



109 North Marshall Avenue  
P.O. Box 908  
Willows, CA 95988

Telephone (530) 934-3324  
Fax (530) 934-2334

June 5, 2023

Mr. Eric Porter  
Associate Planner  
Lake County California Planning Department  
255 N. Forbes Street  
Lakeport, CA 95453

Eric.Porter@lakecountyca.gov  
cannabisCEQA@lakecountyca.gov

Dear Mr. Porter:

Our office represents Elton Garner Ranch LLC and its members. This comment is regarding Major Use Permit UP 20-77 and Initial Study IS 20-92, Knapp Family Farms.

Elton Garner Ranch LLC is the owner of Lake County APN: 006-009-220-000, adjacent to the proposed project on Lake County APN: 006-009-23 and 006-009-53.

New Long Valley Road at the proposed project site is a privately maintained roadway. There is no analysis and/or insufficient analysis of the impacts caused by the increased traffic to and from the proposed project site. Any increase in traffic will cause further wear and tear to the privately maintained roadway and significant harm to the neighboring environment.

There is no analysis and/or insufficient analysis of the impacts to the historic integrity of the surrounding viewshed, which has remained largely unaltered for decades.

The study contains gross inaccuracies which could subject the County and/or Knapp Family Farms or its successors to significant liability for slander of title and trespass. Figure 1 – PARTIAL SITE PLAN identifies my client's private bridge providing access to their property above Lake County APN: 006-009-240-000, as an emergency access to proposed project site. No such right exists.

The study further incorrectly identifies in Figure 3 "VIEW OF SITE FROM NEW LONG VALLEY ROAD" the roadway from New Long Valley Road to my client's private bridge. My clients believe this is inaccurate. Knapp Family Farms access to the project site is approximately ¾ of mile further up New Long Valley Road. Neither the owner Lake County APN: 006-009-23 and 006-009-53 nor the project has any right to access Lake County APN: 006-009-23 and 006-009-53 or the project at that location.

We oppose the project moving forward in any manner and look forward to providing further comments and information in opposition thereto. Please contact us if you have any questions.

Sincerely,

---

JOHN R. GARNER

JRG/kf

GARNER | & ASSOCIATES  
LLP

109 North Marshall Avenue  
P.O. Box 908  
Willows, CA 95988

Telephone (530) 934-3324  
Fax (530) 934-2334

June 6, 2023

Mr. Eric Porter  
Associate Planner  
Lake County California Planning Department  
255 N. Forbes Street  
Lakeport, CA 95453

Eric.Porter@lakecountyca.gov  
cannabisCEQA@lakecountyca.gov

Dear Mr. Porter:

Our office represents Elton Garner Ranch LLC and its members. This comment is regarding Major Use Permit UP 20-77 and Initial Study IS 20-92, Knapp Family Farms.

Elton Garner Ranch LLC is the owner of Lake County APN: 006-009-220-000, adjacent to the proposed project on Lake County APN: 006-009-23 and 006-009-53.

New Long Valley Road at the proposed project site is a privately maintained roadway. There is no analysis and/or insufficient analysis of the impacts caused by the increased traffic to and from the proposed project site. Any increase in traffic will cause further wear and tear to the privately maintained roadway and significant harm to the neighboring environment.

There is no analysis and/or insufficient analysis of the impacts to the historic integrity of the surrounding viewshed, which has remained largely unaltered for decades.

The study contains gross inaccuracies which could subject the County and/or Knapp Family Farms or its successors to significant liability for slander of title and trespass. Figure 1 – PARTIAL SITE PLAN identifies my client's private bridge providing access to their property above Lake County APN: 006-009-240-000, as an emergency access to proposed project site. No such right exists.

The study further incorrectly identifies in Figure 3 "VIEW OF SITE FROM NEW LONG VALLEY ROAD" the roadway from New Long Valley Road to my client's private bridge. My clients believe this is inaccurate. Knapp Family Farms access to the project site is approximately ¼ of mile further up New Long Valley Road. Neither the owner Lake County APN: 006-009-23 and 006-009-53 nor the project has any right to access Lake County APN: 006-009-23 and 006-009-53 or the project at that location.

We oppose the project moving forward in any manner and look forward to providing further comments and information in opposition thereto. Please contact us if you have any questions.

Sincerely,

  
JOHN R. GARNER

JRG/kf

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:13 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Re-sending First email



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

---

**From:** Lyn Fischbein <lynfischbein@gmail.com>  
**Sent:** Wednesday, June 7, 2023 10:38 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Re-sending First email

Enclosed are my comments re: Knapp Family Farm in case the forward did not transmit:

Comments Regarding A Mitigated Negative Declaration for Knapp Family Farms;  
Major Use Permit (UP 20-77); Initial Study (IS 20-92)

Before reading my comments, I suggest you read County of Lake Ordinance No. 3073, adopted March 20, 2018 addressing many of the same problems I am addressing. I have included those parts of the text that pertain to my concerns in the footnotes at the end of my comments.

I recognize the County's expectations to mitigate these problems, but I seriously question their success in monitoring inspection and compliance if the permit is approved. County Code Enforcement employs only 2 field officers to monitor all of the county's cannabis cultivation projects.

1) Cannabis Application Checklist, under section Additional Information requires that if a private easement is to be used, documentation of the easements should be provided.

The applicant has access to his property from New Long Valley Rd only by easements from 2 separate property owners. No easement documents are included in Knapp's application. According to Knapp's adjacent property owner, Elton R. Garner, Jr., no easement has been granted to Knapp to use the bridge. See attached email, Exhibit A, I received from Mr. Garner on 5/29/23. Therefore, the easement for emergency access shown on p. 2, FIGURE 1, INITIAL STUDY, is

questionable.

2) On p. 3 of INITIAL STUDY, Equipment expected to be required lists Excavator, Backhoe, Pickup trucks, and Water truck.

Note Avg. Weights for the equipment:

Car—4,100 lbs.; truck—3,500 to over 6,000 lbs.; excavator medium to large—67,800 lbs;  
backhoe—15,000 lbs; empty water truck—up to 40,000 lbs. (5 x's weight of avg. car);  
empty fire truck—11,500 to 14,500 lbs.; ambulance—10,000 to 14,000 lbs.

According to my research, no access easement appears to have been granted for either bridge, which to my knowledge and shown on FIGURE 1, are the only access to the Knapp property and were constructed approximately 30+ years ago by a local farmer (I think it was Elton Garner). It is doubtful either bridge, if used, could handle the weight of the equipment expected to be required. In addition, the banks surrounding the creek are steep, having erosion loss of 30 to 40 feet elevation in the 50 years I've lived here, and, even if allowed, would be difficult for the above equipment to cross over the creek bed.

The bridges should be inspected for width and tonnage capacity.

3) On p. 10, AESTHETICS, Discussion: a) states New Long Valley Rd is a well-maintained dirt County road at the Knapp location.

Not so. Several years ago the County classified the dirt portion of New Long Valley Rd a "driveway" and reassigned new address numbers to all properties on it. The road bisects most, if not all, the parcels on the road and maintenance and liability are the responsibility of the property owners. We property owners voluntarily contribute to the Long Valley Road Fund to pay for supplies and compensation to operate a road grader owned by a local resident. He usually grades the road 2 - 3 times a year after the rain season. During the rain season the road is covered with chuck holes requiring slow driving and during the dry season it is excessively dusty. In some sections of the road there is a slim veneer of dirt over rocks.

The road may be narrower than 20 feet wide in some locations, requiring one vehicle to pass safely at a time, and there are several blind curves. During the dry months, the dust on the road causes blind spots and to be safe, you must stop to allow the dust to settle. There have been accidents over the years because of the blinding dust.

Although my health prohibits me from verifying the photo marked FIGURE 3, it is questionable.

4) Section III. Air Quality, c) sensitive receptors, p. 15, addresses the fact that senior citizens are more susceptible to the effects of air pollution than the general population. Most parcels adjacent to and/or affected by the air pollution this project will generate house full-time residents who are in their 70's and upper 80's with health conditions that will be exacerbated by this project.

Spring Valley Organics applied for a similar use in 2019. In their Project Description document seeking a major use permit, p. 14, they state: "Odors: Cannabis cultivation can generate objectionable odors, particularly when plants are mature/flowering." The document on p. 13 provides contact information for all complainants to call the Project's Community Liaison about odors to determine the source and the best mitigation method before calling County Officials/Staff. The Knapp project is 2 x's the size of Spring Valley Organics and can be expected to generate twice the amount of odors.

Section III. AIR QUALITY c) for Knapp Farms does not address the odors produced by the cannabis plants, odors which can be very sensitive to surrounding residents, particularly since most of them will keep their windows open or be outdoors during the cannabis growing months. Most of the Knapp Farm cannabis site area will be outdoor cultivation.

c) also contains erroneous information re: mileage to Clearlake Oaks and therefore all information calculated for CO2

emissions is erroneous.

c) dust from vehicle traffic will be increased. Although my house is approx. 500 ft. from New Long Valley Rd., during the dry season dust from the road drifts into my and my neighbors' homes, aggravating my dust allergy and requiring additional house cleaning. With this project, dust will drift into surrounding properties from several directions.

#### 5) Section IV. BIOLOGICAL RESOURCES

Although the Planning Department concludes "Less than Significant Impact" for items a) through e) and "No Impact" for item f), I refer you to "A Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources produced by California Department of Fish and Wildlife Habitat Conservation Planning Branch July 2018".

This portion of Long Valley, because of its relative isolation, tranquility, and minimal auto traffic and noise, hosts much wildlife and is a deer hunting area. Generations of deer return to this area surrounding my property and the Knapp Farm to reproduce. How will the constant noise (including firearms) and traffic affect the wildlife? How will the pesticide use affect birds and small creatures dependent on insects for food?

#### 6) Section VI. ENERGY

The project proposes for the 2nd stage twelve 3,000 sq. ft. greenhouses and twenty-two 1,000 sq. ft. hoop houses. Optimum temperature for indoor cultivation in areas with overhead structures is 68 degrees -86 degrees F. Often, the temperature within the project's location during the months of July through September has reached 100+ degrees. The indoor cultivation will probably require cooling fans, causing an increase in anticipated energy use and an increase in noise.

#### 7) Section VII. GEOLOGY AND SOILS

As I stated in my comment 2) above, within the past 50 years there has been extensive erosion along the banks of Long Valley Creek at the vicinity of this project. The creek bed has dropped from 5 feet below land level to 40 feet below, dropping continuously each year. It is undoubtedly affecting the water table and residence wells. Could this have an effect on the aquifer?

#### 8) Section IX. HAZARDS AND HAZARDOUS MATERIAL

The project poses a threat in case of wildland fires or accidents because access to the property and ability of the bridges to carry the tonnage required are in question.

#### 9) Section XIII. NOISE

This area of Long Valley is a narrow corridor. Sounds travel easily. Although my house is approximately 500 feet set back from the road, I can hear most automobile traffic passing on the road as well as all the bird calls from many distances away. Noise from the cannabis site preparation and cultivation and the additional target practicing from gunfire that has occurred on Knapp's property in the past will travel to most of the property in the vicinity.

#### 10) Section XIV. POPULATION AND HOUSING

a) The project is "estimated to have up to four employees during normal operations, and up to eight employees up to peak harvest season".

Please note that shortly after the property was purchased by a member of the Knapp family, Raphael Knapp operated an illegal small cannabis cultivation. He and 2 of his co-workers lived in a trailer on the property throughout the preparation and cultivation stages. That operation was raided and terminated by law enforcement before harvest.

I suspect that based on past activity, given that it is 16 miles to the nearest accommodations and considering the cost of lodging, the employees will lodge on the property.

The year-round residential population in the vicinity is 8, all elderly. This project would double that number and have a significant impact.

11) Section XV. PUBLIC SERVICES

a) the box for "Potentially Significant Impact" should be checked for the following reasons:

1. Roads and emergency access are questionable ((see my comments 1), 2), and 3) above)).

2. Police protection from the County Sheriff Dept will take more than 30 minutes to arrive because travel time by auto exceeds 30 minutes.

12) Section XVII. TRANSPORTATION

e) Result in inadequate emergency access?

The box "Potentially Significant Impact" should be checked for the same reasons as stated in the above item 11), PUBLIC SERVICES.

13) Section XX. WILDFIRE

Over the past year, wind gusts in the valley have exceeded 25 mph on many days. Items a) and b) should be marked "Potentially Significant Impact".

14) Section XXI. MANDATORY FINDINGS OF SIGNIFICANCE

All boxes, a), b) and c) should be marked as "Potentially Significant Impact".

=====

Copy of email, EXHIBIT A

Randy Garner

Mon, May 29, 9:13?AM (2 days ago)

to John, me

By copy of this email, I am sharing your information and my reply with my son, John, also an attorney. We similarly are objecting to their desired use of their property. I also understand the "Le Flor property" has no right or easement to the bridge we use to access their property. They have recently asked to use same for clean up after the fire and when installing a mobile home on their property. We denied their use each time and will continue to deny their use of such. I have no understanding of their rights to Phil's bridge other than my understanding it was their "access" to their property. I have reviewed the files regarding the litigation regarding use of bridge and probably have copies in my file. I will look further tomorrow.

Elton R. Garner, Jr.

Attorney at Law

109 North Marshall Ave

P.O. Box 908

Willows, California 95988

Tel: (530) 934-3324

Fax: (530) 934-2334

email: [randy@garner-associates.com](mailto:randy@garner-associates.com)



Footnotes: from Lake County Ordinance 3073:

The unregulated cultivation of cannabis in the unincorporated area of Lake County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of violent criminal activity, degradation of the natural environment, malodorous smells, undesired impacts to neighboring parcels, and indoor electrical fire hazards....

During the last 3 years, Lake County has experienced an ongoing large number of complaints regarding the odor, threats to public safety and other nuisances that unregulated cannabis cultivation sites create.....

Unregulated use of Pesticide management, pesticides and fertilizers has the potential to contaminate or otherwise damage adjacent property and waterways. This poses a threat.....to consumers of agricultural crops grown in proximity to cannabis; .....

The cultivation of cannabis has the potential of increased crime, intimidation and threats.

I urge you to deny the Knapp Family Farms Major Use Permit (UP 20-77) for a cannabis cultivation for the reasons (comments) listed above.

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING UNDER THE REGIONAL CLIMATE COLLABORATIVES PROGRAM, AS ADMINISTERED BY THE STRATEGIC GROWTH COUNCIL**

WHEREAS, in 2021 the Legislature and the Governor of the State of California provided funds for the Regional Climate Collaboratives grant program, pursuant to SB 1072 (2018); and

WHEREAS, the Strategic Growth Council is responsible for the administration of this grant program, including developing guidelines and selection criteria; and

WHEREAS, the Strategic Growth Council released the second round application guidance on July 6, 2023, with a pre-proposal due date of 5:00pm PT on Wednesday, September 6, 2023; and

WHEREAS, the Strategic Growth Council received the pre-proposal from the County of Lake and invited all partners to submit a full proposal by 5:00pm PT on Wednesday, December 6, 2023; and

WHEREAS, this Board finds it is in the public interest to build the internal capacity of the Lake County Community Risk Reduction Authority, promote bioenergy and biochar production to utilize waste woody biomass, and support capacity development for climate resilience activities in Lake County, and these activity are eligible for funding under the criteria set forth in the Strategic Growth Council's guidelines; and

WHEREAS, procedures established by the Strategic Growth Council require a Resolution certifying the approval of applications by the Applicant's governing board before submission to the State; and

WHEREAS, the County of Lake is an eligible applicant, and authorized to apply for and accept a Regional Climate Collaboratives grant if awarded, and authorized to execute all related documents.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board of Supervisors hereby finds and declares, and orders that:

1. The above recitals are true and correct.
2. Approves the filing of an application for the Regional Climate Collaboratives Round 2 grant for funding year 2024 to be submitted no later than 5:00pm PT on Wednesday, December 6, 2023.
3. Certifies that our local government organization, as Applicant, in partnership with our co-applicants, will have sufficient resources to execute the activities outlined in the grant application.
4. Appoints the County Administrative Officer, or designee, as agent to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, and payment requests that may be necessary for competition of the aforementioned capacity building activities.

4. The Clerk to the Board of Supervisors shall certify to the adoption of this Resolution, which shall take effect immediately upon adoption.

**THIS RESOLUTION WAS PASSED AND ADOPTED** by the Board of Supervisors of the County of Lake State of California, at a regular meeting thereof on the 28th day of November 2023 and passed by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

**BOARD OF SUPERVISORS**

\_\_\_\_\_

Chair, Board of Supervisors

**ATTEST: SUSAN PARKER**

**Clerk to the Board of Supervisors**

**APPROVED AS TO FORM:**

**Lloyd Guintivano**

County Counsel

By: \_\_\_\_\_

County Administrative Officer

By: \_\_\_\_\_

County Counsel

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:13 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Fwd: Knapp Family Farms--Comments



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

---

**From:** Lyn Fischbein <[lynfischbein@gmail.com](mailto:lynfischbein@gmail.com)>  
**Sent:** Wednesday, June 7, 2023 10:23 AM  
**To:** Lake County CannabisCEQA <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Fwd: Knapp Family Farms--Comments

----- Forwarded message -----

**From:** Lyn Fischbein <[lynfischbein@gmail.com](mailto:lynfischbein@gmail.com)>  
**Date:** Wed, May 31, 2023 at 1:52 PM  
**Subject:** Knapp Family Farms--Comments  
**To:** <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>

I have carefully reviewed the documents for the Mitigated Negative Declaration and herein submit my comments:

Comments Regarding A Mitigated Negative Declaration for Knapp Family Farms;  
Major Use Permit (UP 20-77); Initial Study (IS 20-92)

Before reading my comments, I suggest you read County of Lake Ordinance No. 3073, adopted March 20, 2018 addressing many of the same problems I am addressing. I have included those parts of the text that pertain to my concerns in the footnotes at the end of my comments.

I recognize the County's expectations to mitigate these problems, but I seriously question their success in monitoring inspection and compliance if the permit is approved. County Code Enforcement employs only 2 field officers to monitor all of the county's cannabis cultivation projects.

1) Cannabis Application Checklist, under section Additional Information requires that if a private easement is to be used, documentation of the easements should be provided.

The applicant has access to his property from New Long Valley Rd only by easements from 2 separate property owners. No easement documents are included in Knapp's application. According to Knapp's adjacent property owner, Elton R. Garner, Jr., no easement has been granted to Knapp to use the bridge. See attached email, Exhibit A, I received from Mr. Garner on 5/29/23. Therefore, the easement for emergency access shown on p. 2, FIGURE 1, INITIAL STUDY, is questionable.

2) On p. 3 of INITIAL STUDY, Equipment expected to be required lists Excavator, Backhoe, Pickup trucks, and Water truck.

Note Avg. Weights for the equipment:

Car-4,100 lbs.; truck-3,500 to over 6,000 lbs.; excavator medium to large--67,800 lbs;  
backhoe-15,000 lbs; empty water truck-up to 40,000 lbs. (5 x's weight of avg. car);  
empty fire truck-11,500 to 14,500 lbs.; ambulance-10,000 to 14,000 lbs.

According to my research, no access easement appears to have been granted for either bridge, which to my knowledge and shown on FIGURE 1, are the only access to the Knapp property and were constructed approximately 30+ years ago by a local farmer (I think it was Elton Garner). It is doubtful either bridge, if used, could handle the weight of the equipment expected to be required. In addition, the banks surrounding the creek are steep, having erosion loss of 30 to 40 feet elevation in the 50 years I've lived here, and, even if allowed, would be difficult for the above equipment to cross over the creek bed.

The bridges should be inspected for width and tonnage capacity.

3) On p. 10, AESTHETICS, Discussion: a) states New Long Valley Rd is a well-maintained dirt County road at the Knapp location.

Not so. Several years ago the County classified the dirt portion of New Long Valley Rd a "driveway" and reassigned new address numbers to all properties on it. The road bisects most, if not all, the parcels on the road and maintenance and liability are the responsibility of the property owners. We property owners voluntarily contribute to the Long Valley Road Fund to pay for supplies and compensation to operate a road grader owned by a local resident. He usually grades the road 2 - 3 times a year after the rain season. During the rain season the road is covered with chuck holes requiring slow driving and during the dry season it is excessively dusty. In some sections of the road there is a slim veneer of dirt over rocks.

The road may be narrower than 20 feet wide in some locations, requiring one vehicle to pass safely at a time, and there are several blind curves. During the dry months, the dust on the road causes blind spots and to be safe, you must stop to allow the dust to settle. There have been accidents over the years because of the blinding dust.

Although my health prohibits me from verifying the photo marked FIGURE 3, it is questionable.

4) Section III. Air Quality, c) sensitive receptors, p. 15, addresses the fact that senior citizens are more susceptible to the effects of air pollution than the general population. Most parcels adjacent to and/or affected by the air pollution this project will generate house full-time residents who are in their 70's and upper 80's with health conditions that will be exacerbated by this project.

Spring Valley Organics applied for a similar use in 2019. In their Project Description document seeking a major use

permit, p. 14, they state: "Odors: Cannabis cultivation can generate objectionable odors, particularly when plants are mature/flowering." The document on p. 13 provides contact information for all complainants to call the Project's Community Liaison about odors to determine the source and the best mitigation method before calling County Officials/Staff. The Knapp project is 2 x's the size of Spring Valley Organics and can be expected to generate twice the amount of odors.

Section III. AIR QUALITY c) for Knapp Farms does not address the odors produced by the cannabis plants, odors which can be very sensitive to surrounding residents, particularly since most of them will keep their windows open or be outdoors during the cannabis growing months. Most of the Knapp Farm cannabis site area will be outdoor cultivation.

c) also contains erroneous information re: mileage to Clearlake Oaks and therefore all information calculated for CO2 emissions is erroneous.

c) dust from vehicle traffic will be increased. Although my house is approx. 500 ft. from New Long Valley Rd., during the dry season dust from the road drifts into my and my neighbors' homes, aggravating my dust allergy and requiring additional house cleaning. With this project, dust will drift into surrounding properties from several directions.

#### 5) Section IV. BIOLOGICAL RESOURCES

Although the Planning Department concludes "Less than Significant Impact" for items a) through e) and "No Impact" for item f), I refer you to "A Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources produced by California Department of Fish and Wildlife Habitat Conservation Planning Branch July 2018".

This portion of Long Valley, because of its relative isolation, tranquility, and minimal auto traffic and noise, hosts much wildlife and is a deer hunting area. Generations of deer return to this area surrounding my property and the Knapp Farm to reproduce. How will the constant noise (including firearms) and traffic affect the wildlife? How will the pesticide use affect birds and small creatures dependent on insects for food?

#### 6) Section VI. ENERGY

The project proposes for the 2nd stage twelve 3,000 sq. ft. greenhouses and twenty-two 1,000 sq. ft. hoop houses. Optimum temperature for indoor cultivation in areas with overhead structures is 68 degrees -86 degrees F. Often, the temperature within the project's location during the months of July through September has reached 100+ degrees. The indoor cultivation will probably require cooling fans, causing an increase in anticipated energy use and an increase in noise.

#### 7) Section VII. GEOLOGY AND SOILS

As I stated in my comment 2) above, within the past 50 years there has been extensive erosion along the banks of Long Valley Creek at the vicinity of this project. The creek bed has dropped from 5 feet below land level to 40 feet below, dropping continuously each year. It is undoubtedly affecting the water table and residence wells. Could this have an effect on the aquifer?

#### 8) Section IX. HAZARDS AND HAZARDOUS MATERIAL

The project poses a threat in case of wildland fires or accidents because access to the property and ability of the bridges to carry the tonnage required are in question.

#### 9) Section XIII. NOISE

This area of Long Valley is a narrow corridor. Sounds travel easily. Although my house is approximately 500 feet set back from the road, I can hear most automobile traffic passing on the road as well as all the bird calls from many distances away. Noise from the cannabis site preparation and cultivation and the additional target practicing from gunfire that has occurred on Knapp's property in the past will travel to most of the property in the vicinity.

10) Section XIV. POPULATION AND HOUSING

a) The project is "estimated to have up to four employees during normal operations, and up to eight employees up to peak harvest season".

Please note that shortly after the property was purchased by a member of the Knapp family, Raphael Knapp operated an illegal small cannabis cultivation. He and 2 of his co-workers lived in a trailer on the property throughout the preparation and cultivation stages. That operation was raided and terminated by law enforcement before harvest.

I suspect that based on past activity, given that it is 16 miles to the nearest accommodations and considering the cost of lodging, the employees will lodge on the property.

The year-round residential population in the vicinity is 8, all elderly. This project would double that number and have a significant impact.

11) Section XV. PUBLIC SERVICES

a) the box for "Potentially Significant Impact" should be checked for the following reasons:

1. Roads and emergency access are questionable ((see my comments 1), 2), and 3) above)).

2. Police protection from the County Sheriff Dept will take more than 30 minutes to arrive because travel time by auto exceeds 30 minutes.

12) Section XVII. TRANSPORTATION

e) Result in inadequate emergency access?

The box "Potentially Significant Impact" should be checked for the same reasons as stated in the above item 11), PUBLIC SERVICES.

13) Section XX. WILDFIRE

Over the past year, wind gusts in the valley have exceeded 25 mph on many days. Items a) and b) should be marked "Potentially Significant Impact".

14) Section XXI. MANDATORY FINDINGS OF SIGNIFICANCE

All boxes, a), b) and c) should be marked as "Potentially Significant Impact".

=====

Copy of email, EXHIBIT A

Randy Garner

Mon, May 29, 9:13?AM (2 days ago)

to John, me

By copy of this email, I am sharing your information and my reply with my son, John, also an attorney. We similarly are objecting to their desired use of their property. I also understand the "Le Flor property" has no right or easement to the bridge we use to access their property. They have recently asked to use same for clean up after the fire and when installing a mobile home on their property. We denied their use each time and will continue to deny their use of such. I have no understanding of their rights to Phil's bridge other than my understanding it was their "access" to their property. I have reviewed the files regarding the litigation regarding use of bridge and probably have copies in my file. I will look further tomorrow.

Elton R. Garner, Jr.

Attorney at Law

109 North Marshall Ave  
P.O. Box 908  
Willows, California 95988  
Tel: (530) 934-3324  
Fax: (530) 934-2334  
email: [randy@garner-associates.com](mailto:randy@garner-associates.com)

Footnotes: from Lake County Ordinance 3073:

*The unregulated cultivation of cannabis in the unincorporated area of Lake County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of violent criminal activity, degradation of the natural environment, malodorous smells, undesired impacts to neighboring parcels, and indoor electrical fire hazards...*

*During the last 3 years, Lake County has experienced an ongoing large number of complaints regarding the odor, threats to public safety and other nuisances that unregulated cannabis cultivation sites create.....*

*Unregulated use of Pesticide management, pesticides and fertilizers has the potential to contaminate or otherwise damage adjacent property and waterways. This poses a threat.....to consumers of agricultural crops grown in proximity to cannabis; .....*

*The cultivation of cannabis has the potential of increased crime, intimidation and threats.*

I urge you to deny the Knapp Family Farms Major Use Permit (UP 20-77) for a cannabis cultivation for the reasons (comments) listed above.



## Eric Porter

---

**From:** Lyn Fischbein <lynfischbein@gmail.com>  
**Sent:** Wednesday, June 7, 2023 6:13 PM  
**To:** Eric Porter  
**Subject:** [EXTERNAL] Fwd: Additional Comments Knapp Farm

Please acknowledge receipt of this email.

----- Forwarded message -----

**From:** Lyn Fischbein <[lynfischbein@gmail.com](mailto:lynfischbein@gmail.com)>  
**Date:** Wed, Jun 7, 2023 at 11:34 AM  
**Subject:** Additional Comments Knapp Farm  
**To:** <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>

I noticed I omitted a correction to the Mitigated Negative Declaration.

On page 3 of the document, under the heading "Post Construction Hours of Operation/Work Shifts," etc. the document states "Clearlake Oaks is located about 4 miles from the cultivation site."

Please note, the cultivation site is 16 miles from Clearlake Oaks center, 4 miles of which is a dirt road classified as a driveway, an additional 5 miles of paved county-maintained road, and another 7 miles on highway 20 to reach the business section of Clearlake Oaks. The total distance to Clearlake Oaks facilities is 16 miles and takes approximately 30 minutes of travel time.

This travel time affects public services available to the area, Section XV.

Submitted by Lyn Fischbein

## Eric Porter

---

**From:** Lyn Fischbein <lynfischbein@gmail.com>  
**Sent:** Saturday, June 3, 2023 2:53 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Knapp Farm comments  
**Attachments:** Knapp Family Farm Additional Comments.wpd

I am submitting additional comments herein re: the Mitigated Negative Declaration for a use permit for the Knapp Family Farm plus am attaching the file.

### A Mitigated Negative Declaration for Knapp Family Farm

Additional comments: Submitted by Lyn Fischbein  
June 3, 2023

I am adding my comments to address one of the most important environmental issues affected by this project, WATER. As you know, all life depends on water. I have no training in geology so excuse any inaccuracies—I will attempt my best.

The hydrology "Reports 1 and 2" were prepared by Western Groundwater Surveyors, Inc. Unfortunately, I received only Report # 1. The reports are dated September 21, 2021 and December 27, 2021 and undoubtedly relied on data from year 2021 or earlier. Their data relative to my comments are as follows:

1. The geology in this area is older alluvial fan deposits and alluvial terrace deposits
2. The aquifer boundary is about 1.05 miles wide
3. Total recharge area of aquifer is about 569 acres in size
4. Total estimated storage capacity of aquifer is about 8,080 acre-feet of water with a total usable amount of water being 20% of total water storage, or about 1,600 acre-feet of usable water
5. Annual recharge of the aquifer is about 737 acre-feet per year. (Does this include 80% of unusable water, which would compute to 147.4 acre-feet of usable water?)
6. Report #2 projects annual water demand from the Knapp Farm as being 7.92 acre-feet per year or about 2,580,700 gallons per year, based on 4 acres or 174,240 sq. ft. of outdoor cultivation, which includes 87,120 sq. ft. of outdoor canopy plus an additional 44,000 of mixed-light canopy.
7. The report states that competing wells demand about 203.1 acre-feet per year, or about 66,007,000 gallons of water per year, data collected from 2021 or earlier

I have done my analysis based on the above and based on the assumption that Project Ovis, formally the Elton Garner Ranch, now owned by Clay Shannon, adjacent to and west and northwest of the Knapp parcels, is on the same aquifer as the Knapp parcels.

The most up-to-date figures available from Lake County Agricultural Department is that there are 132 acres of vineyard planted on Ovis. I have not been able to obtain total vineyard acreage for the year 2023, but an eye-view surveillance indicates that of the approximately 295 acres of level farmland, most if not all appear to be planted vineyard. Based on 1 acre supporting 800 plants, 295 planted acres require approximately 84,960,000 gallons of water a year, or 260.6 acre-feet of water per year.

The Knapp Farm document makes no mention of Clay Shannon's adjacent vineyard and or water use. But taken together, and assuming they are drawing from the same aquifer, the annual use of water: 203.1 acre-feet from competing wells, plus 260.6 acre-feet from the Shannon vineyard, plus 7.92 acre-feet from the proposed Knapp Farm, is approximately 471.62 acre-feet of water or .295% of total usable water in the aquifer.

According to the hydrology Report #2, annual recharge of the aquifer is probably 737 acre-feet per year, best case

scenario assuming no drought. If only usable water is calculated, which is 20% of the aquifer, only 147.4 acre-feet per year of the recharge is usable. In 4 years, the original storage in the aquifer measured in 2021 of 1600 acre-feet of usable water plus the annual recharge of 147.4 acre-feet will be insufficient for the demand.

Assuming the above information is correctly calculated, let's re-evaluate Section X. HYDROLOGY AND WATER QUALITY. On the Mitigation document for the Knapp Permit, items a) and e) should be marked as "Potentially Significant Impact" for reasons I have stated above. According to my interpretation of Cal. Code Regs. Tit. 14 15064, this project will have a significant effect on the environment.

**Therefore, I recommend that a full Environmental Impact Report be required before any additional action is taken.**

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Tuesday, May 23, 2023 4:19 PM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] UP 20-77

Comment for UP 20-77



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

---

**From:** philipmoy@shannonranches.com <philipmoy@shannonranches.com>  
**Sent:** Tuesday, May 16, 2023 8:16 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] UP 20-77

Hello:

I reviewed the CEQA checklist and mitigation report for the Knapp Farm project. We farm property to the west of the proposed project (006-009-35). Would you please send me a copy of the full site plan? A piece of it is shown in the initial study, but there is no legend or scale in the redacted version.

Thank you,

Phil Moy  
Facilities and Projects Coordinator  
Shannon Ranches  
13151 Hwy 20 E  
Clearlake Oaks, CA, 95423  
(920) 901-6699

## Eric Porter

---

**From:** philipmoy@shannonranches.com  
**Sent:** Wednesday, May 31, 2023 8:08 AM  
**To:** Eric Porter  
**Subject:** [EXTERNAL] Knapp Family Farms UP 20-77

Hello Eric:

I prepared the comment below regarding the Knapp Family Farm project in Long Valley. I also submitted it via CannabisCEQA.

Thanks,

Phil

Lake County Community Development Department  
Attn: Eric Porter

Dear Mr. Porter:

This comment is regarding Major Use Permit UP 20-77 and Initial Study IS 20-92, Knapp Family Farms.

Shannon Ranches has an established vineyard on parcel 006-009-35, immediately adjacent to the proposed project parcels 006-009-23 and 006-009-53. We are concerned that odors associated with and emanating from the proposed outdoor Cannabis operation may taint our grapes growing in the blocks near the proposed operation.

Further it is troubling that the 90 acres of established vineyard adjacent to the proposed outdoor Cannabis operation is given scant mention only as "agricultural uses" in the Initial Study and no acknowledgement whatsoever of the potential for adverse impacts. As shown in sheet 10-17-22-P1 of the site plan, the proposed outdoor grow is only **175** feet from the vines in the adjacent vineyard, *not* 350 feet as stated in the Initial Study (Agriculture and Forestry Resources Discussion page 12, Paragraph (b)).

The Air Quality discussion includes no mention of Terpenes and their potential adverse impact on grape quality save the prevailing wind direction. While the prevailing wind direction is from the west, it blows from the east to northeast about 17 percent of the time carrying potentially flavor-tainting terpenes from the outdoor growing area through our grapes.

Finally, why are our vineyards not offered the same level of protection in relation to Cannabis exclusion zones as those in Big Valley receive in terms of a Farmland Protection Zone and a 1000-foot buffer? Our Long Valley vineyards have been in existence for eight years. This is longer than some in the current exclusion zones. Why are we not afforded the same level of protection?

We ask that the Planning Department consider these impacts prior to making a final recommendation on approval of Major Use Permit UP 20-77.

Sincerely,

Philip B. Moy, PhD  
Shannon Ranches, Inc.

12601 Hwy 20  
Clearlake Oaks, CA 95423  
[philipmoy@shannonranches.com](mailto:philipmoy@shannonranches.com)  
(920) 901-6699

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Monday, June 12, 2023 3:31 PM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Additional Comments Knapp Farm



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

---

**From:** Lyn Fischbein <lynfischbein@gmail.com>  
**Sent:** Wednesday, June 7, 2023 11:35 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Additional Comments Knapp Farm

I noticed I omitted a correction to the Mitigated Negative Declaration.

On page 3 of the document, under the heading "Post Construction Hours of Operation/Work Shifts," etc. the document states "Clearlake Oaks is located about 4 miles from the cultivation site."

Please note, the cultivation site is 16 miles from Clearlake Oaks center, 4 miles of which is a dirt road classified as a driveway, an additional 5 miles of paved county-maintained road, and another 7 miles on highway 20 to reach the business section of Clearlake Oaks. The total distance to Clearlake Oaks facilities is 16 miles and takes approximately 30 minutes of travel time.

This travel time affects public services available to the area, Section XV.

Submitted by Lyn Fischbein

## Eric Porter

---

**From:** Shawn Swatosh <sswatosh08@gmail.com>  
**Sent:** Monday, June 5, 2023 6:55 PM  
**To:** Lake County CannabisCEQA; Eric Porter  
**Subject:** [EXTERNAL] Knapp Farms; Major Use Permit (UP 20-77); Initial Study (IS 20-92)  
**Attachments:** image003.png

Regarding Knapp Farms; Major Use Permit (UP 20-77); Initial Study (IS 20-92)

As a property owner of 4257 New Long Valley Rd. "Shawn P.Swatosh and Darsy D. Swatosh 2003 Trust" (APN: 006-009-24) I oppose the adoption of a Mitigated Negative Declaration based on flawed information.

The CEQA checklist form initial study dated May 4<sup>th</sup>, 2023, is falsely depicting a bridge on page 10 (shown below) is an emergency access bridge as depicted on a map on page 2, however this bridge is owned by two addresses: 4257 & 4413 New Long Valley Rd. The applicant Knapp Farms has no legal access to that bridge.

Thank You,

Shawn Swatosh



## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Tuesday, May 23, 2023 4:24 PM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] KNAPP FAMILY FARMS MAJOR USE PERMIT (UP20-77) INITIAL STUDY (IS-20-92)

**Importance:** High



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

**From:** marlene.wentz@mchsi.com <marlene.wentz@mchsi.com>  
**Sent:** Friday, May 19, 2023 1:05 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] KNAPP FAMILY FARMS MAJOR USE PERMIT (UP20-77) INITIAL STUDY (IS-20-92)  
**Importance:** High

I received your notice of intent to adopt a mitigated negative declaration letter for the above referenced project.

My property is 4518 New Long Valley Road Clearlake Oaks. The proposed project is next door to my property. I am writing to express my objections to the project. We are all on wells out here and my concern is a project that large is going to negatively impact the water table. We already have Shannon Ridge vineyard which is also next door to the project that is using a high quantity of water for their vineyard.

Additionally, I am concerned that the smell from the plants will negatively affect the air quality.

Finally, the value of my property will decline because it will be difficult to sell a property that is right next door to a Cannabis grow.

Please do not allow this project to go forward.

If there is anything else I can do to stop the project, please advise.

Thank you.

*Marlene Wentz, EA*



**Marlene Wentz EA & Associates**  
**15332 Lakeshore Drive**  
**PO Box 1679**  
**Clearlake, CA 95422**  
**707-995-2388 Ext 102**  
**[www.marlenewentz.com](http://www.marlenewentz.com)**

**Vist our website for the latest tax information including a monthly tax newsletter and other useful financial tools**

GARNER | & ASSOCIATES  
LLP

109 North Marshall Avenue  
P.O. Box 908  
Willows, CA 95988

Telephone (530) 934-3324  
Fax (530) 934-2334

February 7, 2024  
Sent via Email Only

Mr. Eric Porter  
Associate Planner  
Lake County California Planning Department  
255 N. Forbes Street  
Lakeport, CA 95453

*Eric.Porter@lakecountyca.gov*  
*cannabisCEQA@lakecountyca.gov*

Andrew Amelung  
*Andrew.amelung@lakecountyca.gov*

Gentlemen:

Our office represents Elton Garner Ranch LLC and its members. This comment is regarding Major Use Permit UP 20-77 Knapp Family Farms.

Elton Garner Ranch LLC is the owner of Lake County APN: 006-009-220-000, adjacent to the proposed project on Lake County APN: 006-009-23 and 006-009-53.

This office previously mailed objections to this application, and those comments and concerns are incorporated herein by this reference. Again, Figure 3 on page 10 in the initial study is not a view from New Long Valley Road to the site but a view from New Long Valley Road to our private road and bridge, to which applicant has no right.

Further it is stated that New Long Valley Road is a “well-maintained dirt County Road.” The County has stated the New Long Valley Road from the pavement on was abandoned by the County and refused to maintain or improve. The roadway has been maintained by the private owners that use the roadway. This proposed use will simply further over burden private efforts to maintain a road for their uses with no provision for maintenance. No mention nor provision has been made by or for the applicant to in any way maintain the road. There is no analysis and/or at best, insufficient analysis of the impacts caused by the increased traffic to and from the proposed project site on a privately maintained road. Any increase in traffic will cause further wear and tear to the privately maintained roadway and significant harm to the neighboring environment. If the County is now recognizing this is a County Road, will the County be assuming maintenance?

These mistakes and misrepresentations in the application seemingly demonstrate an intent of the applicant to not fully disclose the consequence of his intended use in Long Valley and of the access roadway.

The planning commission has been entrusted to help and serve the best interests of the County. This is more than simply adding a new business, but the right business at the right place. This location is not the right place for this applicant's intended use and business

We oppose the project moving forward in any manner. Please contact us if you have any questions.

Sincerely,



ELTON R. GARNER JR

ERG/kf



### Key Cases of Terpene Drift and Taint: A Legal Overview for Cannabis Cultivators



- Sam Jones
- Partner
- San Francisco
- San Jose
- San Diego
- Los Angeles
- Denver
- Seattle
- Portland
- Phoenix
- Las Vegas
- Chicago
- New York
- Washington, DC
- London
- Paris
- Madrid
- Rome
- Brussels
- Hong Kong
- Singapore
- Auckland
- Wellington
- Dunedin
- Christchurch
- Hamilton
- Canberra
- Sydney
- Melbourne
- Brisbane
- Perth
- Auckland
- Wellington
- Dunedin
- Christchurch
- Hamilton
- Canberra
- Sydney
- Melbourne
- Brisbane
- Perth

Home » Home » Regions » Cannabis Cultivation

Table of Contents

#### Cannabis Terpenes in Wine?

Recently, the cannabis industry has been beset by claims from vineyard and other agricultural interests that “terpene drift” and “terpene taint” from cannabis plants, during processing and shipping, can be a problem. The claim requires a close relationship between agricultural vineyards and new upstart cannabis cultivators or growers, traditionally associated with wine.

Regular readers of this blog know that terpenes, which are responsible for “terpene taint” and “terpene drift,” include compounds such as **cannabis terpenes present in the lab.** This, coupled with the fact that **terpene taint in wine** is a **cannabis terpene in wine**, means that **terpene taint in wine** is a **cannabis terpene in wine**. In general, cannabis plants produce a wider range of terpenes than other plants, including wine grapes.

#### Eucalyptus in Wine: The Origin of the Terpene Drift Fear

Much of the “terpene drift” that has been a source of concern in the wine industry about alleged grape contamination from eucalyptus trees, however, many experts believe that grape contamination from eucalyptus terpenes, the terpenes, is not from the presence of eucalyptus leaves in grapes harvested, and not from any proximity between grape vines and eucalyptus trees.

Other research has also suggested chemical profiles, similar to **terpene taint in wine**, can be produced by chemical transformation of **terpene taint in wine** already found in wine grapes during the fermentation process. In other words, wine can have eucalyptus terpenes even when the wine grapes were not grown in the vicinity of eucalyptus trees.

#### US Courts Establishing Legal Precedents

Despite the many claims, United States Courts have started establishing legal precedents that cannabis terpenes in wine are not a problem. Courts in multiple jurisdictions have affirmed the conclusion that cannabis terpenes do not taint wine grapes, including the Oregon Court of Appeals who said that “cannabis terpenes do not taint wine grapes from its proximity to commercial cannabis grow sites.” (See *United States v. [Redacted]*, et al., as Amended, et al., 2019 WL 100,000, 2019 WL 100,000). These findings are also consistent with the scientific evidence that proximity to a marijuana tent will damage plants’ current or future agricultural products.<sup>1</sup>

#### A Case Study from the County of Santa Barbara, California

California Courts have started reaching similar conclusions in a recent ruling in a California-based, Santa Barbara County Superior Court case. In *County of Santa Barbara v. [Redacted]*, et al. (Case #1900370), the Court provided an opinion with strong findings regarding cannabis contamination in relation to agricultural activities that Santa Barbara County had failed to assess sufficiently the potential environmental impact of a cannabis project under the California Environmental Quality Act (CEQA). The Court found that Santa Barbara County’s environmental review and finding process for a cannabis cultivation project complied fully with state law and County land-use policies.

The Court rejected CEQA claims based on assertions that Santa Barbara County failed to consider or address the impact of the burgeoning cannabis industry on adjacent orchards, and that the impact of the burgeoning cannabis industry on adjacent orchards is not a “terpene drift” or “terpene taint” issue. The Court found that the plaintiff failed to prove grapes from “terpene taint” were outside the scope of state environmental law. In ruling, the judge found that evidence of “terpene taint” or wine grapes from the vine grapes of cannabis was only “speculative.” The judge went on to state that “terpene drift” and “taint” are not “substantial evidence,” and are not supported by the scientific evidence. The Court also found that “terpene taint” or “terpene drift” is not a “terpene drift” or “terpene taint” issue. These findings can provide comfort to cannabis companies that California Courts will not take kindly on claims alleging that “terpene drift” or “terpene taint” are a problem.

#### In Conclusion: Fighting Back Against Baseless Claims of Cannabis Terpene Drift

It is important for any cannabis cultivator to develop environmental issues and prevent liability before and throughout the process of developing a cannabis project. This may require evaluating and engineering proper site mitigation and air filtration measures, and communicating with local jurisdiction and neighbors about “terpene” and the lack of evidence supporting theories of terpene drift. The attorney at Rogoway Law has extensive experience evaluating, analyzing, and determining the legal impact related to “terpene drift,” “terpene taint” and CEQA. We are prepared to help you fight back against baseless allegations of cannabis terpenes damaging wine grapes or other crops.

MORE TO EXPLORE



#### Avoiding Proprietary Commercial Agreements and Regulatory Compliance for Cannabis Cultivators

As the cannabis industry continues to grow, cultivators are increasingly being asked to sign proprietary commercial agreements. These agreements can be highly restrictive and may not be in your best interests. This article discusses the risks of signing these agreements and provides tips on how to avoid them.

#### Cannabis Cult Relationship and the Foundational Cannabis Cult Agreement

The relationship between a cannabis cultivator and a cannabis business is a complex one. This article discusses the importance of a well-drafted Cannabis Cult Agreement and how it can protect your interests.

#### Stay Informed!

Our newsletter provides valuable information to help you stay informed about the latest legal developments affecting the cannabis industry.

**Andrew Amelung**

---

**From:** Lyn Fischbein <lynfischbein@gmail.com>  
**Sent:** Friday, February 2, 2024 1:51 PM  
**To:** Andrew Amelung  
**Subject:** [EXTERNAL] Knapp Farms Public Hearing  
**Attachments:** Comments Knapp rtf last Feb 2.rtf

I am urging a denial for the two-staged Knapp farm commercial cannabis cultivation. You have received my previous June 2023 comments and am enclosing these additional ones.

The County of Lake Community Development Department Cannabis Application Checklist requires a background clearance. In the event this has not yet been done nor the following information considered, please note:

- 1) Approximately 10 years ago, when Raphael Knapp moved onto his property and we became neighbors, he mentioned to me problems he was having with Mendocino County law enforcement. (This should be checked out.)
- 2) At that time, Knapp illegally set up an outdoor cannabis cultivation of approximately 150 plants. Lake County Sheriff Dept. was doing helicopter surveillance at the time, discovered the cultivation, and a raid and destruction of the plants by the Sheriff Department, Fish and Wildlife, and Lake County Code Enforcement followed. I don't know what, if any, charges were filed.
- 3) Not too long after the above, Knapp left the area, supposedly, according to neighborhood gossip, to serve time in prison.

.....

The Application Checklist states that if an easement is to be used, documentation of the easement must be provided. Has a document been provided?

Knapp's property does not front New Long Valley Road. The site plan he submitted shows access to New Long Valley Rd. in two locations. However, to my knowledge, there is only one deed of easement, on property parcel #006-009-025, currently owned by Carol Ginesi.

There is a narrow bridge on that easement, built and paid for by the other two property owners on that easement and not paid for by Knapp's previous parcel owner. They do not allow Knapp to use their bridge, cutting off his access to the main road. The other access, also by a bridge, on the western side of the parcel through Phil Garner's property, as shown on the site plan, is not by a deed of easement but obtained with verbal permission. Garner, or the next owner if the property is sold, could withdraw permission.

CALFIRE requires the road to be 20' wide to meet PRC 4290 and 4291 road standards for a commercial driveway, and emergency access routes that are gated are required to have gates that are 2 feet wider than the road. I have not examined the deed and do not know the width of the easement, but the width of the current 2 bridges do not appear to meet the 20 ft. requirement.

.....

The Notice of Public Hearing refers to the permit as a "two-staged commercial cannabis cultivation". Knapp's 2 parcels are currently zoned RL. Do they have to be re-zoned and if so, does that allow other parcels in the valley to be re-zoned commercial?

.....

On June 3, 2023, I submitted my comments on the hydrology portion of Knapp's plan. These are additional comments I wish to add.

The Hydrology Report prepared for Knapp in 2021 states there is one well on the property. The well is 54 feet deep, greater than 415 feet from Long Valley Creek which is to the south of the well, and lower in elevation than this nearby creek by approximately 10 feet. Otherwise stated, the creekbed in 2021 was 44 feet below the level of the land.

I purchased my property in 1970. At that time, the creek bed was approximately 5 feet below the level of the land. Now, 53 years later, there has been 40 feet of erosion. As the creek bed erodes, the groundwater table is also lowered.

All residents of Long Valley rely on wells for their water. The additional heavy water use of Knapp's proposed cannabis cultivation may lower the valley's groundwater table further, affecting residents' wells and requiring deeper drilling.

GARNER | & ASSOCIATES  
LLP

109 North Marshall Avenue  
P.O. Box 908  
Willows, CA 95988

Telephone (530) 934-3324  
Fax (530) 934-2334

February 7, 2024  
Sent via Email Only

Mr. Eric Porter  
Associate Planner  
Lake County California Planning Department  
255 N. Forbes Street  
Lakeport, CA 95453

*Eric.Porter@lakecountyca.gov*  
*cannabisCEQA@lakecountyca.gov*

Andrew Amelung  
*Andrew.amelung@lakecountyca.gov*

Gentlemen:

Our office represents Elton Garner Ranch LLC and its members. This comment is regarding Major Use Permit UP 20-77 Knapp Family Farms.

Elton Garner Ranch LLC is the owner of Lake County APN: 006-009-220-000, adjacent to the proposed project on Lake County APN: 006-009-23 and 006-009-53.

This office previously mailed objections to this application, and those comments and concerns are incorporated herein by this reference. Again, Figure 3 on page 10 in the initial study is not a view from New Long Valley Road to the site but a view from New Long Valley Road to our private road and bridge, to which applicant has no right.

Further it is stated that New Long Valley Road is a “well-maintained dirt County Road.” The County has stated the New Long Valley Road from the pavement on was abandoned by the County and refused to maintain or improve. The roadway has been maintained by the private owners that use the roadway. This proposed use will simply further over burden private efforts to maintain a road for their uses with no provision for maintenance. No mention nor provision has been made by or for the applicant to in any way maintain the road. There is no analysis and/or at best, insufficient analysis of the impacts caused by the increased traffic to and from the proposed project site on a privately maintained road. Any increase in traffic will cause further wear and tear to the privately maintained roadway and significant harm to the neighboring environment. If the County is now recognizing this is a County Road, will the County be assuming maintenance?



These mistakes and misrepresentations in the application seemingly demonstrate an intent of the applicant to not fully disclose the consequence of his intended use in Long Valley and of the access roadway.

The planning commission has been entrusted to help and serve the best interests of the County. This is more than simply adding a new business, but the right business at the right place. This location is not the right place for this applicant's intended use and business

We oppose the project moving forward in any manner. Please contact us if you have any questions.

Sincerely,



ELTON R. GARNER JR

ERG/kf

WATER - DRY FARM, VILYARD, NEAR DOWN  
CREEK BOTH SIDES RUN OFF,

ONLY ADJACENT PROP OWNERS 9.6

ROAD - PRIVATE, USAGE, LITTER, MAINTENANCE, TALKED TO 17 RESIDENTS

MY BRIDGE AND RIGHTWAY, GROWN OVER TREES DOWN

RAPRAEL, PREVIOUSLY BUSTED, DIE STY, 40 TO 60 LOADS 16 WHEELERS  
HAZARDOUS WASTE

ALIGHT AT NITE, SMELL ESP. FOR BARRIERS FOR SHAWN & RANDY

4H ON PROJECT VISIT AND CARING FOR ANIMALS

NO CALL SERVICE AND LOSING LAND LINES

RECEIVED

FEB 07 REC'D

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

Phil GARNER

707 998 3024

Philip GARNER 44 @ G-MAIL.COM

~~RECOUNT, STRAW~~