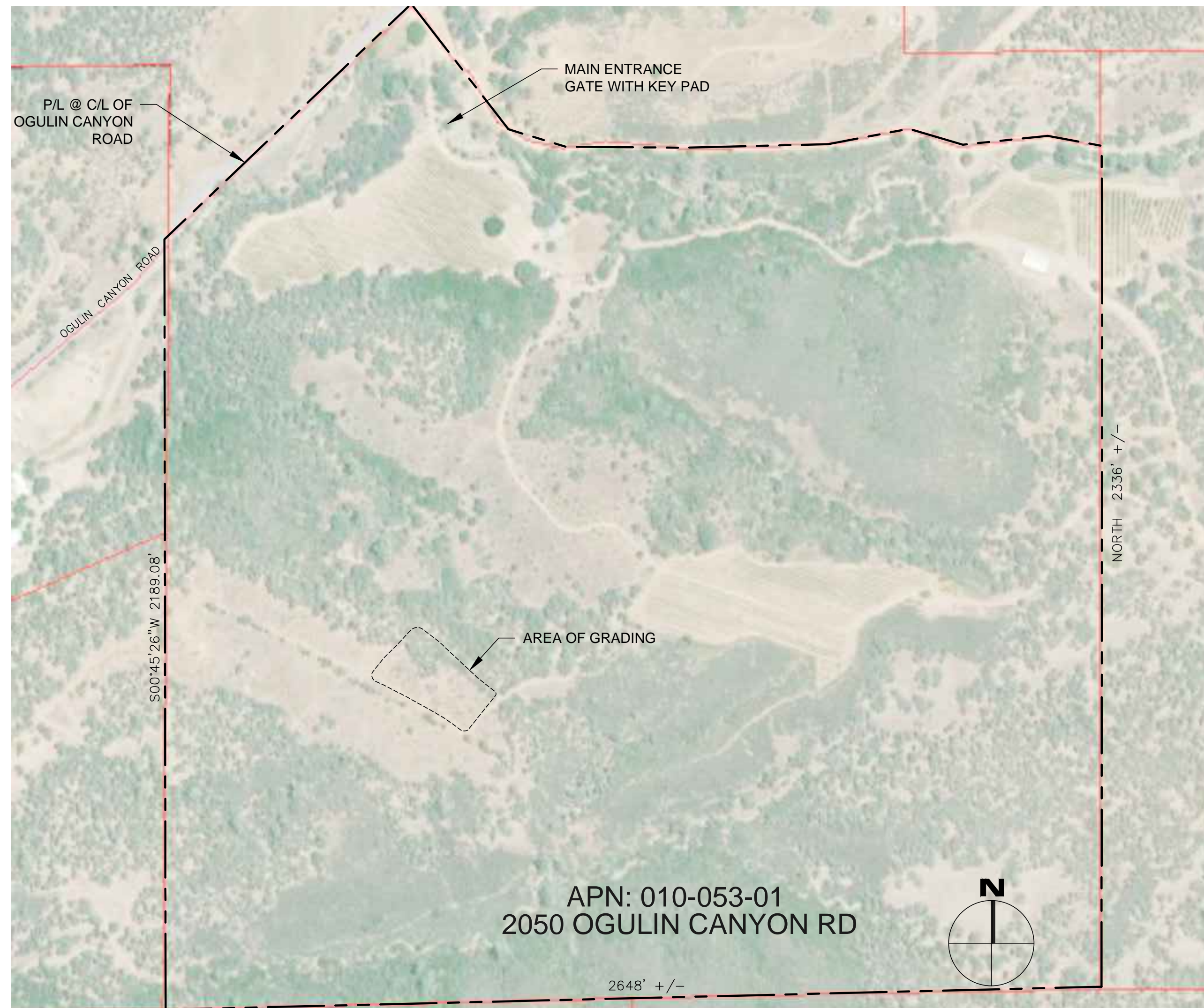
THIS IS NOT A BOUNDARY SURVEY.

GEOTECH REPORT

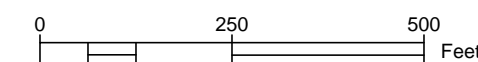
THE OWNER HAS ELECTED NOT TO HAVE A SOILS REPORT FOR THE DEVELOPMENT OF THIS PROJECT. VANDERWALL ENGINEERING IS THEREFORE NOT RESPONSIBLE FOR ANY EROSION OR SLOPE STABILITY ISSUES.

Sheet Index

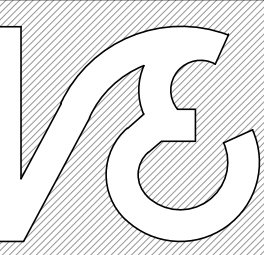
- SHEET 1: COVER SHEET
- SHEET 2: GRADING PLAN
- SHEET 3: GRADING PROFILE
- SHEET 4: DETAILS
- SHEET 5: EROSION & SEDIMENT CONTROL



SITE MAP



GRADING PLAN COVER SHEET



VanDerWall Engineering

PO BOX 431
Kelseyville, CA 95451
(707) 279-4887 P
www.vdwengr.com

Date: MAY 2020

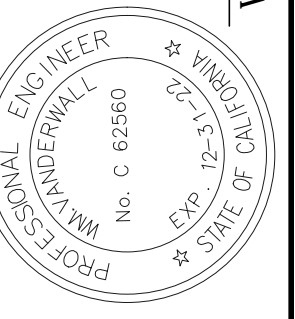
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Drawn: WJV

Job: 20-22

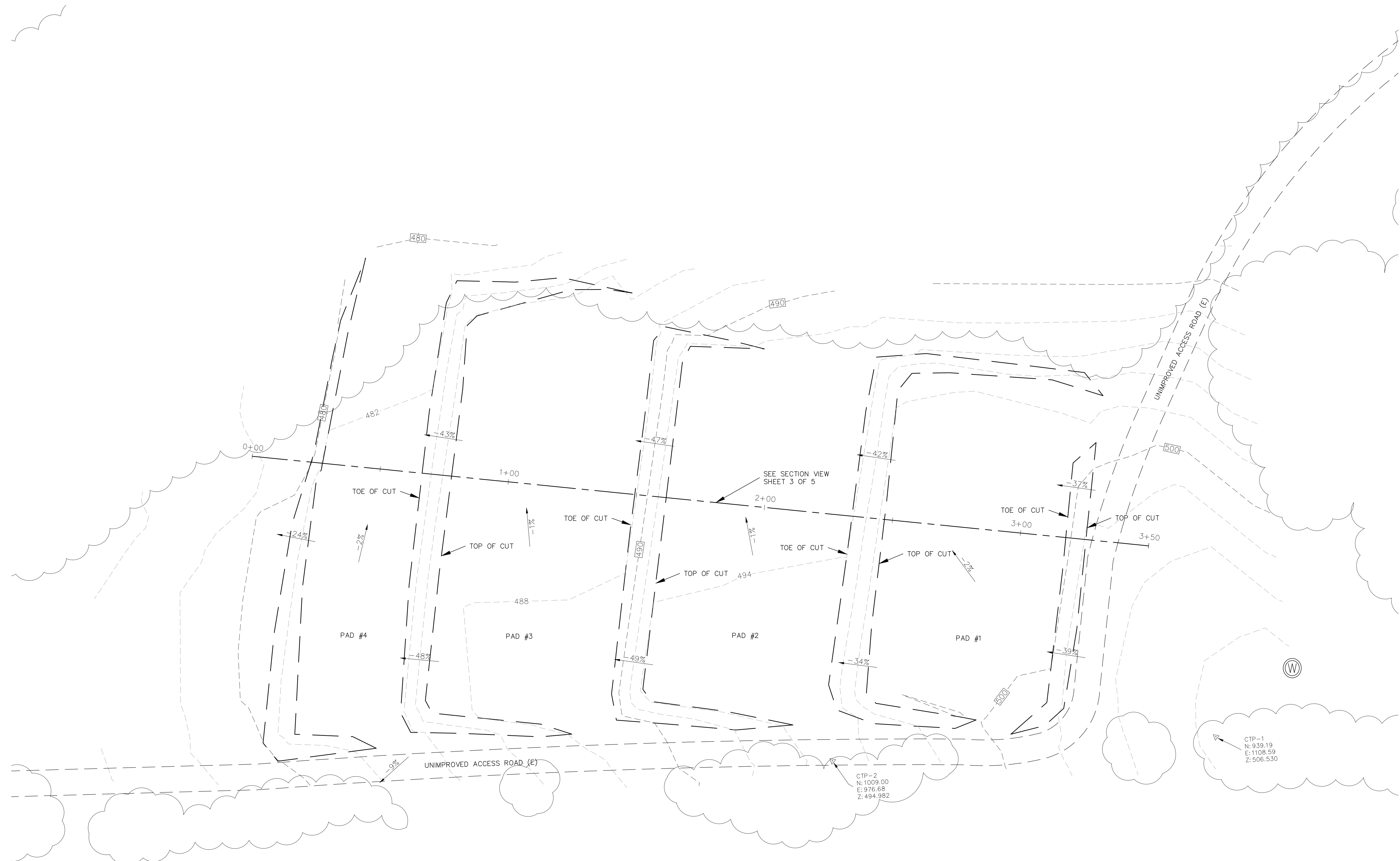
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1 of 5



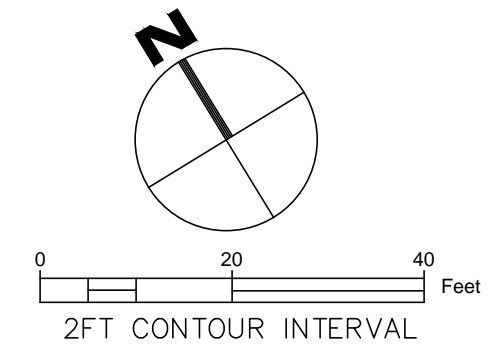
Wm. Vanderwall, P.E.

APN: 010-051-01
2050 OGULIN CANYON RD
CLEARLAKE, CA 95422



LEGEND

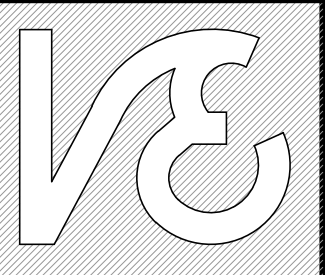
- △ CONTROL POINT LOCATION
- x-x- EXISTING 4' WIRE FENCE
- - - 500 - ELEVATION CONTOUR LINE (E)
- - - EXISTING GRADE BREAK
- ⊙ IRRIGATION WELL (E)
- - - UNIMPROVED ACCESS ROAD (E)
- SF - SILT FENCE (P)
- ~~~~~ TREE DRIPLINE (E)



BOUNDARY NOTE:
 THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF EXISTING FENCES LINES ONLY.

**GRADING PLAN
 PLAN VIEW**

APN: 010-053-01
 2050 OGUJIN CANYON RD
 CLEARLAKE, CA 95422



**VanDerWall
 Engineering**

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 www.vdwengr.com

Date: MAY 2020

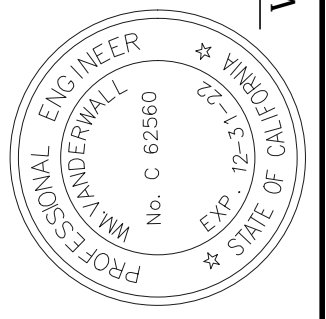
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Drawn: WJV

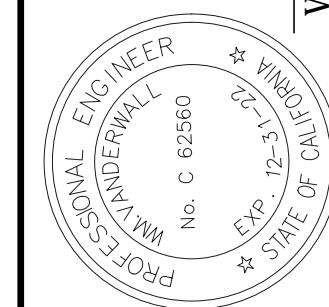
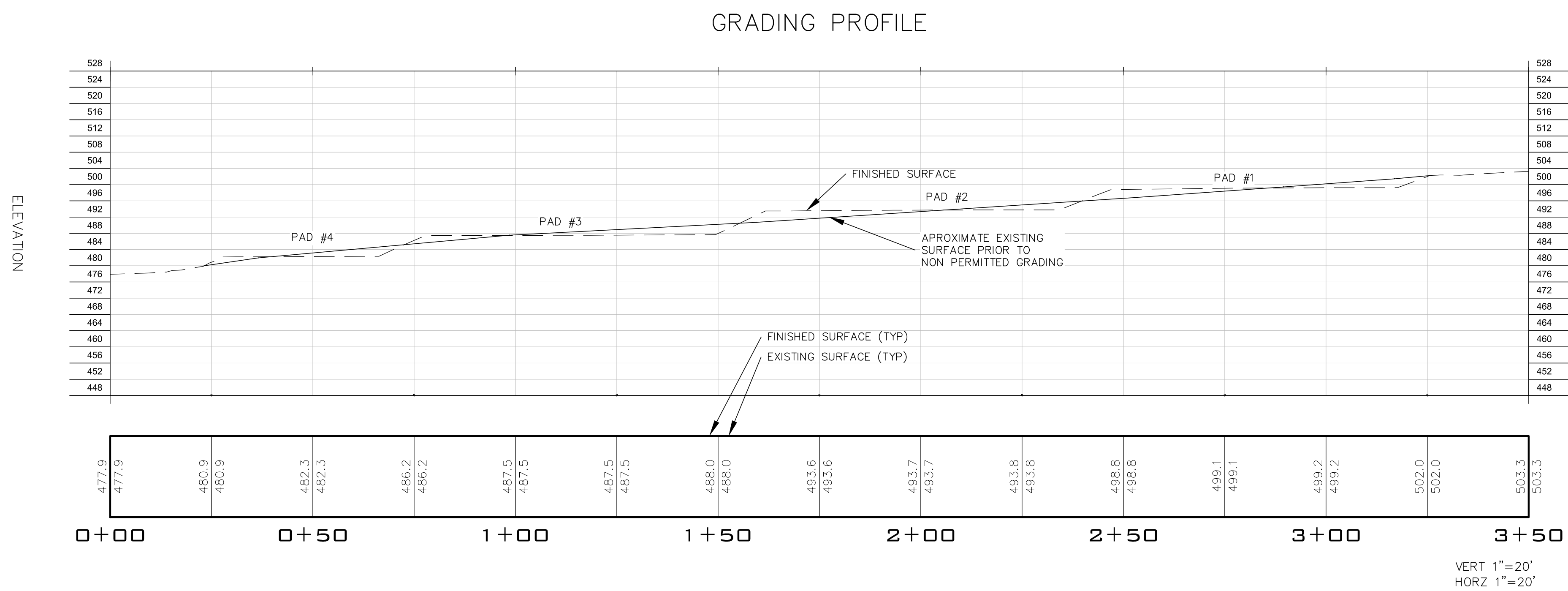
Job: 20-22

Sheet:

2 of 5



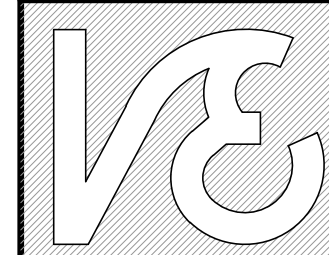
Wm. Vanderwall, P.E.



Wm. Vanderwall, P.E.

**GRADING PLAN
SECTION VIEW**

APN: 010-053-01
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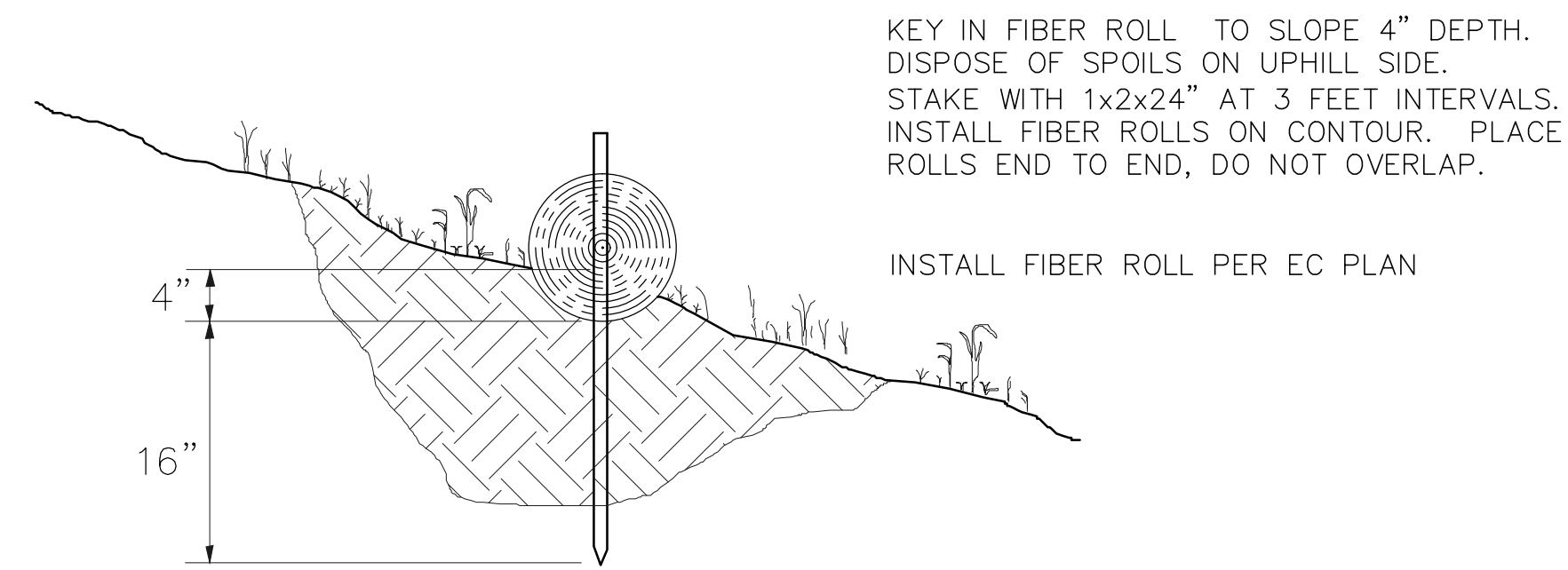
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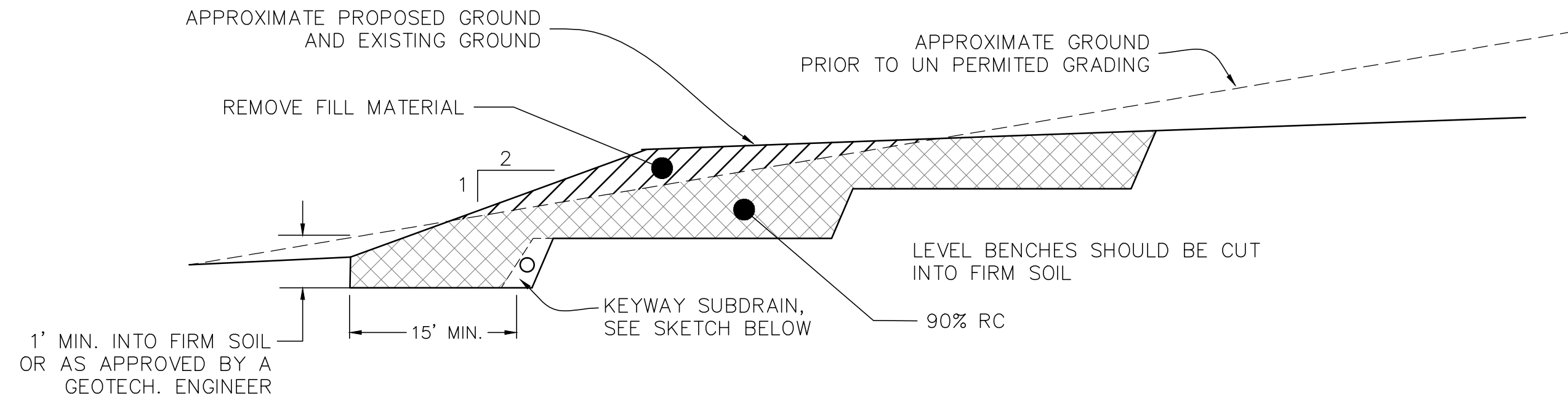
Job: 20-22

Sheet:



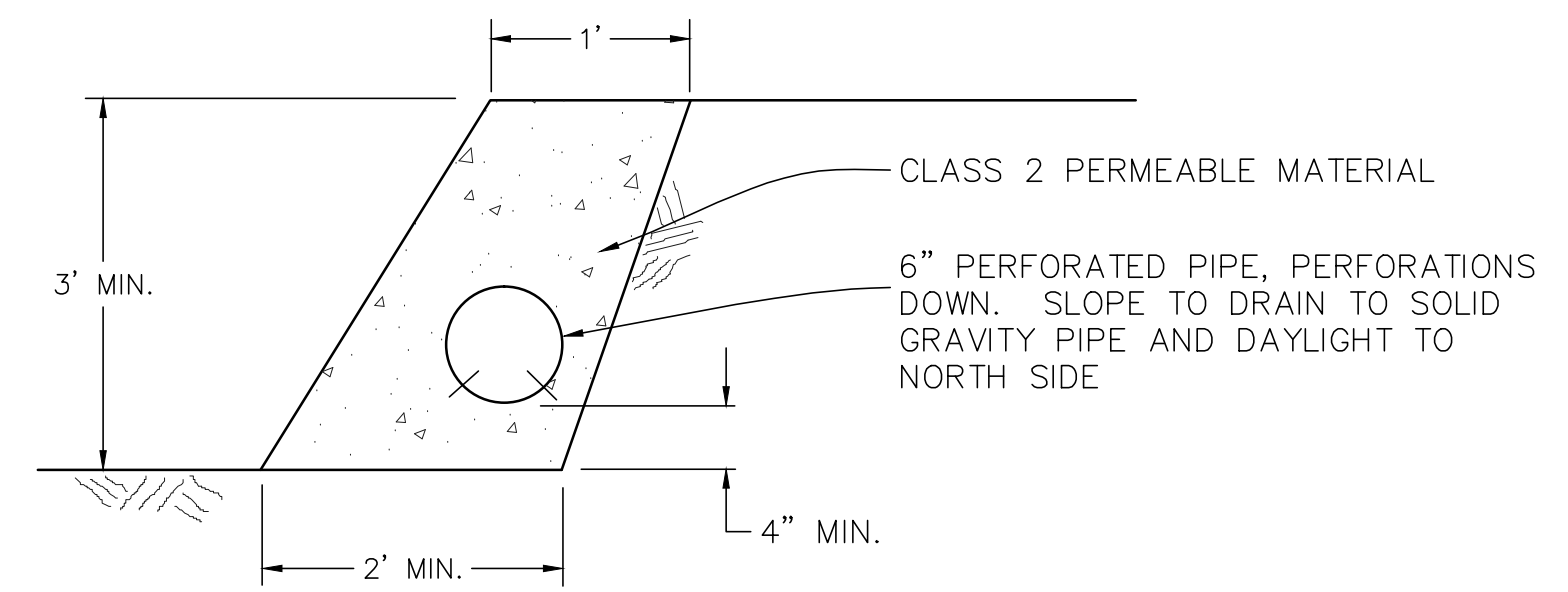
FIBER ROLL INSTALLATION

NTS



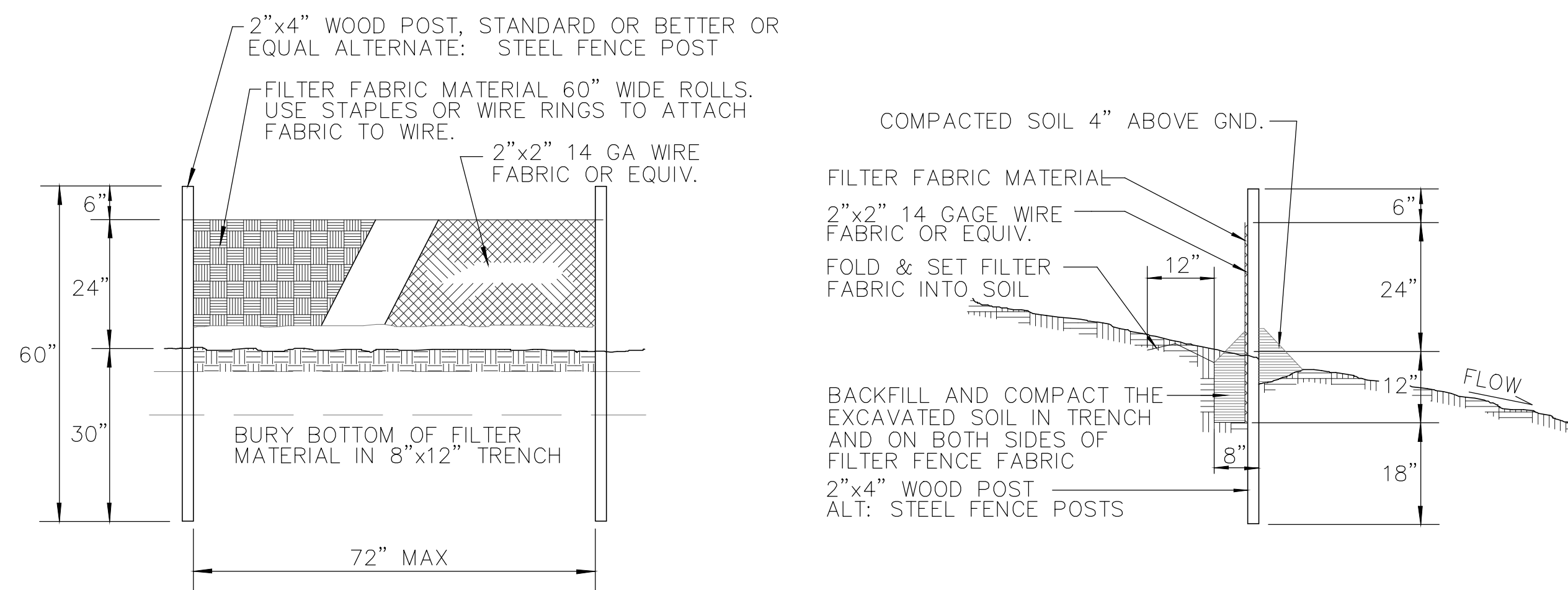
NOTES:

1. THIS DETAIL IS NOT TO SCALE. REFER TO GRADING PLAN FOR ACTUAL ELEVATIONS FOR COMPLETE INSTALLATION SPECIFICATIONS.
2. REMOVE AND STOCKPILE EXISTING TOPSOIL
3. EXCAVATE KEYWAY AND BENCHES INTO FIRM BEDROCK.
4. FILL BENCHES, COMPACTING TO ABOUT 90% RELATIVE COMPACTION TO 24" BELOW PLANNED FINISH GRADE.



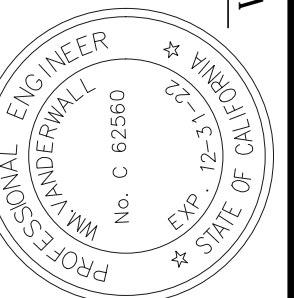
KEYWAY SUBDRAIN

NTS



SILT FENCE INSTALLATION

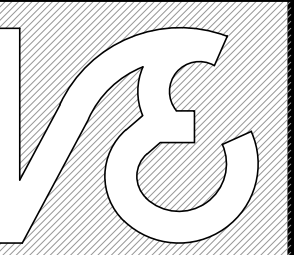
NTS



Wm. Vanderwall, P.E.

**GRADING PLAN
DETAILS**

APN: 010-051-01
2050 OGULIN CANYON RD
CLEARLAKE, CA 95422



**VanDerWall
Engineering**

PO BOX 431
Kelseyville, CA 95451
(707) 279-4887 P

www.vdwengr.com

Date: MAY 2020

Scale: AS SHOWN

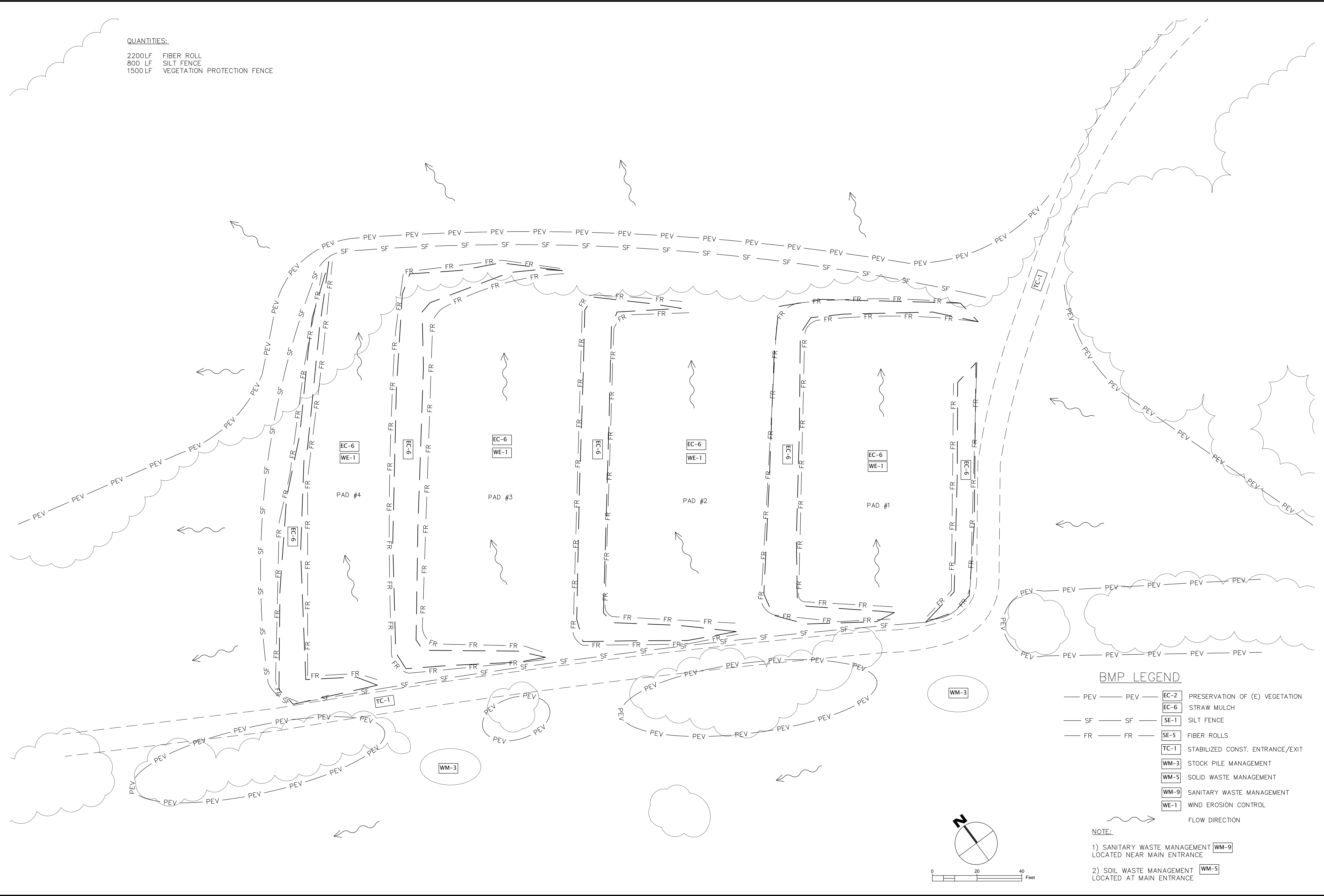
Drawn: WJV

Job: 20-22

Sheet:

4 of 5

QUANTITIES:
 2200LF FIBER ROLL
 800 LF SILT FENCE
 1500 LF VEGETATION PROTECTION FENCE

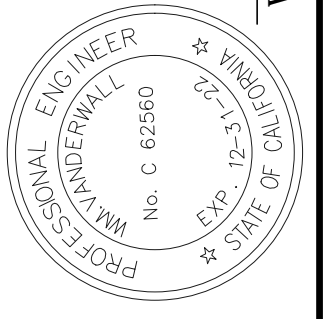
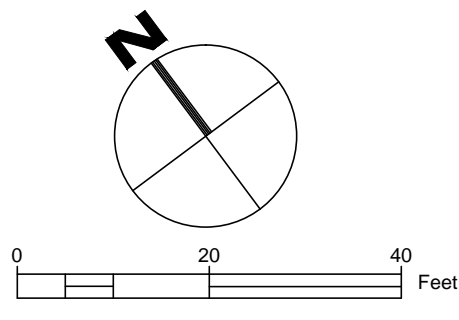


BMP LEGEND

- PEV — PEV — EC-2 PRESERVATION OF (E) VEGETATION
- SF — SF — EC-6 STRAW MULCH
- FR — FR — SE-1 SILT FENCE
- FR — FR — SE-5 FIBER ROLLS
- TC-1 STABILIZED CONST. ENTRANCE/EXIT
- WM-3 STOCK PILE MANAGEMENT
- WM-5 SOLID WASTE MANAGEMENT
- WM-9 SANITARY WASTE MANAGEMENT
- WE-1 WIND EROSION CONTROL
- ~~~~~ FLOW DIRECTION

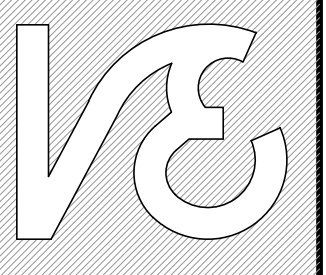
NOTE:

- 1) SANITARY WASTE MANAGEMENT **WM-9** LOCATED NEAR MAIN ENTRANCE
- 2) SOIL WASTE MANAGEMENT **WM-5** LOCATED AT MAIN ENTRANCE



**GRADING PLAN
 PLAN VIEW**

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 2050 OJULIN CANYON RD
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 Engineering**
 PO BOX 431
 Kelseyville, CA 95451
 (707) 279-4887 P
 www.vdwengr.com

Date: MAY 2020

Scale: 1"=20'

Drawn: WJV

Job: 20-22

Sheet:

EXHIBIT 3

GRADING PLAN FOR RESTORATION

APN: 010-051-01
2050 OGULIN CANYON ROAD
CLEARLAKE, CA 95422

LAND OWNER
BRIAN D PENSACK &
GARRETT W BURDICK
637 LINDARO STREET
PETALUMA, CA 94952
PHONE: (415) 637-6456
lakevistafarms@gmail.com

PROJECT MANAGER
ADAM PERRY
(702) 379-7287

ABBREVIATIONS

DW	DRIVEWAY
(E)	EXISTING
EP	ELEVATION
FL	FLOWLINE
HORZ	HORIZONTAL
INV	INVERT ELEVATION
LF	LINEAL FEET
P/L	PROPERTY LINE
(P)	PROPOSED
T.B.R.	TO BE REMOVED
T.R.	TO REMAIN
TYP	TYPICAL
VERT	VERTICAL

COMPACTION TESTING

Yale Bertolucci, CQE
Construction Quality Enterprises
149 N. Main Street, Suite 250
P.O. Box 627
Lakeport, CA 95453
Toll Free: 877-813-9181
Phone: 707-281-6427
Email: yalebertolucci@ybcqe.com

DISTURBED SOIL

1.2 ACRES

SCOPE OF WORK

THESE PLANS ARE FOR AN ON-SITE GRADING PLAN TO RESTORE TO NATURAL GRADE. THE FOUR PADS SHOWN ON THESE PLANS WERE RECENTLY CONSTRUCTED W/O A GRADING PERMIT. THESE PLANS ARE PROVIDED TO CONTINUE GRADING ACTIVITIES AND REPAIR THE FILL AREAS TO BE IN COMPLIANT WITH LAKE COUNTY GRADING ORDINANCE.

SURVEY DATA

THESE PLANS ARE BASED ON A TOPOGRAPHIC MAPS PREPARED BY VANDERWALL ENGINEERING. FIELD DATA WAS COLLECTED MAY 2020. DATUM IS RANDOM. NO SURFACE UTILITIES WERE FOUND IN TOPOGRAPHIC AREA SHOWN WITH EXCEPTION OF AN IRRIGATION WELL.

THIS IS NOT A BOUNDARY SURVEY.

GEOTECH REPORT

THE OWNER HAS ELECTED NOT TO HAVE A SOILS REPORT FOR THE DEVELOPMENT OF THIS PROJECT. VANDERWALL ENGINEERING IS THEREFORE NOT RESPONSIBLE FOR ANY EROSION OR SLOPE STABILITY ISSUES.

Sheet Index

- SHEET 1: COVER SHEET
- SHEET 2: GRADING PLAN
- SHEET 3: GRADING PROFILE
- SHEET 4: DETAILS
- SHEET 5: EROSION & SEDIMENT CONTROL

GENERAL NOTES

- ALL MATERIAL WORKMANSHIP AND CONSTRUCTION SHALL CONFORM TO THE COUNTY OF LAKE STANDARD SPECIFICATIONS AND STANDARD PLANS, THE STATE OF CALIFORNIA STANDARD PLANS AND SPECIFICATIONS, AND THE COUNTY OF LAKE GRADING ORDINANCE ARTICLE IV.
- THE CONTRACTOR SHALL GIVE THE COUNTY OF LAKE 72 HOURS NOTICE BEFORE STARTING WORK.
- WORK HOURS ARE LIMITED TO MONDAY THROUGH FRIDAY, 7:00 AM TO 7:00 PM.
- ANY DISCREPANCY DISCOVERED BY THE CONTRACTOR IN THESE PLANS OR ANY FIELD CONDITIONS DISCOVERED BY THE CONTRACTOR THAT MAY DELAY OR OBSTRUCT THE PROPER COMPLETION OF THE WORK PER THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD, THE COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT OR THE OWNER IMMEDIATELY UPON DISCOVERY. NOTIFICATION SHALL BE IN WRITING.
- THE CONTRACTOR SHALL MAINTAIN A NEAT APPEARANCE TO THE WORK. IN ANY AREA VISIBLE TO THE PUBLIC, THE FOLLOWING SHALL APPLY: WHEN PRACTICAL, BROKEN CONCRETE AND DEBRIS DEVELOPED DURING CLEARING AND GRUBBING SHALL BE DISPOSED OF CONCURRENTLY WITH ITS REMOVAL. IF STOCKPILING IS NECESSARY, THE MATERIAL SHALL BE REMOVED OR DISPOSED OF WEEKLY. THE CONTRACTOR SHALL FURNISH TRASH BINS FOR ALL DEBRIS FROM STRUCTURE CONSTRUCTION. ALL DEBRIS SHALL BE PLACED IN TRASH BINS DAILY.
- THE CONTRACTOR SHALL PROVIDE COMPACTION, GRADATION, SAND EQUIVALENT AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE.
- THE CONTRACTOR SHALL PROVIDE THE ENGINEER OF RECORD OR THE COUNTY OF LAKE THE RESULTS OF ANY COMPACTION, GRADATION, SAND EQUIVALENT, ETC., AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE OR THESE PLANS.

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
VOLUME	1.000	1.15	54,640 Sq. Ft.	1315 Cu. Yd.	1315 Cu. Yd.	0 Cu. Yd.<Fill>

CONTRACTOR IS RESPONSIBLE FOR CALCULATING QUANTITIES.

NOTIFICATION FOR INSPECTIONS

APPROVAL OF ALL WORK SHALL BE NECESSARY AT THE COMPLETION OF EACH OF THE FOLLOWING STAGES OF WORK AND SUCH APPROVAL MUST BE OBTAINED BEFORE SUBSEQUENT STAGES OF WORK MAY BE COMMENCED. ADDITIONALLY, THE INSPECTOR SHALL BE NOTIFIED AT LEAST 72 HOURS IN ADVANCE OF ANY OF THE FOLLOWING STAGES OF WORK. ANY CONSTRUCTION OR EXCAVATION REQUIRING INSPECTION THAT IS UNDERTAKEN WITHOUT INSPECTION IS SUBJECT TO RECONSTRUCTION AND RE-EXCAVATION AT THE CONTRACTOR'S EXPENSE.

INSPECTION MUST BE SCHEDULED FOR THE FOLLOWING ITEMS OF WORK:

- REMOVE ALL WEAK SOIL IN FILL SLOPE AREAS.
- COMPACT SUBGRADE.
- PLACING AND COMPACTING OF MATERIAL
- FINAL CLEAN-UP, AND BMP INSTALLATION.

PRESERVATION OF SURVEY MONUMENTS

- CONTRACTOR IS RESPONSIBLE FOR PRESERVATION AND/OR PERPETUATION OF ALL EXISTING MONUMENTS WHICH CONTROL SUBDIVISIONS, TRACTS, BOUNDARIES, STREETS, HIGHWAYS, OR OTHER RIGHT-OF-WAY, EASEMENTS, OR PROVIDE SURVEY CONTROL WHICH WILL BE DISTURBED OR REMOVED DUE TO CONTRACTOR'S WORK. CONTRACTOR SHALL PROVIDE A MINIMUM OF 10 WORKING DAYS NOTICE TO CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK PRIOR TO DISTURBANCE OR REMOVAL OF EXISTING MONUMENTS. CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK SHALL COORDINATE WITH CONTRACTOR TO RESET MONUMENTS OR PROVIDE PERMANENT WITNESS MONUMENTS AND FILE THE REQUIRED DOCUMENTATION WITH THE COUNTY SURVEYOR PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 8771.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COST TO RESET ANY SURVEY MONUMENTS DAMAGED BY CONTRACTOR'S PERSONNEL.

SPECIFIC GRADING NOTES

PREPARATION FOR FILL:

AREAS TO BE GRADED SHALL BE STRIPPED OF THE UPPER FEW INCHES OF SOIL CONTAINING ORGANIC MATTER. SOIL CONTAINING MORE THAN 2% BY WEIGHT OF ORGANIC MATTER SHOULD BE CONSIDERED ORGANIC. THE STRIPPINGS SHALL BE REMOVED FROM THE SITE, OR IF SUITABLE, STOCKPILED FOR RE-USE AS TOPSOIL. WEAK POROUS SURFACE SOILS SHALL BE OVEREXCAVATED TO A MINIMUM DEPTH OF 2 FEET. THE AMOUNT OF OVEREXCAVATION SHOULD BE DETERMINED IN THE FIELD BY THE SOILS ENGINEER OR FIELD TECHNICIAN AT THE TIME OF CONSTRUCTION. THE OVEREXCAVATED MATERIALS WITH AN ORGANIC CONTENT OF 3 PERCENT OR LESS SHALL BE RECOMPACTED AS ENGINEERED FILL.

SUBGRADE PREPARATION

AFTER THE SITE HAS BEEN PROPERLY CLEARED AND STRIPPED AND ANY NECESSARY EXCAVATIONS HAVE BEEN MADE, THE EXPOSED SOILS TO RECEIVE FILL SHOULD BE SCARIFIED TO A DEPTH 12 INCHES, MOISTURE CONDITIONED TO SLIGHTLY ABOVE OPTIMUM WATER CONTENT AND COMPACTED TO THE REQUIREMENTS FOR STRUCTURAL FILL.

FILL MATERIAL:

SELECT ENGINEERED FILL SHOULD CONSIST OF PREDOMINANTLY GRANULAR, NON-EXPANSIVE, SOILS WITH A PLASTICITY INDEX OF 15 PERCENT OR LESS AND AN R-VALUE OF 10 OR GREATER. THE SELECT FILL SHOULD BE FREE OF PERISHABLE MATTER AND ROCKS OR LUMPS OVER 6 INCHES IN THE GREATEST DIMENSION WITH NOT MORE THAN 15% LARGER THAN 2.5 INCHES. THE SOILS ENGINEER SHOULD APPROVE IMPORTED MATERIALS PRIOR TO USE AS SELECT ENGINEERED FILL.

COMPACTION:

ALL ENGINEERED FILL LESS THAN 5 FEET THICK SHOULD BE COMPACTED TO AT LEAST 90% RELATIVE COMPACTION. ENGINEERED FILL GREATER THAN 5 FEET HIGH, SHOULD BE COMPACTED TO AT LEAST 95% RELATIVE COMPACTION. FILL MATERIAL SHOULD MOISTURE CONDITIONED TO 3% ABOVE OPTIMUM MOISTURE AND SPREAD AND COMPACTED IN LIFTS OF NOT MORE THAN 8" IN UNCOMPACTED THICKNESS. IF CONSTRUCTION PROCEED DURING OR IMMEDIATELY FOLLOWING WET WINTER MONTHS, IT MAY REQUIRE TIME TO DRY THE ON-SITE SOILS TO BE USED AS FILL.

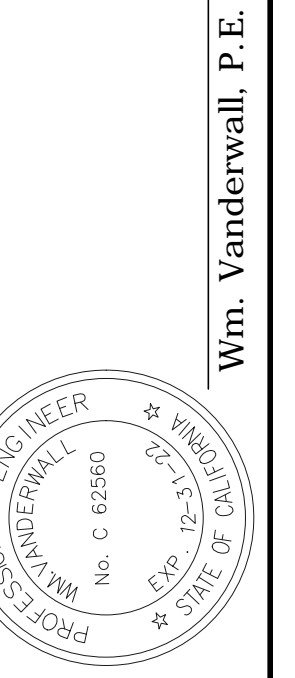
GRADING NOTES

- CONTRACTOR SHALL COMPLY WITH ANY AND ALL GRADING PERMIT REQUIREMENTS ADMINISTERED BY THE COUNTY OF LAKE PLANNING AND BUILDING SERVICES DEPARTMENT.
- AS A MINIMUM, ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEEDED FOR EROSION CONTROL BY THE CONTRACTOR. SEED AND MULCH WILL BE APPLIED BY OCTOBER 1ST TO ALL CUT AND FILL SLOPES WITHIN OR ADJACENT TO PROJECT ROADS. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED BELOW. ON SLOPES, STRAW WILL BE APPLIED BY BLOWER OR BY HAND AND ANCHORED IN PLACE BY PUNCHING. ALL CRITICAL EARTHWORK OPERATIONS SHALL BE PERFORMED DURING THE DRY WEATHER SEASON, FROM APRIL 15TH TO OCTOBER 1ST OR AS OTHERWISE APPROVED BY THE COUNTY OF LAKE. THE CLEARING OF EXISTING VEGETATION SHALL BE CONFINED WITHIN THE LIMITS OF ACTUAL EARTHWORK. STAGING OF THE WORK SHALL BE REQUIRED TO ENSURE THAT THE AMOUNT OF LAND CLEARED AT ANY TIME IS LIMITED TO THE AREA THAT CAN BE DEVELOPED DURING THE CONSTRUCTION PERIOD. STORM WATER SHALL NOT BE ALLOWED TO FLOW DIRECTLY DOWN UNPROTECTED SLOPES. ENERGY DISSIPATING STRUCTURES AND EROSION CONTROL DEVICES SHALL BE PLACED AT ALL DRAINAGE OUTLETS WHICH DISCHARGE TO NATURAL CHANNELS AS SHOWN ON THESE PLANS. ALL SEDIMENT TRAPS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME THAT THE COUNTY ACCEPTS MAINTENANCE RESPONSIBILITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE DUST CONTROL MEASURES FOR THE ENTIRE CONSTRUCTION PERIOD OF THIS PROJECT TO THE SATISFACTION OF THE CITY OF CLEARLAKE.
- PROJECTS GREATER THAN OR EQUAL TO 1-ACRE IN SIZE WILL REQUIRE A CONSTRUCTION GENERAL PERMIT AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) THROUGH THE APPROPRIATE REGIONAL WATER QUALITY CONTROL BOARD. SUBMIT COPIES TO COUNTY OF LAKE.
- INSTALL JUTE NETTING ON ALL CUT SLOPES STEEPER THAN 3:1 PER SS-7 OF CALTRANS CONSTRUCTION SITE BMP'S MANUAL.
- INSTALL FIBER ROLLS ON ALL CUT-SLOPES AND DISTURBED AREAS AS DIRECTED BY ENGINEER OF RECORD PER SC-5 OF CALTRANS CONSTRUCTION SITE BMP'S MANUAL.

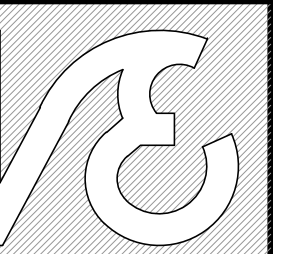
ITEM	POUNDS PER ACRE
"BLANDO BROME".....	30
ANNUAL RYE GRASS.....	20
FERTILIZER (16-20-0 & 15% SULPHUR).....	500
STRAW MULCH.....	4000 OR 3500 LB. OF WOOD CELLULOSE



SITE MAP



GRADING PLAN FOR RESTORATION
COVER SHEET



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Engineering**

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Date: MAY 2020

Scale: n/a

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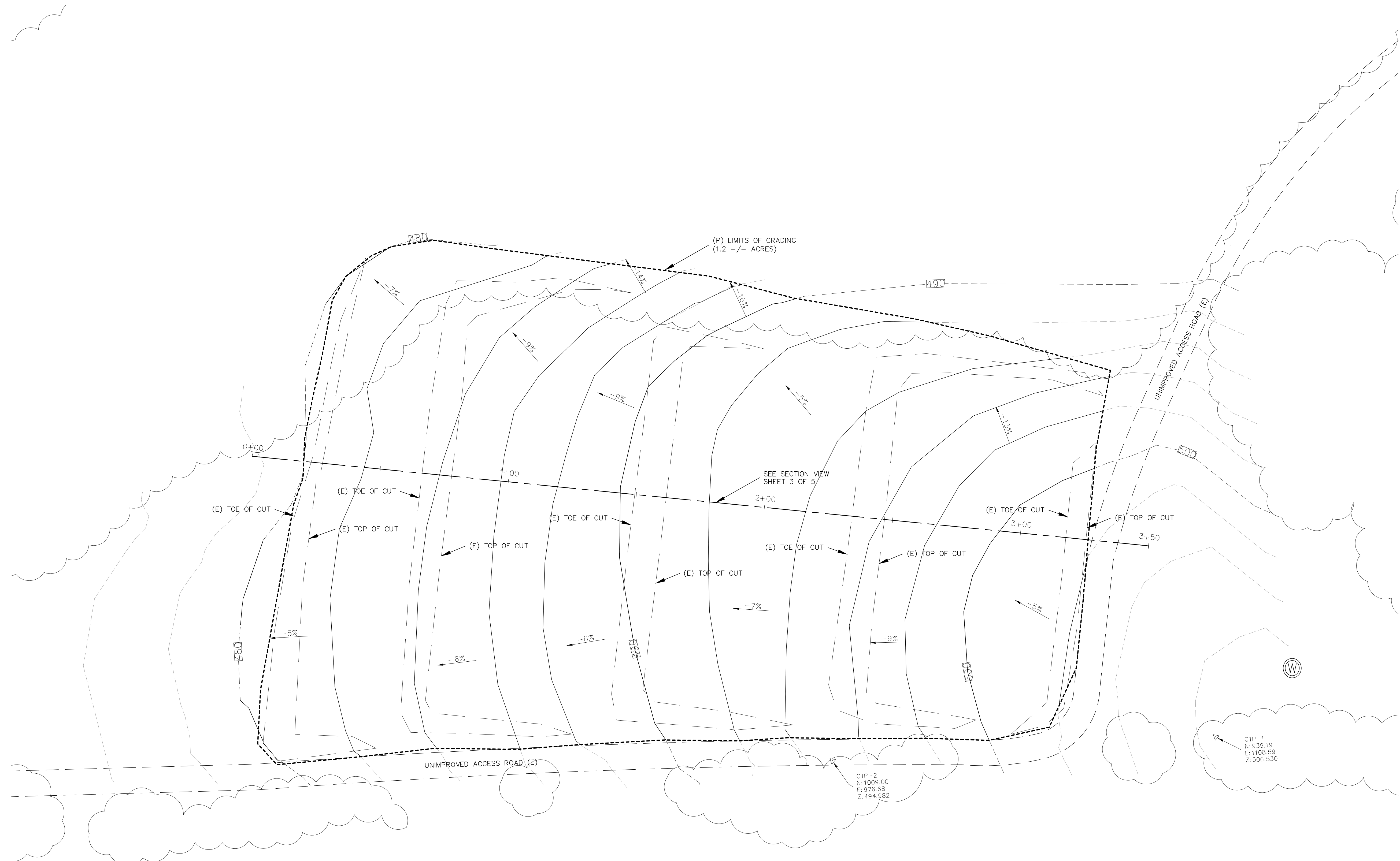
Job: 20-22

Sheet:

1 of 5

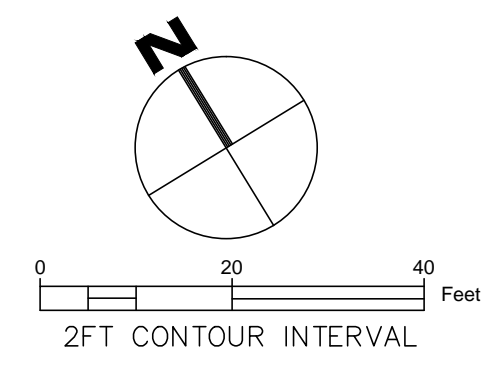
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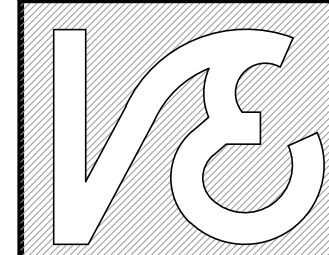
LEGEND

- △ CONTROL POINT LOCATION
- 500 --- ELEVATION CONTOUR LINE (E)
- 500 --- ELEVATION CONTOUR LINE (P)
- --- EXISTING GRADE BREAK
- ⊙ IRRIGATION WELL (E)
- --- UNIMPROVED ACCESS ROAD (E)
- ~~~~~ TREE DRIPLINE (E)



BOUNDARY NOTE:
 THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF EXISTING FENCES LINES ONLY.

**GRADING PLAN FOR RESTORATION
 PLAN VIEW**



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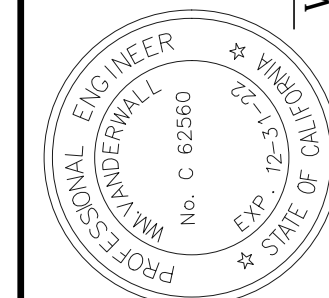
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Drawn: WJV

Job: 20-22

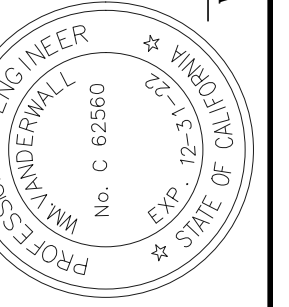
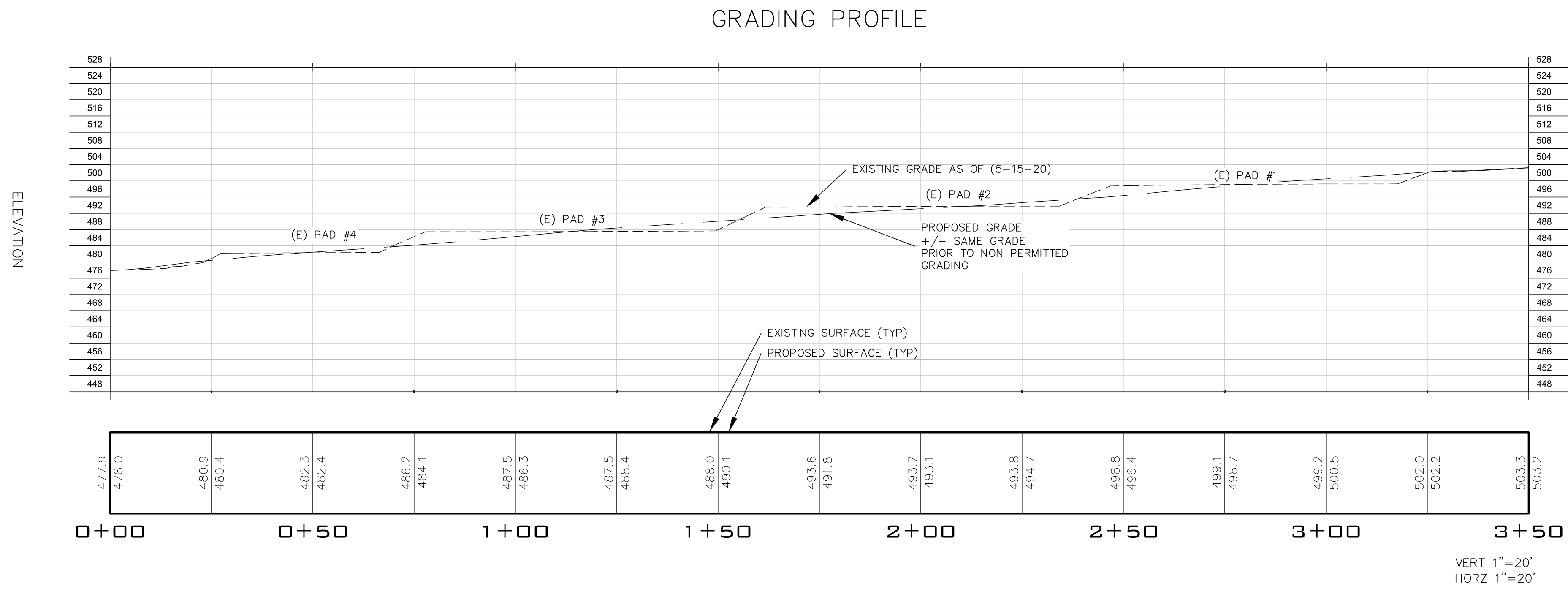
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2 of 5



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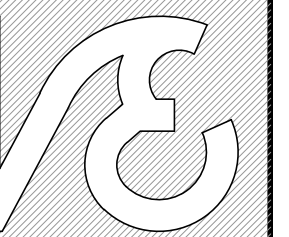
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**GRADING PLAN FOR RESTORATION
SECTION VIEW**

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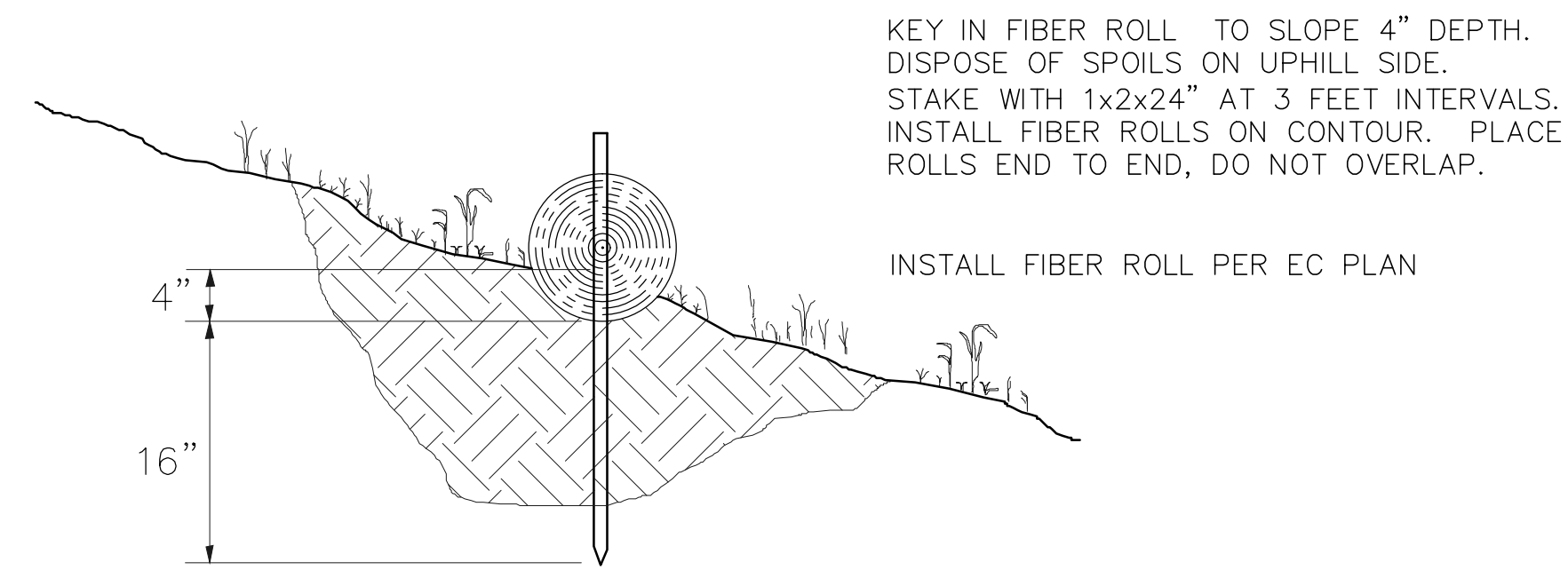
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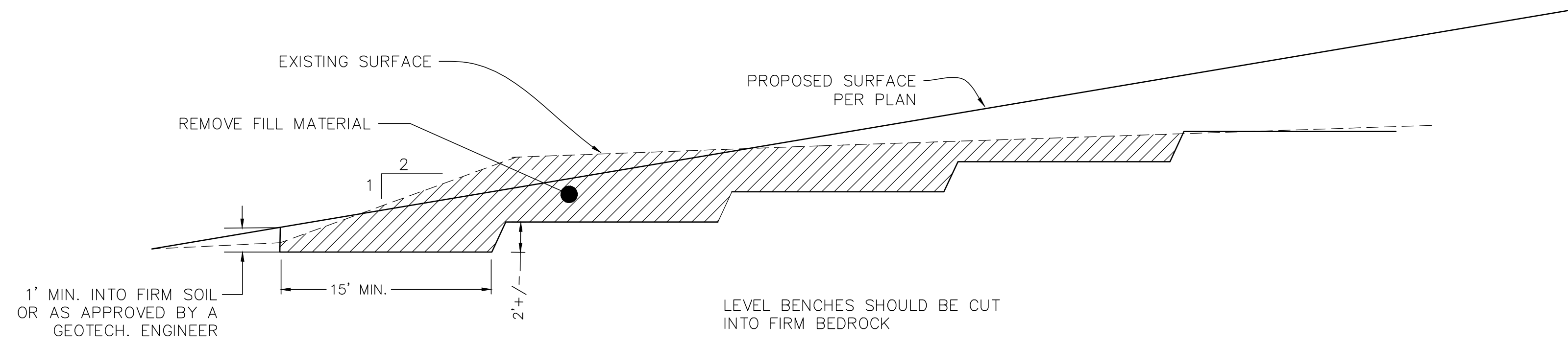
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FIBER ROLL INSTALLATION

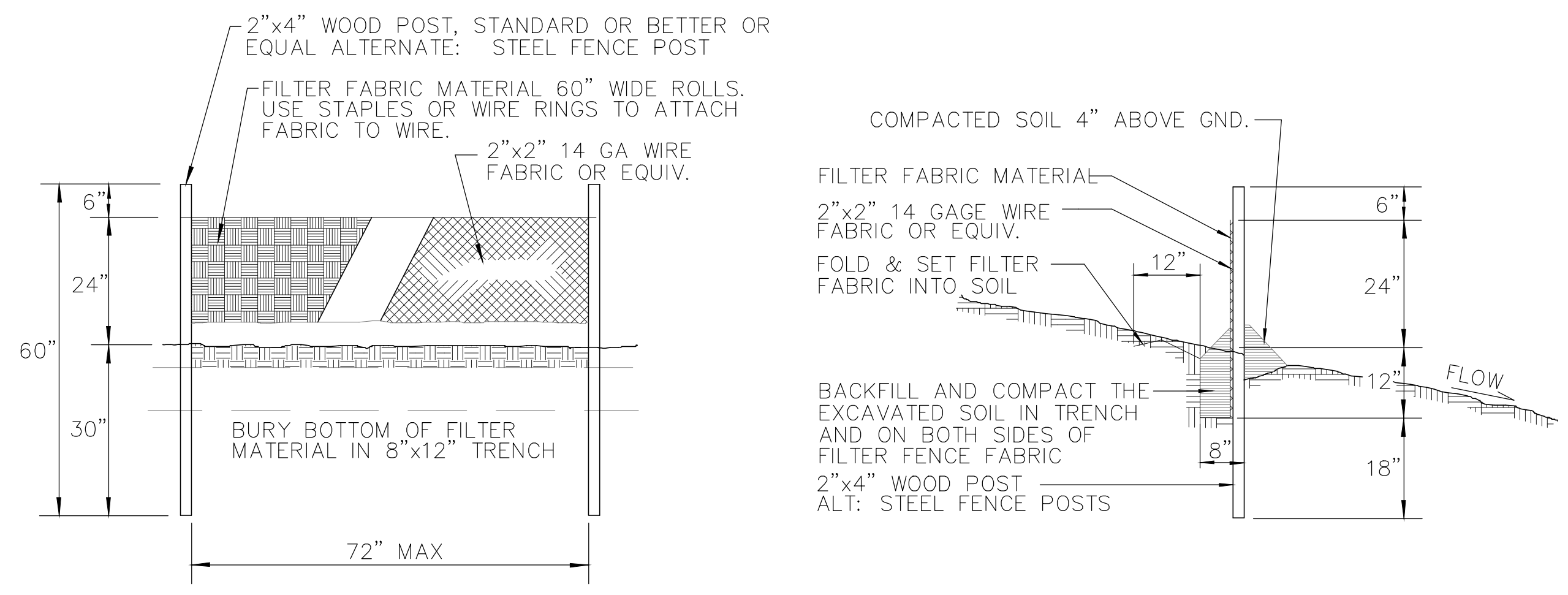
NTS



- NOTES:
1. THIS DETAIL IS NOT TO SCALE. REFER TO GRADING PLAN FOR ACTUAL ELEVATIONS FOR COMPLETE INSTALLATION SPECIFICATIONS.
 2. REMOVE AND STOCKPILE EXISTING TOPSOIL
 3. EXCAVATE BENCHES INTO FIRM BEDROCK.
 4. FILL BENCHES, COMPACTING TO ABOUT 90% RELATIVE COMPACTION TO 24" BELOW PLANNED FINISH GRADE.
 5. TOP 12" MAY BE TILLED FOR FUTURE PLANTINGS

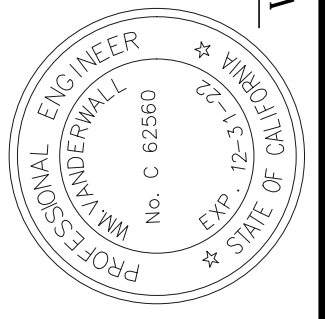
GRADING DETAIL

NTS

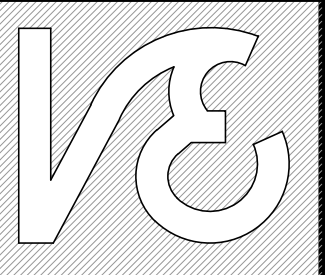


SILT FENCE INSTALLATION

NTS



GRADING PLAN FOR RESTORATION DETAILS



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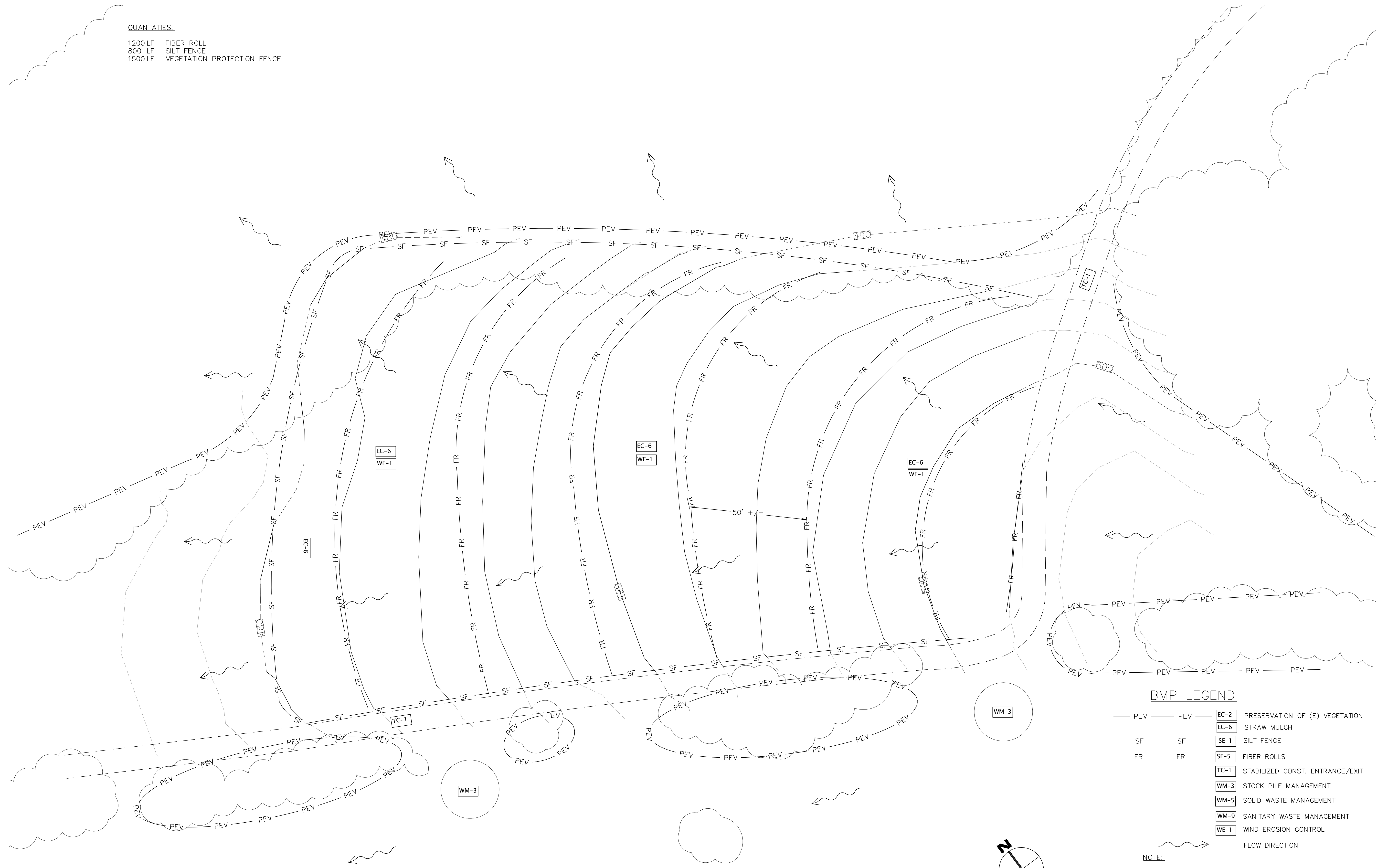
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QUANTITIES:

1200 LF FIBER ROLL
 800 LF SILT FENCE
 1500 LF VEGETATION PROTECTION FENCE

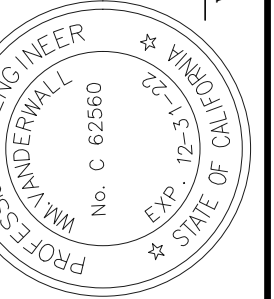


BMP LEGEND

- PEV — PEV — EC-2 PRESERVATION OF (E) VEGETATION
- SF — SF — EC-6 STRAW MULCH
- FR — FR — SE-1 SILT FENCE
- FR — FR — SE-5 FIBER ROLLS
- TC-1 STABILIZED CONST. ENTRANCE/EXIT
- WM-3 STOCK PILE MANAGEMENT
- WM-5 SOLID WASTE MANAGEMENT
- WM-9 SANITARY WASTE MANAGEMENT
- WE-1 WIND EROSION CONTROL
- — — FLOW DIRECTION

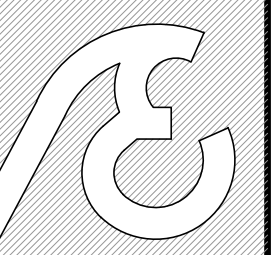
NOTE:

- 1) SANITARY WASTE MANAGEMENT **WM-9** LOCATED NEAR MAIN ENTRANCE
- 2) SOIL WASTE MANAGEMENT **WM-5** LOCATED AT MAIN ENTRANCE



**GRADING PLAN RESTORATION
 PLAN VIEW**

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