

Date: May 20, 2025

Subject: Public Comment Letter on Major Use Permit (PL-25-68 / UP 23-09) for Poverty Flats Ranch

Dear Planning Commission,

As a resident and neighbor off High Valley Road, Firewise member and representative of the Clearlake Oaks Hillside Neighborhood, We respectfully urge you **not to approve the Major Use Permit (PL-25-68 / UP 23-09) for Poverty Flats Ranch**. We ask that you please take into consideration the following serious concerns and cumulative impact of multiple Cannabis previous approved and upcoming projects regarding public safety, environmental compliance, traffic, wildfire zone, egress, and infrastructure strain:

1. Unaddressed Cumulative Traffic Impact and Comprehensive Study

There has been **no comprehensive study or mitigation plan** for the **cumulative traffic increase** generated by the following cannabis-related projects and nearby previous and upcoming developments:

- Monte Cristo (2022)
- High Valley Oaks (2022)
- Liu Farms (2024 - proposed)
- Poverty Flats (May 2025 - pending)
- Hypnotic Farms (upcoming)
- Lemon Glow (upcoming)
- Brassfield Winery/ Suarez (ongoing winery and former Cannabis project on lease land)

Cumulative Impact Map
for projects located
in IS/MND & Staff Report.
No cannabis EIR to determine
thresholds of significance

Traffic on High Valley Road has already increased from local neighborhood studies of **30 to 50 to as much as 300 to 400 vehicles/day** in recent years. Increase traffic resulted in:

- A **quadrupling of traffic incidents** in 2024 and 2025
- **Several semi-trucks getting stuck** on the narrow, winding road.

No adverse commentary from DPW-Roads

- The **posted speed limit is increasing from 35 mph to 55 mph**, raising additional safety concerns.

According to whom? Where? #Fact check w/ DPW

2. Road and Fire Safety Deficiencies

CAL FIRE comment in agency comments

High Valley Road, (along with Cerritos and Alta Vista Roads), **do not comply with California Fire Safe Regulations** under Title 19 CCR, Article 3, Section 3.05:

- The average road is **under 20 feet wide**, not fully paved nor maintained annually.
- **Hairpin turns** fail to meet SRA Fire Safe Regulations §1273.04

Additionally, under **California Public Resources Code (PRC) 4290.5**, subdivisions in Very High Fire Hazard Severity Zones (VHFHSZs) with over 30 dwellings **require a viable secondary egress route**. To date, **no safe, reliable secondary access** has been developed for the High Valley area.

Suggested alternatives such as Mountain View Drive or the High Valley Forest service roads(220) toward Bartlett Springs and exiting at Hwy 20 at Lucerne are:

Secondary evac route identified?

- **Not regularly graded or maintained.**
- **Often closed by CalFire during wildfire events**
- **Inaccessible, dangerous, and unsafe in emergencies**

3. Flawed Environmental Review and CEQA Compliance

Several CEQA documents submitted for cannabis projects in the area, including Poverty Flats, contain **duplicated or boilerplate content** from unrelated projects. These documents:

- **Lack of context** for High Valley's unique conditions like very steep terrain, off grid infrastructure and lack of resilient water resources.
- **Fail to adequately address wildfire risk, traffic burden, and environmental impact and not incorporate a cumulative study from the past, present and upcoming projects.**

*slope identified
water source identified*

No Cannabis EIR to determine thresholds of significance

4. School Safety and Solar Installation Concerns

- **East Lake Elementary School** sits at the base of the road. Increased car and truck traffic and speeding create a **serious risk to children and staff**, as well as potential legal and financial liability for the county. *Law enforcement enforces speed not CDD.*
- The proposed **solar installation** lacks publicly available plans. In a fire-prone area, this raises critical questions about **fire mitigation and safety protocols**.

roof or ground mount? Building Permit for solar will determine location

In Summary:

Given the **compounded safety risks, lack of proper infrastructure, unaddressed fire code compliance, insufficient environmental review, and lack of comprehensive and cumulative traffic study especially in a wildfire zone**, we strongly urge the Planning Commission to deny the approval of the use permit until the above comments are thoroughly analyzed and responsibly addressed.

Thank you for your time and service to the community.

Sincerely,

Randy Wilk

Resident off High Valley Road and representative of Clearlake Oaks Hillside Firewise neighborhood community

TO
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Planning Commissioners Chavez, Rosenthal, Zoller, Field and Brown

Re: 5/22 Consideration of Poverty Flats Major Use Permit (UP23-09)

In reference to the above project, we would like to outline our concerns.

1) Project does not conform to the Scenic Combining District

The full parcel 006-004-22 has been zoned by Lake County as being in the Scenic Combining District (SC) and High Valley Rd has been designated as a potential scenic route in the Shoreline Area Plan.

The project proposes up to 8,700 sf of greenhouses and a 2,400 sf processing building.

Ag exempt hoops or greenhouses?

Per page 10 of the Staff Report, "The Scenic Corridor on High Valley Road is 500 feet from the edge of the road. The proposed cultivation site is located over 1,200 feet away from the Scenic Corridor on High Valley Road."

The concept of a 500-foot Scenic Corridor setback in the Scenic Combining District has come up in several projects. In fact, the word "corridor" is not mentioned in Article 34. We have made several requests to CDD, but to-date, we have not received any document outlining this setback.

This was also brought up at the Nina Star Farms Appeal with the Board of Supervisors on 4/1/25. Both Supervisors Owen and Sabatier stated they could not find the origin of the "corridor setback" at which point the Community Development Director stated that setbacks in the scenic combining overlay ... "we've sort of evolved over time." (See Transcript Attachment A)

We are requesting that CDD produce the County-approved Scenic Corridor document, which would clarify our concern. Unless this is submitted, we respectfully request the Commission consider the actual wording in Article 34 on the Scenic Combining District which states:

"Uses permitted, when located within the Scenic Combining District adjacent to County Roads:

ii. **Agricultural processing** such as fruit dehydrators, packing, sheds **not exceeding a use area of five thousand (5,000) square feet**, including an incidental retail sales area of up to five hundred (500) square feet for products processed on the premises;

iii. **Greenhouses, hothouses and incidental structures not exceeding a use area of five thousand (5,000) square feet**

Additionally, accessory structures are not to exceed 15 feet.

2) Water Usage/Cumulative Impacts

The project proposes to use approximately 3,650,000 gallons of water per year. "There is an existing cannabis cultivation project (High Valley Oaks UP 20-21) utilizing an existing well within the groundwater recharge area approximately 1,500 feet to the northwest of the proposed project site, on APN 006-004-19." (Initial Study pg 55)

Pg 55 of the Initial Study continues to state, "since the Project's water source is in an undefined basin with little background information, it was recommended that the Project applicant monitor water levels in the

wells. Specifically, the Hydrology Report recommended pre- and post-season well level monitoring and weekly water extraction and well level monitoring." (COU H2)

High Valley Oaks (HVO) began cultivation under Early Activation in 2020, and received their MUP 20-21 in 2022. Conditions of Use **require them to submit all well data with their annual reports**. As this information is available to CDD, we request that actual well data and water consumption be reviewed as "background data" in the Poverty Flats assessment rather than the "projected" figures used from the HVO Initial Study.

Hydrological analysis is prepared by a professional qualified

3) Clarifications needed in the Conditions of Use

We request further clarification with the following Conditions of Use:

H2. Hydrology and Water Quality and L2. Utilities

"If water levels are dropping significantly, a revised Water Management Plan, including a revised water budget and water mitigation strategies, shall be prepared and submitted to the County for review and approval prior to continuing operation."

Please quantify the definition of "dropping significantly" - what would trigger a revised Water Management Plan.

Prolonged Declared drought emergency w/ limited water to site

H3 Hydrology and Water Quality and L3 Utilities.

"In addition, in the event that a well is unable to supply required water for the Project, the applicant shall either (1) reduce the amount of cultivation and/or length of cultivation season, as appropriate, (2) install additional water storage, (3) implement a rainwater catchment system, or (4) develop an alternative, legal water source in coordination with Lake County and Water Resource agencies."

How is this triggered and who makes this decision - does the county inspect for this?

Determined by well data in Annual performance reports

N7: Timing and Mitigation - Performance Report

"All wells shall be monitored for monthly usage, and a report by month shall be included within the Annual Report."

The COUs in H2 require weekly monitoring.

*amended
COU's can be ~~corrected~~ to require
monthly monitoring instead of weekly*

4) Use of Solar Power for Project

The project intends to use solar power, but we do not see any plans. High Valley Road is in a high fire risk area.

Solar plans will come in to dept. w/ building application

5) Safety and Traffic Issues on High Valley Road.

We also are concerned with many of the issues raised by others, including safety and traffic issues on High Valley Rd. in Clearlake Oaks. As High Valley Road is narrow, winding and dangerous in several areas, we would appreciate a discussion about the cumulative effects of adding further traffic, and the lack of Department of Public Works plans to rectify the issues.

DPW-Road comments

We thank you for your consideration.

Holly Harris/Chuck Lamb

Attachment A

Scenic Corridor Nina Stars Farm Appeal Transcript 4/1/25

1:57 Supervisor Owen: The scenic corridor, though I know that they're using the 500 feet on the scenic corridor as kind of a, what they're stating, we cannot find at this moment, I think it's a little bit ambiguous to state it's only 500 feet because we cannot find the documentation and I've had some people looking for that stating whether it is actually maybe 1,000 feet. But there's not a definition to my knowledge on exactly what the scenic Corridor and I might be off base and you might be able to fill me in later with that, some documentation. *But right now we can't find the documentation to define actually what the scenic corridor is.*

So is it further than 500 feet? Is it only 500 feet? We can't find the documentation on that.

2:12 Supervisor Sabatier: The scenic corridor, I, I'd like to see if we can have further conversations about this outside of here. *I too do not see the 500 feet written anywhere.* I believe we have what's called an overlay district. But within our GIS system, I can't find that overlay. I can just click on a property and it says it's scenic corridor. But there's nothing in the general plan that I can find. There's, at least what I was looking at, there's nothing in the scenic corridor, ordinance that identifies a certain number of feet from a, scenic road that then, the scenic corridor, restrictions, are, are, are taken away. And I, I'm not sure if that was, something that was approved by the board of supervisors or not. But I'm not able to find it. And I would assume that applicants are probably not able to find it.

Or even the general public is not able to find it if it does exist. And so I'd love to see that if it does exist or else maybe bringing it back to the board for, for review, at a later time. Those, those are, those are my main concerns at this moment in time.

2:14 Mireya: We are happy to discuss the, the more of an internal policy regarding, *setbacks in the scenic combining overlay that we've, sort of evolved over time with a number of different projects where there is not a clear delineation,* that is available, in our APN books.

SEC. 21-34 Regulations for the scenic or "SC" Combining District

- Uses permitted, when located within the Scenic Combining District adjacent to County Roads, subject to first obtaining a Major Use Permit in each case: (Ord. No. 2536, 08/31/2000)
 - i. Commercial dairies;
 - ii. *Agricultural processing* such as fruit dehydrators, packing, *sheds not exceeding a use area of five thousand (5,000) square feet,* including an incidental retail sales area of up to five hundred (500) square feet for products processed on the premises;
 - iii. *Greenhouses, hothouses and incidental structures not exceeding a use area of five thousand (5,000) square feet*