

sam i don't have my mic on no there we go sam i mean jake

3:59

yes yeah what's up do we have eagle in the zoom room

4:06

um checking because is in the in the zoom room there

4:12

are three commissioners present so there is a quorum to hold a meeting

4:18

but voting will have to be unanimous copy that

4:25

thank you nicole i have a uh um but sulwyn brown that wouldn't be eagle

4:30

would it oh yes it would all right

4:36

promote him

4:53

recording in progress

5:06

so we are ready to proceed madam chair or oh i see eagle okay so we

5:13

are ready to proceed whenever you are jake and everything is clear on you thank you

5:21

and carry on we will call the june uh july 22nd 2021 meeting to order i will start

5:27

with the pledge of allegiance

5:33

i pledge allegiance to the flag

5:39

and to the republic for which it stands one nation under god indivisible with liberty and

5:46

justice for all

5:55

okay with the consideration of approval a minute from the july 8th 2021 meeting

6:03

mr chair yes um i move to approve the minutes from the july 8th 2021

6:10

meeting second okay can we get a roll call vote please

6:17

commissioner house yes commissioner chavez yes commissioner brown yes
commissioner

6:24

price yes motion so carried

7:56

um

9:15

the 905 a.m public hearing consider major use permit up 20-11 applicant owner st farms llc

9:22

proposed project four phase development containing 11a type three medium outdoor
commercial cannabis cultivation licenses

9:30

yeah i'm sorry i think we skipped a citizen's input okay sorry about

9:40

okay we're going to take any input from the citizens

9:47

and just to be clear it has to be something that is not on the agenda it's just basic citizens input did you still want to

9:54

speak or did you want to wait for a particular agenda item i'm not sure you can approach the mic

10:06

so each item each item will have a a section for public comment each item

10:12

on the agenda this is just citizen's input as a whole anything that's not on the agenda

10:18

so if you have something in particular to talk about like a particular agenda item you can wait until that time

10:25

okay maybe that's more appropriate okay sounds good thank you

10:31

and no one else in the um zoom room chair we're sorry in the chambers i forget where i'm at

10:40

i don't know if you have anyone in the zoom room i don't see any house we have any hands in this zoom today

10:46

but we don't have any hands erased in the zoom room if you would like to make a comment uh in the zoom room please raise your

10:52

hands uh if you have dialed in and are attending via phone you should be able to dial

10:57

star 9. to raise your hands

11:21

okay seeing no hands will take up our 905 a.m item

11:26

yes this is nicole um i wanted to address something before you take up the item

11:31

because your commission has a number of options in relation to this item

11:36

it is unfortunate that this application has been brought to you for decision in the form that it is in

11:42

however your con your commission how your commission continues will

11:48

depend on how you view this application based on what information staff has provided to you and what they may

11:54

provide to you today so first and foremost your commission may refuse to take up this item which

12:01

will allow staff to prepare a report that would provide an analysis for your commission

12:07

to review rather than a flat statement as presented in the report today that the findings cannot be made um so

12:14

in that case you would your commission would be would not take up the item today

12:20

would send it back to staff and stuff so there would be no action on your part in that case if you do choose to take up the item and

12:26

consider it you have a couple of options if you do take it up you can as staff recommends continue the

12:34

item in an effort to give staff an effort

12:39

to exploit well you can give staff an effort to explain the severity of their error you can ask

12:45

them to elaborate on what information needs to be provided

12:50

or corrected if any and how the analysis in the report will change

12:57

due to that new information and how long the continuance would be in order to

13:03

achieve that goal this would be keeping in mind that any

13:10

new information may lead to a different and much more thorough environmental analysis

13:15

which may lead to an extended continuation period then of course you always have the option after reviewing the material

13:22

presented to you today for a decision um depending on the requested length of the continuance the potential substance

13:29

of the changes your commission may also have your commission does also have the option

13:34

to deny the permit as presented to you for a decision today

13:41

so those are the options before you in relation to this item and i wanted to tell you

13:46

before you got to the item because one of those options is not taking up the item at all

13:53

nicole this is uh commissioner hass so the what's the difference between not

14:00

taking up the item at all or continuing in terms of process

14:05

in terms of process if you don't take up the item at all it doesn't um it it doesn't trigger any

14:12

any rules that would apply to notice for for continuance what it would be would be the item just essentially would never

14:18

have come in front of you at all and when it's agendaized again it would be as if it's a new agendaized item addressing the

14:25

particular items of concern well the point is is if you don't take up the item there you cannot express

14:32

what concerns you have you simply don't take the item got it thank you

14:44

so that being said how are the commissioners feeling about taking on the item or continuing it

14:52

well do we have to go through the process of reading um the information that's finally agenda

14:58

no okay no um if you do not take the item you would simply reject the item um out of hand you you would not be

15:05

taking up item number one you would not be having a discussion you would not be considering anything that was presented to you you would not be

15:12

sharing your opinions or your views on the material that's presented to you there would be no discussion no deliberation

15:19

and then staff would go back and and address the issues that staff has with the report as the report is written to

15:26

you it does say that there that it's flat out that there are findings that cannot be

15:32

made if you accept that assessment then you cannot accept you cannot approve the

15:38

application i'm not saying you have to accept that assessment there may be evidence

15:44

presented to you today the discussion that you that you have as a commission today may lead to a different conclusion on your

15:50

part depending on the evidence you received and how you've been analyzed it yourself yourselves but

15:58

if you do accept what staff has presented to you today and it's unfortunate it was presented to you in this cert

16:03

in this way if you do accept this assessment from staff then you

16:09

cannot make the findings that you must make in order to approve the application you could

16:14

if you do deliberate and you find that there is missing information that you think needs to be clarified or provided you could

16:20

continue it as staff recommends if you do that please keep in mind that

16:27

any information that is provided later through staff's work during the continuation may affect

16:34

the analysis that comes up later so if you do go in that route it may be

16:39

prudent to ask staff to elaborate on how long they think a continuation may be

16:45

and what exactly the continuation should be addressing and how that might impact the analysis

16:51

going forward because it may

16:58

eric uh quick question do you recommend just not taking the item to be able to give

17:03

staff more time to find the the findings that we need

17:08

um well i'm not sure i can give you a recommendation on it it has

17:13

microphone hello yeah we can hear you all right um i'm not sure i can give you a recommendation on it it can't be

17:20

approved uh there's a dispute about the water source that came to light

17:25

about a week ago and so we had to scramble to change the recommendation from approval

17:32

based on a very thorough review to a continuation because of the disputed water source

17:40

without getting into the nuts and bolts of it it has to be continued my suggestion

17:46

would be to continue it to a date uncertain because we're not sure how the water situation is going to be resolved

17:52

or when it would be resolved there's also substantial public opposition to it

17:59

for different reasons but again i don't want to get too far into the uh details of the case if you're not

18:06

going to hear it questions if i may just to be clear

18:12

the item does does not have to be continued your decision will be based on your

18:18

analysis if you have determined base if you do take up the item and you determine based on your analysis based on the evidence presented

18:25

to you today by staff public commenters and other information that has been presented to you either

18:32

through materials submitted in papers and things if you've determined that a continuation

18:37

is appropriate then you may determine based on your analysis or your your weighting of the evidence

18:42

you may continue it if you've determined that you have enough information in front of you that staff is provided in the report

18:48

and you after deciding to take up the item and you've determined that staff's

18:55

assessment is correct that that the item cannot be approved because the the information then the information

19:00

presented does not allow you to make the findings that you need to make then you may deny the application

19:06

but you also may without analysis without considering anything in the

19:12

project re refuse to take up the item but none of those is is a mandatory decision for your

19:19

commission and that's where i still have a question nicole i understood i understood what you said in terms of a

19:26

continuance and how additional staff scrutiny

19:31

could result in triggering additional studies etc and by not taking it up at all would

19:39

that not potentially generate additional study etc um i can't speak to

19:46

the substance of the actual project in the analysis that would be uh that would be a question for staff

19:52

however if you refuse to take up the item and it goes back to staff

19:58

then they would have to make the item they would have to

20:06

reassess the item in order to make it provide you with an analysis that

20:13

you can review and that you can interpret and that you can weigh in on

20:19

and form a decision about so yes arguably that would potentially could potentially

20:26

depending on the information that staff is anticipating receiving lead to

20:31

further environmental analysis right however i think that it's relevant for you to know how long

20:39

staff anticipates for a continuance what the analysis should involve in order to make an informed decision as

20:45

to whether or not it would be prudent for you to accept to

20:50

continue or to to vote a continuance or to vote to deny the application based on the evidence in front of you

20:56

and then in that case the the applicant would have to reapply

21:03

um personally i feel like i'm leaning more towards uh not taking the application at all

21:08

um and just moving on to the next item like refusing it and then letting staff go ahead and do a full on overhaul and

21:16

redo it instead of i'm sorry my apologies

21:21

go ahead nicole uh you would simply just not take up the item you wouldn't read it right and you would move on um

21:27

and then if staff were to bring it back to you the same standard would apply as would any project being brought back to

21:34

you they would have to present you with a report that's that's contains an analysis

21:39

of all of the facts and circumstances for this particular project in such a way that you can make an informed decision and make the findings

21:46

that you are your commission is required to make but in this case if you don't take it up

21:52

at all there would be no discussion understood thank you

22:04

commissioner i am also in agreement um that i would rather refuse the item at this time

22:12

i concur with that i agree so there is a consensus um

22:19

so do we need to just do all our favor we'll just move on

22:29

correct there would be no action to take here thank you

22:34

okay we'll take up the 9 10 am item public area to consider parcel map pm 20-23 to divide

22:41

the 406.69 acre property to uh to create three new parcels applicant

22:46

owner langtry farms lp location two one seven zero zero and two

22:52

two zero zero zero buds canyon road middletown california apn

23:01

014-310-08014-320-06 and 014-330-08

23:10

mr chair the item today my understanding is

23:21

a general plan amendment is that correct eric no it's partial it's typically personal

23:27

okay i just had comments if it were a general plan amendment but it is not okay thank you

23:33

uh thank you mr chairman i'm gonna need some assistance up here from sam i can't see the prompts in order to get

23:41

the powerpoint uh set up

23:47

thanks sam

23:54

uh yeah i just got out of the should be the second one from the bottom

24:01

no that's not it nope over more to the right

24:09

that's not the right the other right this isn't direct powerpoint no oh that's for the one the uh just the

24:16

other one okay yeah this lane tree is the file

24:22

see the bottom right the two on the bottom right those are the power points

24:30

oh wait that's not powerpoint no no uh the column uh column three

24:37

can i see the mouse for a minute sorry sam i can't see it it may be that one

24:45

oh oh oh okay oh well then just go ahead

24:50

i don't know if that's langtry or uh pasta that's the other that's that's the wrong one yeah okay

24:57

this one right below it there you go great thank you

25:02

over there you go one little bit more to the right there you go okay oh start from the

25:09

beginning f5 thanks sam sorry no you're fine

25:20

if i could have everybody take their seats or leave chambers so we can move forward with this next uh

25:26

presentation thank you oh real quick um we need to make sure to

25:33

share that presentation to zoom too

25:39

thank you jake we'll get that situated

25:45

yeah no we have to come back escape

26:08

tree look on the left on that column oh lane

26:15

tree got it there you go there you go

26:20

awesome and then back to

26:26

yes that's it awesome f5 is not working

26:34

okay we'll try it this way no it's working okay there you go

26:42

thank you sam thanks sam

26:48

okay thank you mr chairman um members of the public that have taken time out of your busy schedules to attend

26:54

uh this is a parcel map file number pm 20-23 submitted by langtree farms also known

27:01

as gwynnock winery amanda bradshaw is the primary point of contact for this

27:07

they've got three parcels that they wanted to divide uh parcels x y and z would be created by

27:13

this action they currently have three but the properties would be reconfigured

27:18

the parents site is 406 acres in size it's zoned ag waterway floodway fringe and scenic

27:25

combining district a general plan designation is ag and resource conservation

27:32

parcel x would contain the dwelling that exists on the property parcels y and z would be undeveloped in

27:39

terms of new structures there's no development proposed with this parcel map this is strictly

27:46

the division of land a portion of the property is within a map flood plain for buck snort

27:52

creek and no development is proposed with this land division the properties are a

28:00

little hard to see because of the scale of the properties again it's 406 total acres

28:06

and so it's a little hard to capture it in one zoning map but you can see the area

28:12

to the upper right which is zoned

28:17

rr i believe that's our rural residential and the remainder of the properties is

28:23

zoned ag no zone change is proposed this is strictly the division of property

28:32

aerial photo uh it's fairly flat fertile soil this is in the middletown area

28:38

it's it has nearby adjacent ag uses on large lots very sparse population

28:48

the parcel map i cannot see the individual parcel

28:54

numbers one is x one is y and one is z and they range in size from 60 to over 100 acres

29:00

as proposed we have to meet conformance with various

29:07

regulations and plans so we compared it up against the general plan for

29:13

lake county and we found that it complied with all the applicable policies that were within the general

29:18

plan related to land divisions we looked at the

29:24

middletown area plan for compliance there were no conflicts that were observed with the middletown area plan

29:30

and we looked at the zoning ordinance article six in particular which is the axani district

29:38

i don't have it up there but we also looked at the rural residential section for the portion zoned rr which is real

29:45

residential we looked at article 34 which is the scenic combining district article 36 which is the

29:52

floodway fringe and article 37 which is the waterway section there were no conflicts that

29:58

were in any of those portions of the zoning ordinance subdivision ordinance we had to evaluate

30:04

it for compliance that's chapter 17 of the county code and we were able to make findings

30:10

that it did in fact comply with all of the regulations that are found within the

30:16

subdivision ordinance for lake county so the specifics for article or chapter

30:22

17 of the county code which is a subdivision ordinance are broken down into elements the first

30:28

one being the tentative map second one being statements that are required of the

30:34

professional land surveyor and they have met those uh any dedications that are

30:40

required would be found in section 17-22 creation of lots as described in section

30:47

17-23 any easements that are required are found in

30:53

section 17.24 any park and rec facilities or fees that

30:59

are need to be paid in conjunction with the land division are found in 17.27

31:05

a and i did get a comment back from the director of public services who's in charge of

31:12

county parks indicating that quimby fees do not apply to non-residential development

31:18

or land divisions and then finally 17.2 oh quimby fees are

31:24

fees that are paid to support the county parks section 17.28 improvements

31:32

lists any kind of improvements that might be needed in conjunction with the land division we did a sql analysis

31:39

because there was no development proposed because the site has been significantly disturbed over

31:44

the past several decades with a vineyard and winery we found that this project is

31:50

categorically exempt from sequa per section 15300 sub 2b

31:58

our recommendation is for the approval of parcel map pm 20-23 and for the adoption of a

32:05

categorical exemption to sequa and that concludes my presentation

32:10

unless there are any questions for this one and i do need to indicate that we have had uh

32:17

a handout presented to me at the start of the hearing from a professional land

32:22

surveyor he's requesting a change to one of the conditions

32:28

specifically its condition c2 which affects air quality and

32:34

subsection 2 says in your conditions what staff wrote is vegetative waste

32:40

shall be composted and chipped for erosion control burning is prohibited

32:46

they are requesting adding the sentence unless conducted for agricultural purposes pursuant to a lake county

32:53

air quality management district burn permit staff has no objections to that change

32:59

to condition number c2

33:06

eric this is commissioner hess and just to clarify this has nothing to do

33:11

with the with the glennock property that that sort of surrounds all of these parcels

33:16

correct he says that's correct he's uh passing stuff around he says that's correct

33:22

commissioner sorry you're okay

33:29

do you have any other questions for eric not at this time no questions

33:37

we'll open it up to public comment anybody wishing to speak please state

33:43

your first and last name mr chair i do have someone approaching the podium

33:49

uh good morning thank you mr chair and commission members my name is john webb

33:54

i prepared the application before you today and i'm here representing uh the owners of the property and also

34:01

with me via zoom is their council tom adams if we need any uh

34:06

information from him or have any questions uh i was here this week earlier for a board

34:12

meeting and eric was here and i just want to thank eric for all his efforts i know

34:18

he's a very busy man in the planning department so i appreciate him putting this together

34:25

it this property is a 400 acre vineyard parcel there's one house on it no really other improvements besides ag

34:32

buildings and reservoirs there's no development proposed at this time

34:39

and this subdivision it's parcel map it's approximately 400 acres we'll be

34:44

creating three parcels approximately 70 acres 107 acres and 230 acres

34:52

we are in concurrence with the condition of approval um with exception to the minor change

34:59

that we submitted to eric this morning and

35:05

at this point because i think this is a pretty simple application i have no other comments

35:11

but if anybody has any questions for me i'm happy to to respond thank you thank you

35:24

mr chairman go ahead john i'm just going to simply say i don't have any questions this strikes me as a

35:31

pretty straightforward um action mr chair

35:38

yes just for the record perhaps that you might you

35:43

might want to ask staff to clarify how the last minute change to the mitigation

35:49

um will impact the sql analysis and whether or not it was addressed

35:55

in the sql analysis

36:09

here did um little mitigation measures want to

36:14

see if there's any impact to the sql analysis in favor or

36:24

well nothing would change in terms of what they're allowed to do um they've been allowed to burn

36:31

vegetative waste that's none of it's cannabis related through uh the air quality district through a

36:38

burn permit we do have two conditions of approval

36:45

under subsection c air quality that apply to dust control and

36:52

vegetative waste prohibited burning with the exception

36:59

that the applicant has proposed this morning

37:06

so there has been burning there in the past i don't know i can only assume so through a burn

37:11

permit right i believe i've seen smoke

37:17

from a burn in that area over the years i'm just wondering if that would be considered

37:22

an existing use like previously

37:34

disturbed just a moment we're gonna we go ahead mr

37:41

chair is there anybody else in the chambers um yes i'm sorry i'm sorry that was during public comment

37:48

i apologize we do have um a little bit of a response just be sure to state your first and last name again please yes thank you

37:54

john webb again yes they've burned using a the standard lee county burn permit process uh for

38:02

many many many years so it's a existing process that they use they just would

38:08

like to continue with it since it is allowed thanks for that

38:16

mr chair i don't believe there's anyone else in chambers that would like to speak i'm not sure if there's anyone in the zoom room

38:21

for public comment do we have any hands jake the zoom room yes we have one hand come

38:28

up in the zoom room i have a hammer from thomas adams i have

38:34

allowed you to speak looks like you're immediately please confirm your first and last name

38:39

um good morning uh chair and commissioners and staff my name is tom adams

38:44

i'm a representative of the applicant wing tree farms and i just wanted to clarify and repeat what john webb

38:51

said is that this is an existing condition this is an ag property that will remain in ag it's

38:58

pretty much fully developed to ag if you look at the aerial photographs and what we're requesting is consistent

39:05

with your ordinance chapter 22 specifically that deals with

39:12

burning regulations so we're just asking to continue to do uh what we've been doing in the past

39:18

pursuant to your existing ordinances and the blake county air air

39:24

quality control district

39:29

and that's that's that's all i have to say unless you have any questions

39:37

thank you we have any questions i will close go ahead and close public comment bring it back to

39:44

commission

39:49

mr chair i feel like it's uh pretty straightforward i don't have any questions

39:58

no questions and and mr chair bar in any further questions or comments i'm prepared to awkward motion

40:08

okay thank you i moved that the planning commission find on the basis of the environmental review undertaken by the

40:15

planning division and no many patient measures were added to the project i don't understand that um that the

40:22

parcel map 20-2-3 as applied for by langtree farms lp on property located at 21700 butts

40:29

canyon road middletown apn

40:37

middletown 014-310-08-21200 014-320-06 and 22-300 valley road middletown

40:44

apn 014-330-08 will not have a significant effect on

40:50

the environment and therefore recommend the planning commission approve the proposed categorical

40:56

exemption using sql section 1530-2 subsection b

41:02

with the findings listed in the staff report dated july 22 2021 and as amended today

41:10

all second okay roll call vote please

41:15

commissioner house hi commissioner chavez yes commissioner brown aye

41:22

commissioner price yes motion so carried mr chair i move that the planning

41:28

commission find that the tentative parcel map pm 20-2-3 three supplied for by langtree

41:34

farms lp on property located at 2170 butts canyon road middletown apn 014-310-08-21200
butts

41:44

canyon road middletown apn014

41:50

and 22300 gwenoc valley road middletown apn 014-330-08

41:57

is in conformity with the provisions of the subdivision map act and chapter 17 of the lake
county code

42:03

and the lake county zoning ordinance and upon that basis approved said map subject to
the conditions

42:09

and with the findings listed in the staff report dated july 22 2021 and as amended today

42:16

a second roll call vote please commissioner house aye commissioner

42:23

chavez yes commissioner brown aye commissioner price yes emotions are carried

42:31

you'd like to note that applicant or any interested person is reminded that the subdivision ordinance provides for a 15 calendar day

42:38

appeal period if there's a disagreement with the planning commission appeal to the board of supervisors may be filed the appropriate forms an applicable fee

42:44

must be submitted prior to 5 pm on or before the 15th calendar day follow the commission's final

42:50

determination mr chair thank you commissioners thank

42:55

you eric yes i would like to request a brief five minute break before we get on this next

43:01

item if at all possible yes it's fine thank you

50:55

okay chair we are ready to continue

51:00

we just had a little technical difficulty with the powerpoint presentations

51:06

hey thank you is everybody back yes yes mr chair okay thank you we'll

51:14

go ahead and take over 9 15 a.m item uh continuation of item the july 8th 2021 planning commission

51:20

hearing public hearing consider approving use permit eop 21-10 applicant owner hvr inc

51:28

aviona llc uh the commercial cannabis cultivation operation will be composed of 88 type 3

51:35

outdoor cultivation one type 11 district distributor and one a type 4 nursery license with

51:41

the total combined canopy area of 3 million 485 000 square feet the proposed project includes 11

51:48

buildings totaling 100 000 square feet for storage and drying of cannabis location 11650 high valley road

51:55

clearly focus california 95423 on property consisting of 1 639.96 acres

52:03

apn [Music]

52:14

[Music] 006-004-07-006-004-25006-004-24006-004-06

52:27

captain shafers thank you good morning everybody today i'll be

52:33

reading the staff report addendum um so the addendum summary is what i'll

52:38

be reading um off the staff report file number up2110 went before the planning

52:44

commission on july 8th 2021 the hearing was continued to july 22

52:49

2021 today to give the applicant an opportunity to provide the requested information

52:55

in regards to biological resource floristic surveys cultural resources traffic and hydrology

53:01

and cdfw lake county grading ordinance violations below is a brief summary of the

53:07

applicant's response full information may be found in attachments eight through ten

53:14

okay first item biological resource floristic surveys for the full information please refer to

53:20

attachment 6. sequoia ecological consulting incorporated performed the initial

53:26

biological survey on september 28 29 2020 based on past agricultural

53:32

practices and the lack of suitable habitat present during the site visit the biologists determined that special

53:37

status plant species are not expected to occur within the area of potential impact

53:43

figure 9 on page 28 of the biological assessment shows that the area of impact will occur in agricultural habitat

53:50

when agricultural land has been heavily impacted by practices such as disking tilling or farming

53:56

the potential for special status species to be present is low follow-up final surveys were performed

54:02

and mitigation measures had been correspondingly included in the environmental review and the conditions

54:07

of approval as was presented during the July 8th planning commission meeting

54:12

second item cultural resources survey area please refer to attachment 8 for full details

54:19

the survey area included all areas in which cultivation and cultivation related activities would

54:25

occur no disturbance or project improvements occurred or proposed for areas beyond the boundaries of the area

54:32

surveyed in other words the survey area fully encompasses all areas that would be used by the proposed

54:38

project the survey areas also encompassed areas outside of locations proposed for

54:43

disturbance on July 15 2020 a letter was sent out to the Native American Heritage Commission

54:50

regarding the project an associated record search was performed and comments sought from any interested tribal

54:56

parties furthermore in December of 2020 as part of the cultural resources survey

55:01

all 11 tribes in Lake County were notified of the project prairie B and no comments received

55:07

for the staff perspective on march 16th the ap 52 notice went out without a response from the tribe

55:15

another response was requested by a telephone the number at that point was disconnected

55:20

another response was solicited by the county on july 9th both by email and then two

55:27

numbers were also attempted to be contacted both were also disconnected our

55:34

efforts to these attempted responses did not bear any fruit the cultural resources evaluation did

55:41

identify a previously located resource area this site is outside of all areas

55:46

proposed for cultivation and improvements and would not be disturbed as part of the project in addition there were

55:52

isolated artifacts and historic features located but these are not part of a larger deposit of cultural material

55:59

these features also did not meet any of the criteria to be considered significant historic resources as

56:04

defined in the public resources code the cultural resources report provided

56:10

the recommendations that were included in mitigation measures cr1 and cr2 in the initial study in addition

56:17

as part of the staff report for the project a condition of approval was included that requires employee training

56:24

so you can find this condition of approval in the attachments but it reads all employees shall be

56:30

trained in recognizing potentially just significant artifacts that may be discovered during ground

56:35

disturbance if any artifacts or remains are to be found the culturally affiliated tribe shall be

56:42

immediately notified a licensed archaeologist shall be notified and the lake county community development director shall be notified

56:48

on such fines this is the second mitigation measure

56:54

though the incorporation of the listed mitigation and conditions of approval impacts to unknown cultural resources were

57:00

disclosed in the initial study mitigated negative declaration for the project and would be less than significant in

57:06

addition the applicant has not performed any work outside of the previously surveyed acres where some of the clearing of

57:14

previous pasture land did occur outside the proposed cultivation area these locations were within the 290 acre

57:20

survey area lastly all future work for the proposed drying and storage structures require

57:26

verification of flagging and work area boundaries by county staff prior to any ground disturbance

57:31

these activities along with the presence of identify cultural resource monitors employee education

57:37

would ensure all future ground disturbance would be located within the boundaries of the project as proposed

57:42

and that if any resources are located they are properly treated in accordance with county policy and state law

57:49

third item traffic for full details please refer to attachment 9. the proposed project would not result

57:57

in an addition to the historic use of high valley road in terms of vehicle trips or safety hazards

58:02

as detailed in the traffic memorandum attachment 9 the proposed project will reduce the total volume of vehicles and reduce the

58:09

overall vmt this would have a corresponding effect of reducing the potential for vehicle collisions or other related hazards

58:17

based off of chp records there have been no recorded vehicle accidents along high valley road from highway 20 to the

58:23

project site since june 1st of 2019 because the project

58:28

would further reduce vehicle trips along this segment in relation to the previous usage the project would not result in any

58:35

additional safety impacts along the highway or the roadway the roadway includes

58:40

signage indicating upcoming curves and turns with allowable speeds to help ensure safe operation of

58:46

vehicles on the roadway these conclusions are consistent with the information requested by the planning commission hearing on july 8th

58:53

2021. the next item hydrology this one's a

59:00

little bit more lengthy if you'd like to see the full report attachment 10 is the resource

59:05

this is also the water report that was omitted last time for your view from the july 8th meeting

59:13

the soros high valley ranch site is underlain by two prolific aquifers the coordinary alluvium and the holocene

59:19

volcanics the aquifers have a total thickness of approximately 140 feet

59:25

the limits of the groundwater basin are constrained by topography and geology such the potential effects of

59:31

groundwater withdrawal are not expected to propagate outside of the cumulative area of impact

59:36

as i read these 11 findings i just want to make a

59:42

collective statement the applicant here is arguing that there are two different deposits of water two

59:47

different basins um one basin is shallower i believe that is the quaternary alluvium

59:53

the other one is the deeper holocene volcanics as the applicant is drawing from the deeper reservoir this is

1:00:01

the the water usage that they are proposing to use so just wanted to clarify that before i

1:00:07

go through this list here a groundwater evaluation performed for the high valley area by eba engineering

1:00:14

concluded that the aquifers have a combined storage capacity of approximately twenty seven thousand seven hundred and ninety nine

1:00:20

acre feet that's both the quaternary alluvium and the holocene volcanics both of those aquifers serve

1:00:26

high valley one is shallower one is deeper

1:00:32

previous investigations have demonstrated that the groundwater recharged the valley to be approximately two thousand three hundred and twenty

1:00:38

one acre feet at one time up to six irrigation wells service the properties that constitute

1:00:44

the sour site the historic wells had the capacity to produce groundwater in excess of the projected water use demands for the

1:00:50

project thus the aquifers have historically been able to sustain water use demands equal to

1:00:55

or greater than the proposed demand for the sowers project the current and future water use demands

1:01:01

for the cumulative area of impact constitute approximately 1.4 percent of the bit of the available groundwater the

1:01:07

proposed groundwater withdrawals associated with the project are approximately 353.86 acre feet

1:01:15

the existing and proposed groundwater withdrawals constitute approximately 2.6 of the available groundwater within the

1:01:21

cumulative area of impact the proposed groundwater withdrawals do not exceed the amount of groundwater

1:01:26

recharge available in any given year as such the proposed groundwater use is reasonable

1:01:33

the multiple irrigation wells proposed for the project will minimize the localized effects of drawdown within the

1:01:38

aquifer the localized drawdown in the aquifer will be less than four inches the closest off-site well to the

1:01:44

existing or proposed wells for the project is 580 feet you can find this list in the

1:01:49

applicant's water use attachment full details are provided directly before this list in the pages

1:01:55

that proceed okay next point is the cdfw lake county

1:02:01

grading ordinance violations and remediation so you have a green sheet in front of

1:02:06

you over the last two weeks the applicants have worked with both the cdfw

1:02:11

and the community development department remediating the grading violations with the cdfw

1:02:19

that included obtaining an Isa which is an agreement

1:02:25

between the cdfw and the applicant for activities on the project

1:02:30

for the lake county grading ordinance the applicant now has a permit stamped

1:02:36

with us they paid their fees and they've also remediated the activities on the site

1:02:43

the county of lake including myself and our resource planner went out to the site last week along with the california department of

1:02:49

fish and wildlife and cow cannabis we were taken around a tour of the site to see how the activities were being

1:02:56

remediated with straw wattles moving everything back from the creek beds and also

1:03:02

making sure that the flow of the waterways the the storm water drainage would be appropriate to the

1:03:08

site and that we wouldn't have any runoff so we saw not just us the county but the

1:03:14

cdfw other remediation efforts so that is the summary there of the

1:03:22

grading violations okay the staff report was written before

1:03:29

this this site visit so i'll just read this here but just note that those activities

1:03:35

took place last week for proof of lake county grading ordinance violation correction

1:03:40

the notice of violation shall be addressed by submission of a grading permit application and payment of sixteen hundred dollars

1:03:46

and forty cents payable to the county of lake for proof of cdfw violation correction

1:03:52

engineered in stamp plans showing needed alterations have been submitted to the lake county resource planner i do have

1:03:58

those plans with me they are about this thick in a stack so if you'd like to see those commissioners

1:04:04

i have brought them today but i thought they might be a little lengthy for a green sheet

1:04:10

if alterations of these violation corrections trigger additional grading requirements with the county of lake for

1:04:15

example rounding the storm water runoff out and away from the cultivation area these shall also be noted and addressed

1:04:21

in both the engineered site plan and on the grading permit application any associated fees with the additional

1:04:27

grading permit requirements shall also have been paid so as of the writing this memo

1:04:33

so far saurus hvr had demonstrated implementation of erosion control methods

1:04:38

via soil compaction and insertion of straw wattle around the identified water courses

1:04:44

as of this point they have also paid the fee of sixteen hundred and forty dollars and submitted their grading application

1:04:51

which has been accepted and stamped as you can see in front of you the engineered and stamped plan showing

1:04:57

the alterations have also been submitted to the department and the california department of fish

1:05:02

and wildlife they also have their lsa and the same requirements have been met with them

1:05:09

the notice of violation from the cdfw may lead to the development of the reconveyance of runoff waters which will

1:05:14

likely trigger the need for a lake county grading permit which can be issued after up2110 is approved

1:05:20

due to the lake county grading violations remediation prior to the planning commission hearing the applicant no longer has outstanding

1:05:27

violations with the county staff is recommending approval of a major use permit and the adoption of a

1:05:34

mitigated negative declaration based on the environmental analysis the initial study is 2110

1:05:40

with the incorporated mitigation measures and conditions of approval do note that the conditions of approval

1:05:45

have been changed from last time also with the conditions of approval

1:05:51

there are um a few dates on there that if this if this permit is approved today that

1:05:57

they will be changed to reflect today's date

1:06:04

okay there was a number of public commentaries that were received over the weekend

1:06:09

and i would ask that um if you need any clarification further clarification on the submission

1:06:15

of the applicant provided materials or response to public comments i would request the applicant's team

1:06:21

be the ones to answer those if there's any questions for me i'm happy to take them now

1:06:31

sure one uh quick question from the report uh that we were presented at the last

1:06:36

meeting um on this one it says uh that they are proposing a well um 50 feet from the nursery was that

1:06:43

originally in the first packet yes thank you

1:06:53

i have no questions at this time i have no questions at this time

1:07:00

okay before we uh continue i have a few questions i want to disclose that on july 15 i um

1:07:08

went out and did a site visit and took a good look at the

1:07:14

project area so i want to disclose that before i ask any questions after public comment

1:07:24

there were no questions from the commission at this time will open it up to public comments

1:07:30

please state your first and last name if you wish to comment mr chair did you

1:07:36

want to start with anybody who's in chambers or do you want to start with the zoom room
let's go ahead and chambers first

1:07:43

anyone in here that would like to speak on this item we do have the applicant who wishes
to

1:07:50

speak so we can start with that if you'd like

1:07:56

yes that's fine so i have a powerpoint presentation um be sure to state your first and last
yeah sorry tom armstrong

1:08:01

uh i have a powerpoint presentation um which was just uh received uploaded uh if i can
present

1:08:09

that that would be great

1:08:16

just a moment while we get this all

1:08:22

situated

1:08:36

me this one out

1:08:56

switch slides

1:09:10

it's the bottom right

1:09:28

good morning commissioners uh my name is tom armstrong i'm a member of the sauers
hvr aviana llc team

1:09:35

i want to thank you all first for being here and taking the time to hear our project

1:09:41

after the july 8th meeting we heard heard your concerns and we've tried to

1:09:46

address them as best as possible and without further ado i'd like to present some
information

1:09:51

on uh how we've done so

1:09:57

if i can get the powerpoint to work here

1:10:03

uh the mouse is yes gotcha so we identified after the last

1:10:10

meeting uh the the following issues had been identified uh environmental and land use
issues

1:10:16

including traffic and roads as well as property access points distance and effects on the
local school

1:10:24

the cdfw and lake county grading ordinance violations localized hydrology as well as the

1:10:30

effect on neighboring wells and our water conservation measures cultural resources

1:10:35

air quality including odor control and dust and biological resources

1:10:41

the first issue is the traffic and associated road use and as that relates to vehicle trips one

1:10:46

thing we want to point out is that our normal operational activities only require 10 to 15 people

1:10:52

with a maximum of 60 employees during peak season our peak season and by peak season

1:10:58

that's our planting and that's our harvesting which typically would be a couple weeks of the year at each of those given points in time

1:11:05

most of our employees i'd also like to point out live on site in in permitted employee housing and our

1:11:11

operational traffic generally consists of passenger vehicles with occasional deliveries of materials and supplies

1:11:18

as that compares to the previous use in 2008 and 2019 or 2018 i should say in 2019

1:11:25

there's an average of 60 and 69 trips per day respectively for psi seminars the previous

1:11:31

owner of the property mind you there they use both passenger vehicles and large school buses to transport to

1:11:39

transport some of their their seminar members uh for to the

1:11:44

project site um they routinely would have seminars in access of 100 people

1:11:49

and uh employees in excess of 20 to 30 people depending on the given time of the year and whether or not there was seminars as

1:11:57

i said none of those people lived on site whereas a vast majority of our people live on site as it relates to road

1:12:06

conditions and in our use of the road high valley road routinely supports tractor

1:12:12

trailer traffic buses and delivery vehicles including ups and fedex aside from the proposed project all

1:12:19

roads within the project site are 4290 compliant paved as catherine had mentioned before the

1:12:26

california highway patrol uh does not have a record of a vehicle collision since july 2019

1:12:32

and that was as far back in their records as they looked um the other point i'd like to make is that

1:12:37

high value road was partially repaved recently and work is continuing to go on our

1:12:42

neighboring property owner brassica estates winery has been paying 10 cents for a case of wine for the last 10 years specifically

1:12:50

for the purpose of road improvements additionally we've also reached out and been proactive in

1:12:55

reaching out to the county and community development in an effort to to try to work with them

1:13:01

and pay for some road improvement projects specifically some concerns that were addressed last time with the hairpin turn and some

1:13:07

of the other areas along the road and lastly you know it was mentioned

1:13:12

last time about how our first entrance is in close proximity to some of the neighbors as such we've completely closed off that

1:13:19

that entrance point it's closed off the electronic gate is unhooked and it's no longer accessible by

1:13:27

employees or delivery delivery people uh as such

1:13:32

all the the entrances to and from the property uh go through the second gate which is

1:13:39

well over a quarter mile from any other neighbor with the exception of brassville the state winery

1:13:45

another issue that was brought up was the impact of the project on the school and the distance from the school i'd like to point out that the school is two

1:13:51

and a half miles down the road from where we're located and as you can see up here that's a five-minute drive and a 54-minute walk

1:13:59

i'd also like to point out the fact that east lake school is in session from 9 a.m to 3 p.m

1:14:06

our employees generally work 6 a.m to 4 p.m as i said the vast majority of them live

1:14:13

on site however the few that would come to the site on a regular basis and that do not live there would

1:14:19

obviously be coming well before school is in session and leaving well after school has let out furthermore our big

1:14:26

our most intensive season is the summer when the school is typically not in session

1:14:34

as it relates to the grading and the cdfw violation i'd like to give a little overview of the situation that

1:14:39

occurred here as we've been working on this project for nearly a year we had a biologist come out they did a

1:14:46

survey we prepared plans based on the recommendations there

1:14:51

we made sure that we we did everything as as kosher as possible made sure that

1:14:57

everything adhered to the biological recommendations that were given to us and everything we knew to be

1:15:02

true we submitted these plans to cdfw they had multiple desktop reviews

1:15:07

they also came out to the site and did a site visit prior to the issue into the first lake

1:15:12

and stream but alteration agreement they okayed that lake and stream but alteration agreement after their site

1:15:18

visit and after multiple desktop reviews once we issued our early activation we

1:15:24

started doing uh work with the land in terms of disking and and uh uh breaking and things of that

1:15:30

nature preparing the land for planting uh there was a complaint that was received by cdfw from a neighbor

1:15:37

cdfw proceeded to come out to the site at that point they identified some potential areas

1:15:43

that may be tributaries to potential waterways as such they they instructed us to

1:15:51

hire an engineer and work with the engineer as well as their conservation engineers to figure out ways to remove the problem

1:15:58

immediately we we installed a straw wattle and compacted the soil further

1:16:04

recommendations we use a water truck to make sure that we kept any sediment from from blowing and any dust as best

1:16:12

as possible as catherine stated i forget the exact date to be specific but i believe it was

1:16:17

july 14th we had a meeting with cdfw the biologists uh senior environmental scientist

1:16:24

supervisor kirsten sheridan who is the uh who's the signatory on the lake and stream bed alteration agreement

1:16:30

as well as the conservation engineers from cdfw as well as our hired engineer as well as

1:16:37

county officials and cal cannabis during that time as catherine alluded to we did an

1:16:43

extensive site visit that was over three hours long we reviewed every portion of the site

1:16:49

our engineers spoke in detail with the conservation engineers we all went around

1:16:55

figured out ways to remedy the issues following that site visit our engineer developed plans those plans

1:17:01

were submitted to cdfw their conservation engineers their biologists

1:17:06

those plans were subsequently approved and a new lake and stream but alteration agreement was then issued um i'd also like to

1:17:15

point out that in this statement that was issued by cdfw and i mind you this was prior to the previous meeting so

1:17:21

this this doesn't even include the fact that we were already issued that that we've now been issued the new lake and stream

1:17:26

bed alterty alteration agreement we've also now been uh cleared the violations but

1:17:32

at this time they they had stated we do not have any objection uh i can't really read it with that little thing in the corner but we didn't

1:17:38

have any objection to the project and furthermore they look forward to working with tom and the team

1:17:44

on future cultivation projects and that was that was a statement that

1:17:49

was authored by the senior environmental scientist who's done multiple site visits to the project site and he's also the signatory

1:17:57

on the lake and streambed alteration agreement localized hydrology and water usage and

1:18:04

its effect on the wells obviously catherine touched on a bunch of these points but just to reiterate

1:18:10

you know an eba engineering study i concluded that the storage capacity

1:18:15

of the impact area was approximately 27 799 acre feet the previous investigations

1:18:23

have also demonstrated that the annual groundwater recharged the valley to be approximately 756 million gallons

1:18:30

the proposed groundwater withdrawals associated with the project are approximately 353.86 acre feet

1:18:38

per year now it's important to note on this diagram over here this the green line which obviously this

1:18:44

little thing in the corner uh prevents you from seeing the full picture but you get an idea of it and the green line uh outlines the

1:18:51

impact area and what the cumulative impact area is is defined below and that's as defined for the study it

1:18:58

corresponds to the change in a specific area resulting from the incremental impact the project

1:19:03

when added to other existing groundwater uses in the area as depicted on the picture you also see

1:19:09

purple lines and red lines the purple lines indicate property that's owned by brassville estate winery

1:19:15

and the red lines indicate property that's owned by us sauers hvr and aviana llc

1:19:21

of the cumulative impact area brassica estates winery and uh sauer's hvr avion llc own 56

1:19:29

of the cumulative impact area and are using less than five percent of the available water within that area

1:19:38

catherine also had alluded to the fact about the different aquifers as this picture illustrates here there's two

1:19:43

different aquifers in the high valley basin there's the quantitarium alluvium and the helicine volcanics the shallow

1:19:49

domestic wells that many people have mentioned uh you know have they've had issues with going dry

1:19:54

are drawing from the shallower well on on the contrary were our wells are much

1:20:01

deeper and they are drawing from the helicine volcanics aquifer i think this picture does a good job of

1:20:07

illustrating the differences here as you can see um many of the neighboring wells would be

1:20:12

in what would be that letter a there where they're drawing from that shallow aquifer whereas we're drawing from what is

1:20:18

letter c there and that's the much deeper aquifer we realize obviously water is an issue we've done our best to maximize

1:20:25

the efficiency and minimize the amount of water we've used as such we've we've implemented the use

1:20:31

of drip lines that specifically target water to the root zone of the plants that way we as i say maximize the

1:20:37

efficiency of the water and minimize the use in addition we've installed tensiometers

1:20:43

which measure the amount of water in the soil that way we can ensure that we're not over watering that we're not using more water than we need to

1:20:50

and additionally we've we've used plastic mulch the plastic mulch will allow for water

1:20:55

to be retained as much as humanly possible and it's just another measure that that it's in place to make sure that we're as

1:21:01

efficient and as responsible with our water use as possible cultural resources were brought up when

1:21:08

we first embarked on this project we hired the foremost expert in lake county archaeological history dr john

1:21:14

parker dr parker was the first archaeologist or archaeological historian to actively

1:21:21

engage tribes in his analysis of the project impacts kind of as catherine alluded to the

1:21:27

artifacts are outside of the impact area where we plan to do any work furthermore they are in wooded areas

1:21:34

with trees we've gone ahead and made sure that during our planning phase of the project that we were not removing any trees we

1:21:42

purposely planned our projects so that we're not removing any trees affecting any of those areas or disturbing any of the

1:21:47

artifacts odor control obviously cannabis much

1:21:53

like many other forms of agriculture has some odor associated with it whether it's

1:21:58

dairy farmers and the manure smell or other farmers and sulfur and different

1:22:03

pesticides and chemicals that they may be spraying we've done our best to mitigate the odors and

1:22:10

by committing to planting odor reducing plants around the perimeter of the property we've also you know exceeded

1:22:18

the mandated setback distance from the nearest residents by over three times the mandated setback

1:22:23

in article 27 uh and lastly uh we've we've strategically chosen to plant the least

1:22:28

pungent strains that we grow in the areas in close proximity to the neighbors

1:22:34

dust that was obviously an issue and uh that that we that we uh heard from everyone last

1:22:39

hearing and we took that to heart uh even before the hearing and we've implemented many many uh procedures to

1:22:45

remedy that issue those include the compaction of soil the use of the water truck

1:22:51

and an organic dust suppression treatment i'd also like to point out that one of the issues with dust this year

1:22:57

was that because we're only issued the early activation permit and it can only begin to work such late in the

1:23:03

season the cover crop you know had less moisture and hit the soil less moisture in it than it ordinarily would have if we would

1:23:09

have started that work earlier in the season the biological survey per all the

1:23:15

requirements in article 27 and ethical regulations we had a

1:23:21

biological assessment as catherine also alluded to there was um 43 special status

1:23:27

plants that were known for the region and 39 had no potential to occur within the property

1:23:33

as as articulated here the remaining four were further assessed and although they were determined to

1:23:38

have marginal habitat present because of the previous disturbance on the project site uh they were determined not to be viable

1:23:46

as it relates to wildlife um the same the same applies the habitat was required

1:23:51

uh was deemed to be lacking on the proposed project site specifically also within the impact areas

1:23:57

they did identify the potential for two special status birds and or bats i should say including the

1:24:04

thousands big eared bat and the pallet bat subsequently we adhered to the recommendations of the

1:24:10

biologist and we had pre-construction surveys and that was here and as you can see

1:24:17

with the blue circle there that was where one of the raptor nests was identified we subsequently adhered to that 500-foot

1:24:24

buffer zone did not disturb the land did not do any disking plowing or any alteration to that area

1:24:30

until the nest until we it was deemed that the nest had fledged and the birds had fledged and the nest had failed at that time we did begin to

1:24:38

do uh the the requisite activities uh that concludes uh the presentation

1:24:44

that i have um i'd also like to say that in addition to kimberly horn whose name is on all the documents and has worked with the

1:24:50

project we've also worked extensively with pivot partnerships another environmental consulting firm

1:24:55

and they've worked in tandem hand-in-hand since the beginning of the project we contracted with kimley horn back in

1:25:01

september of 2020. kimberly horn prepared the application materials

1:25:06

and pivot partnerships subsequently reviewed everything we made numerous changes to the project throughout the process before ever

1:25:13

submitting it to the county uh to to remedy any potential environmental impacts and to make sure

1:25:18

that the project was uh at least impactful as possible and with that being said uh that's it

1:25:26

thank you for your time you have any questions for the applicant

1:25:35

as far as this time not at this time i think um are we in public comment still we'll go

1:25:42

if there's no questions we'll open up i would also like to say we do have uh the hydrologist is on the zoom call

1:25:48

and he has a prepared statement as well as uh our our environmental consultant as well

1:25:54

thank you

1:26:01

mr chair yes i do have um someone who was going to approach the

1:26:08

podium for public comment please open public comment

1:26:13

you state your first and last name

1:26:19

good afternoon good morning commissioners getting ahead of myself my name is brad stoneman i work for kimberly horn

1:26:26

and probably my team and i prepared the documentation sequel documentation some

1:26:31

of the tech studies and would like to make a statement all right

1:26:36

um so clearly um what i have prepared

1:26:44

sure i have prepared statements um a lot of it would be redundant to uh what katherine and tom already

1:26:50

presented so i will try to uh keep it brief um but i just wanted to touch on a couple things particularly as

1:26:56

it pertains to the sequa and sql process um and then just on a point-by-point basis

1:27:04

um so in regards to traffic um the the

1:27:09

commission requested there was a vmt analysis typically the vmt analysis

1:27:15

and this is based on the office of planning and research requires um projects to evaluate evaluated for

1:27:22

vehicle miles traveled sorry acronyms for a project greater than 110 trips

1:27:30

obviously the project was under that but we went ahead and looked at that to do that we contacted psi seminars

1:27:39

to develop an understanding of the baseline conditions again i don't want to get too dry but

1:27:45

baseline is set forth by sql guidelines one five one two five um it's just very important to

1:27:52

understand that the baseline is the physical environmental conditions in the vicinity of the project

1:27:58

as they exist at the time the notice of preparation is published or if no notice of preparation is

1:28:03

published at the time environmental analysis is commenced so using that the existing trips from

1:28:09

psi seminars was an appropriate um comparison for the proposed project

1:28:14

so that's why we looked at the uh trips that were generated on an average day uh

1:28:21

by sci seminars comparing that to the project and i think it's also important to note that the project would have been under

1:28:26

the 110 drip threshold regardless

1:28:35

so then also on the uh just wanted to touch on the grading violations as tom noted

1:28:42

um this was um

1:28:48

there were uh at the time the the biological resources survey was done

1:28:54

and then cdfw did come out there was the original uh lake and streambed alteration

1:29:00

agreement that was that was uh certified or adopted and uh

1:29:06

certified by cdfw the project conformed to that minus obviously we tom had

1:29:13

discussed the violations of the encroachment into the higher quality drainages but none of those drainages were um

1:29:21

entered into it was just within the uh buffer zone and that's being remedied

1:29:28

as tom noted they worked with when after after they had done the clearing

1:29:35

cdfw came back out and realized and saw the undulations and then they wanted some additional

1:29:43

protections for the for the um for the higher quality drainages and the

1:29:49

applicant worked with cdfw i was out there with their uh

1:29:54

i think cdfw's second site visit um tom and uh sauers hired

1:30:00

additional engineering company to come out and um engineer with the

1:30:07

cdfw hydrologists that around those drainages um

1:30:15

sorry good morning brad we've exceeded the three minute time limit um if you could go ahead and

1:30:22

conclude your comment unless the commissioners would like you to continue okay

1:30:32

so yeah i just want to conclude that the within the sql process we use the

1:30:37

environmental checklist um everybody's familiar with that the long list with the questions with the

1:30:43

resource areas the under each resource area there's the questions no impact

1:30:48

less than significant less insignificant with mitigation or potentially significant uh based on all of the evidence and

1:30:55

the subsequent information the hydrology studies vmt additional explanations about the

1:31:01

biology and cultural uh we were the the findings of the lesson significant with

1:31:08

mitigation is the appropriate um finding for uh this project in this document

1:31:14

thank you thank you

1:31:28

anyone else in chambers wish to speak please be sure to state your first and

1:31:33

last name good morning commissioners and thank you

1:31:39

for the difficult jobs that you do my name is maria khan and i am a property owner and resident in

1:31:45

high valley in the clear lake oaks california i'm here today on behalf of all high valley residents our wildlife and fellow

1:31:52

lake county residents seeking protection from large cannabis organizations being placed in our

1:31:57

communities i would first like to say that i am not against the legal cultivation of marijuana

1:32:03

i support the medical marijuana community and recognize the benefits of using natural products instead of synthetic pharmaceuticals

1:32:10

i am opposed to use permit 2110 and i oppose all out-of-county organizations that

1:32:15

come to our county to use our land and water resources for their financial gain with the

1:32:20

promise of large tax revenues for our county the money they are paying us is a minute fraction of the windfall they will enjoy

1:32:27

at the expense of residences and our resources these organizations demonstrate that

1:32:32

they will say one thing and do another if left unchecked sauer's hvr has already been fined for violations that

1:32:38

should have been red flags for their permit their early activation permit to be revoked but they paid a fine and were allowed to

1:32:45

continue working with no county oversight this project has veered from the plan several times and somehow that's okay

1:32:52

drilling wells on the property and laying irrigation pipe constitutes construction and violates the terms of the early

1:32:58

activation permit if the planning commission is following the law the use permits

1:33:03

must be denied and the early activation per permit revoked the residents in my

1:33:09

valley are reading watching and responding to their plan and the county needs to listen we have

1:33:14

identified the ways in which this project is detrimental to public health safety and welfare the

1:33:20

proposed mitigation of our concerns is inadequate for example the applicant cannot reduce

1:33:27

to less than significant the new sense of odor from an 80 acre outdoor grow because they cannot control the wind

1:33:34

which will surely blow the smell beyond their thousand-foot setback also they cannot

1:33:40

reduce to less than significant our safety and security concerns because all of their proposed measures

1:33:45

protect their operation property and employees there are no protections outlined for residents and

1:33:51

their properties they cannot reduce to less than significant our water concerns

1:33:56

considering we are in exceptional drought and residents wells are drying up

1:34:01

mine included mine is dry as a county we cannot justify allowing our water resources to be given

1:34:08

away to a discretionary agricultural product while at the same time putting our hand out for federal

1:34:14

disaster aid and asking all of our residents to conserve every drop

1:34:20

avoid approving this use permit is negligent reckless and short-sighted we demand this project

1:34:25

be halted until a full environmental impact report can be made this revised hydrology report that

1:34:32

they're presenting should not be accepted by the planning commission it contains recycled reports and is padded with outdated irrelevant

1:34:38

and duplicate documents to make it appear they have done further studies it is therefore an inaccurate

1:34:44

representation designed to mislead and confuse the commission in public we demand current geological and

1:34:49

hydrological reports from the state or county for high valley in the surrounding area not from the applicant

1:34:55

their reports are based on missing data they're insufficient and contradictory the hydrogeological technical memorandum

1:35:02

dated february 5th 2021 states the holocene volcanics aquifer is considered to be a productive aquifer

1:35:09

and is used as a source of irrigation water in and around the region end quote conversely the report dated

1:35:15

july 14 2021 under the same heading states that the holocene volcanic aquifer is

1:35:21

non-water bearing kimberly horn's july 14 2021 report appears to draw

1:35:27

information from the california's groundwater update 2020 bulletin 118 march 2021

1:35:33

published by the california natural resources agency department of water resources after searching through that document

1:35:39

for anything related to high valley lake county clear lake quaternary eluvial holocene volcanics aquifers

1:35:46

or information about the aggregate thickness of aquifers in the vicinity which aren't identified we demand they

1:35:52

produce a copy of their findings to support their statement of reference good morning maria maria thank you

1:35:59

sorry um we've exceeded our three minutes yes thank you i have just promised you so much actually i will wrap up um

1:36:05

after they exceeded theirs the applicant's revised report refreshment references the groundwater

1:36:10

availability study prepared by eba engineering issued september 2016 on behalf of brassfield winery

1:36:17

a copy of this study is not included residents demand to see this document it is being used to provide estimates for the

1:36:23

groundwater availability additionally this report is outdated considering we have been in a drought for several years since the report was

1:36:30

issued the commission should require additional data regarding the capacity amount and source of water for

1:36:35

brassfield's holding pond considering sows hvr is now connected to that source of water

1:36:40

by two large pipes crossing brassfield's property passing under high valley road and onto towers hvr property

1:36:46

and connected to their irrigation pumps residents question the legality of this arrangement and it is not mentioned in

1:36:52

their application or plan sauer's hvr clearly cannot find water on their property if they're hooked up to

1:36:58

brass field therefore this project is not viable in high valley and must be abandoned

1:37:03

please deny use permit 2110 revoke the early activation permit remove this project from high valley and

1:37:10

require the applicant to repair the damage done to the property and waterways this is a failed business venture and

1:37:16

the applicant needs to write it off and walk away thank you for your time and consideration thank you

1:37:31

good morning please be sure to state your first and last name dawn van pelt adjacent neighbor to the salads hvr

1:37:39

what the valley residents have witnessed for the last two months yes they have made some

1:37:46

mitigation measures but this morning coming here my house was completely dusted out

1:37:52

and they did have a water truck and that but their mitigation measures are far too

1:37:58

little and far too late they've really exhausted everything they could do and the number of employees they

1:38:05

mentioned 15 it's my understanding in that type of operation

1:38:11

they're going to be two to three to four per acre well you got 80 acres on a daily basis

1:38:16

that's far exceeds 15 employees and i think we need a

1:38:23

lot more transparency from that organization to be satisfied as

1:38:30

neighbors up there in the valley because the water is the issue all the pollution

1:38:35

of dust and everything and for me odor is going to be a huge issue

1:38:40

i don't know what strain smells more than others i don't think they really do what i'm

1:38:46

asking is they currently have some acreage planted right now stop it allow them to grow that and the

1:38:54

county look at it and see and the planning commission this planning department

1:39:00

make some determination on what what's going to be acceptable odors to adjacent neighbors you know it there's

1:39:08

no there's no mitigation measures for the odor and that that really needs to be

1:39:14

addressed and then their hydrology reports need to be addressed i submitted a letter and

1:39:20

hopefully all of you got it it was late last night so i hope you all read it before you

1:39:25

make a determination of voting for this because there's a lot more that needs to be done

1:39:31

thank you thank you

1:39:40

yes you may just be sure to state your first and last name into the microphone please my name is doug logan i live in high

1:39:46

valley this is regarding the use prevent 2110. i live in high valley

1:39:52

uh near the pod farm seeky permit number 2110 i have owned property in high valley since brassfield vineyards

1:39:58

and winery was a cattle ranch the pot farm was a quiet little company offering motivational seminars i acknowledge that

1:40:06

high valley is zoned agricultural i acknowledge that as rude as the field preparation vis-a-vis the horrendous

1:40:12

amount of dust generated was it is part of the agricultural process i'm asking the planning commission to

1:40:19

acknowledge the chair of brian martin has declared a local drought emergency later ratified

1:40:26

by the board of supervisors i'm asking that the planning commission acknowledged the water districts around

1:40:32

the lake are suffering from the drought wellwater's operation is encouraging their control

1:40:37

their customers to conserve water as much as possible that's good advice any time

1:40:42

the cannot county water district has already implemented water conservation plans it goes on and on i'm

1:40:49

asking the planning commission to acknowledge that residential wells are going dry mine included kudos kudos to l.a for the

1:40:56

pot farms efforts to help his neighbors supplying water to people who have had to replace the walls with a water

1:41:03

storage tank system in view of water shortages around the lake in the related efforts to conserve

1:41:09

water how can the planning commission approve a new project that will consume

1:41:15

2.2 plus million gallons per week apparently the poor quality

1:41:22

water taken from the deeper aquifer returns around 60 of the water back to the deeper aquifer

1:41:28

how does that low quality water affect the more potable shallower aquifer as it returns to the

1:41:34

deeper aquifer good question i have no issues with farmers using as much water as they need

1:41:40

when we are not in the middle of the worst drought in 50 years

1:41:45

with no end in sight it is not as if the pot farm is growing penicillin or coveted vaccines

1:41:51

i would also ask that the planning commission review article 51 section 51.4

1:41:56

a one through six of the lake county zoning ordinances thank you very much

1:42:12

good morning good morning commissioners uh my name is karen mantelli i am a resident of lake county and i have

1:42:20

some concerns um about this project and so i'm just gonna ask a few questions um in just a moment

1:42:34

okay thank you that's better karen mantelli is my name uh use permit

1:42:40

2110 seems to have uh had concerns uh before and um my concerns after hearing some of

1:42:46

the people speak um are exasperated um the water supply is definitely an issue

1:42:53

i i feel that there needs to be a lot more transparency with that i wanted to ask about

1:42:59

are there there's six wells i heard and are there new wells being drilled on top of that number of wells

1:43:07

and the fact that so that's one of my concerns and um they talked about traffic

1:43:14

in this report here it says that it'd be 40 to 80 adt i believe that was mentioned by the gentleman this is on a two-lane road

1:43:23

um they discussed and said highway patrol had stats up until 2019 the stats said

1:43:28

no accidents well there was no project this project is going to have a lot of people coming up and down the

1:43:34

two-lane road and i feel for the people who would be living near there to have to

1:43:40

navigate that on a daily basis um go back to the well you know uh is

1:43:46

the deeper well is that existing or is that new that they're going to be using

1:43:52

i also have concerns about the cdfw did the company cause those violations

1:43:58

and if they did are they scrambling to get themselves back into good standing with cdfw

1:44:03

i also want to know who's the environmental scientist who signed off on this project that they were looking at

1:44:11

i feel there needs to be more transparency here i i don't feel that i also looked at the tribal consultation

1:44:20

uh the initial study says that is to to be completed after the ab-52 is completed

1:44:25

when looking at conditions on other projects there seems to be many conditions that are placed upon tribal

1:44:30

oversight with 80 acres this initial study didn't seem to appear that there was any tribal

1:44:36

consultations it's hard for me to believe that there was 11 tribes that may have been contacted

1:44:41

but nobody had any issue with these 80 acres being developed and no oversight if i look in

1:44:49

the last one that was looked at i think first there was mitigation measures that prior to any

1:44:56

ground disturbing activities there was a number of requirements that had to be a qualified

1:45:01

archaeologist had to be on site and that the native tribes had to be involved so i'm very concerned that that wasn't

1:45:07

discussed and highlighted as well i just fully guess believe that this

1:45:13

project has a lot of concerns that need to be addressed hearing that 2.2 million

1:45:18

gallons per week was going to be used for water supply is should make you stop and think

1:45:25

2.2 million gallons a week when individuals in the area have to live and they have to supply their own

1:45:31

drinking daily drinking needs so i i fully would believe that there this up 2110

1:45:37

should not be approved and anything should be revoked as far as early activation until a full eir is

1:45:43

presented to the commission to this to the county uh highlighting all of these concerns

1:45:49

that the public and myself addressed thank you thank you

1:46:08

hello i'm richard jones i'm a resident of lake county been here for about 25

1:46:14

years i think and i actually have a house in the oaks so i don't live there but i have a house

1:46:19

in the oaks um my neighbors were not my neighbors but my friends here

1:46:24

of some of the people that wells have gone dry they've lived there for i don't know how long generations i

1:46:31

think in one case and um my concern would be the water

1:46:36

the usage of the water and how much water and the the numbers you know it's all the presentation didn't mention

1:46:42

anything about gallons see people can relate to gallons it was acre feet and that doesn't make

1:46:47

much sense it's like you know bringing a number out and then suddenly saying but the real truth

1:46:52

the real truth is this and this is how much water is actually being used i don't know how

1:46:59

and i'm i'm not against marijuana i'm not against the wine industry but i don't know how much water is used

1:47:06

per acre producing that crop versus a different kind of crop um

1:47:11

neither of the crops are essential it's not food it's discretionary that's been mentioned before

1:47:17

and you know the other thing was that the resources available to them i think

1:47:22

they said phi up less than five percent i think was the amount they said well just because there's less than five

1:47:28

percent being used or what's supposedly available and i would go and refer to the news

1:47:34

where farmers whether they're farmers their cattle farmers in arizona are now talking about selling their cattle

1:47:40

because they don't have water there in the west of it's not like it's a local situation we do have a drought

1:47:46

nationally or certainly on the west coast and um it's not it's not essential um

1:47:54

the numbers that are given may be from old reports how much is available they've quoted they won't use more than five percent that's like the oil

1:48:01

industry uh saying well you know it's more expensive to drill here we'll go up to where the

1:48:09

resources are in alaska or whatever because it's all freely available i don't know how much of that really is

1:48:15

available down there five percent might not be five percent maybe the aquifer only has fifty percent

1:48:21

because of drought conditions and therefore it jumps to ten or more percent and how much is that

1:48:26

water usage millions of gallons related to say the population of the oaks

1:48:33

i mean does the population of the oaks drinking water actually or you know normal household water how

1:48:39

many households does that relate to is it one thousand is it five thousand is it ten thousand

1:48:44

is it does it exceed most of the population of the usage for the oaks i mean put stuff into

1:48:51

perspective and that that's all i'm saying is you need to stand back and they have made i mean again going back historically

1:48:58

people have made mistakes there's the elan colony down there which has the um
superfund site when i

1:49:05

found that out that there was a superfund site from prior mining and it's contaminated the
lake in i

1:49:12

don't know how many years 15 20 years they've been trying to clean it up i mean the effects
long term right now it may

1:49:19

be that it's a great project but the timing isn't right because we've got a drought situation
and who knows

1:49:25

when and if it's going to get any better but you're still looking at pulling out millions of
gallons

1:49:31

per week good morning richard i'm sorry we've exceeded the three minute time allotted if
you could conclude your

1:49:37

comments thank you

1:49:49

good morning good morning my name is john mocnick and i'm a lake county

1:49:55

resident currently residing in clear lake i'm also affiliated with lake county grown which is
which has two approved

1:50:00

projects here in lake county i'd like to thank the planning commission for their time on
these important matters

1:50:07

first i'd like to state that i fully support this project the board of supervisors in this

1:50:12

planning commission spent endless hours developing a well thought out plan for the county's commercial

1:50:17

cannabis exclusionary zone map to address many concerns regarding impacts to the neighboring

1:50:23

areas it is hard to find a property within this map that meets the need the needed criteria for a viable project

1:50:30

and this applicant seems to have found a quality area that should work well for their project and keep the rest of the community minimally affected by the

1:50:36

demands of the running operation this is the best location within the map that's already been thoughtfully

1:50:41

developed by the cdd and the board of supervisors no site is perfect for everyone but mr armstrong sure seemed to have legitimate

1:50:48

mitigation measures outlined to minimize these projects and the neighbors concerns thank you so

1:51:04

much

1:51:13

good morning good morning my name is richard durham i've been i'm a cultivator also uh

1:51:20

and i've been attending these uh hearings for eons even prior to article 27.

1:51:29

this is probably the most comprehensive study i've seen on a project done it seems to be

1:51:37

totally i mean i've never seen anything this well i know personally the applicant

1:51:45

they're great people as far as what they're bringing to the county

1:51:50

we need uh to brand lake county cannabis uh small farms like mine

1:51:57

collectively we'll never be able to do that we don't have the funds

1:52:04

and the outreach to be able to brand lake county cannabis so a project like this is important for

1:52:10

the county and for all the local cannabis growers they'll lift the name and and so all the smaller

1:52:17

cultivators are also going to uh profit from it so i suggest that we pass

1:52:25

a project let them move forward and help lake county forward thank you

1:52:32

thank you

1:52:39

give me just a moment

1:52:44

not my mic sorry it's not me uh anybody else like to speak and you

1:52:50

can speak i just want to make sure everybody gets their first round to go around thank you
good morning

1:52:58

my name is mary draper and um i've been working with saurus for a while not as a paid
consultant or a paid

1:53:05

person but just trying to help him do everything that he needs to do to be transparent

1:53:11

i have been in lake county for a long time and i love lake county and i think this

1:53:16

brings something really good something that supervisor smith when

1:53:21

this was first written wanted this was kind of like his desire and what he saw for the county

1:53:27

i think ellie has been more than transparent he's invited his neighbors in to talk

1:53:33

with them and share with them and see what their issues are try to address them some of
their wells went dry before he

1:53:40

ever started using water and he went and cleaned out their well fixed her pump

1:53:46

and brought her water he's been bringing water to two of the neighbors that are here today

1:53:52

i think he's done a great job on top of that this is i've been for the uh commission

1:53:59

three times for my own projects and i have never seen one like this

1:54:04

the arrows that have come at this project from other growers and people outside are

1:54:09

unreal they've had to jump through more hoops than anything i've ever seen

1:54:15

constant calls giving this rumor giving that rumor this person is doing that that person is doing that last night i

1:54:21

had a call that another grower hired a person to look into the thing make

1:54:29

lots of notes and do everything that they could to try to derail the project i was told

1:54:36

that angie dodd who is a consultant who testified last time uh was also

1:54:42

hired by one of her people i when i called our jacob zoom and associates

1:54:48

last thursday jacob zoom in associates the head of the biological department told me that she had received a call

1:54:55

from angie dodd that day who said that she was with canacraft

1:55:00

and it's kind of funny that anybody would put jacob zoom down as she is hiring them as a consultant

1:55:07

and whoever she said she was working on behalf of i i don't trust that i just know that

1:55:14

angie dodd is the one that called they've had to be more transparent they've tried to be more transparent

1:55:21

wanted everybody to know everything wanted to make sure this project went through

1:55:27

that they were a good player they did everything right when they had the violation there was no way for them to know that there was a ground

1:55:34

crop there they didn't know the cdfa didn't know nobody knew when they came out and

1:55:40

looked at the project until after they disc they weren't trying to hide anything they've tried to be good from the very

1:55:46

start i ask that you follow staff's direction in passing this today it's

1:55:54

been a lot of fun it's a great project i love it but it's really been difficult with all

1:56:00

the other players that appear to be against it and i'd appreciate your passing today thank

1:56:07

you thank you

1:56:14

anybody else in chambers like to speak

1:56:25

good morning morning commissioners elia goel one of uh the owners of this

1:56:33

project i want to thank you for being here and listening to us today um after our meeting our commission

1:56:40

meeting last uh last two weeks um we took very seriously all the concerns that our

1:56:48

neighbor had and our commissioners as well we tried to address them one by one by going through the tapes

1:56:54

of the meeting and meeting with most of the residents i want to make sure that

1:57:01

there are more than five residents families that are supporting the project they don't want to

1:57:07

step forward because they're scared from ramification i actually got an email today in the morning regarding this

1:57:14

i can read it to you it was forward to katherine as well one of the neighbors brought me champagne and a letter in my own

1:57:21

mother tongue was very uh very happy after after that and i want to say that we're

1:57:27

doing every everything that we can to sit and um work on any problem that we have with

1:57:32

our neighbors within our community i would like to ask you today when

1:57:38

you're considering your vote that this area was designated by the county for

1:57:46

cannabis use for cannabis cultivation it's surrounded by hundreds of acres of of the

1:57:51

existing vineyards and developing more vineyards and it's away from the public eye most

1:57:58

of it other than 14 households i think other than us and brassville

1:58:04

um and that's this is all i got so we would really like to grow together

1:58:11

with the county and and be a good uh member of the community

1:58:17

thank you you

1:58:26

anybody else like to speak i'll let you um approach the podium

1:58:32

since no one else wants to speak wait okay go ahead and approach the podium

1:58:38

and then we'll um wrap this up and then we'll go into the zoom room i just have some questions and that i'd just like to bring it up

1:58:44

and just make sure that you're directing the questions to this the commission yes and the the psi seminars they were talking

1:58:50

about that i wasn't sure if there was any numbers say your name one more time karen mantelli thank you president

1:58:55

of lake county uh they had mentioned i know that psi seminars had taken place so i wanted to know if that was compared

1:59:02

to how many times a year did they have their seminars versus the daily traffic that was going to be generated as a

1:59:08

result of this um although within the initial study it stated that there was going to be vegetation removal

1:59:14

but then i heard from the applicant that they said there was going to be no vegetation removal so that was contradictory

1:59:19

of what i saw within the initial study it showed it wanted to also ask if there had been a wetland survey

1:59:24

uh prepared for the project and um i saw that there's an existing uh

1:59:30

septic system that is going to be used uh is that enough for 65 people are they going to have additional it

1:59:36

sounds like portabilities but they said they were going to use the existing septic system so that seemed maybe just wanted to concern

1:59:43

whether that was enough for the people there and um also um the planner also catherine mentioned that there was

1:59:49

change coas uh conditions of approval and i just wanted to maybe there was a highlight about what was actually changed as a

1:59:55

result from the july 8th meeting and then lastly i guess for the commission is what in the eyes of

2:00:01

the commission would make such a great project um and as it has been stated many times

2:00:07

by the people who support it that this would be a great project and i guess i would like to hear from the commission if whatever their decision is is

2:00:13

what makes us such a great project for the community thank you thank you

2:00:23

let's mr chair i have um the applicant

2:00:31

that wants to speak again so should i keep the not repeating the same people who have

2:00:37

already spoke and then opened it up to the zoom room and then as they can like they can come back and respond how would you like to handle that

2:00:44

if we can get everybody opportunity to speak first if we can go to the zoom room prior to anybody else

2:00:50

coming back for a second time that would be preferable if we do have any member of the

2:00:56

applicant's team please identify yourself i know we have

2:01:02

the hydrologist on zoom which was mentioned and they all have

2:01:07

information or comments that they want to present i would prefer that that all be

2:01:12

done thank you mr chair um we'll go ahead and let you um

2:01:18

handle the zoom room and then we can come back to chambers thank you jake do we have any hands in

2:01:26

the zoom room uh yes i currently have two hands raised in the zoom room uh the first hand i have raised is from

2:01:33

angie dodd and you have given me christian permission to speak it looks like you're

2:01:39

muted will you please confirm your personal last name

2:01:45

can you hear me yes we can hear you yeah my name is good morning commissioners my name is angie dodd i

2:01:52

just wanted to speak briefly i was not planning on speaking today but my name was brought up by

2:01:58

one of the speakers i just want to clarify i am not hired to address this project i've never

2:02:04

been hired to address this project i'm not sure where miss draper came up with that information not sure why my name is

2:02:10

being brought up specifically i just wanted to point that out i have discussed it with others

2:02:15

in the county as many have but i am not a hired consultant on this project or for anyone

2:02:20

associated with this project and i just wanted to make that clear thank you

2:02:28

thank you next time please jake yes the next hand we have

2:02:33

up is from jason shealy

2:02:40

all right looks like you're immediately please confirm your first and last name jason sheesley with kimberly horn and

2:02:46

associates thank you

2:02:54

i'd like to begin by saying that uh anybody engaged in any type of agricultural land

2:03:00

use knows the importance of water especially irrigation water

2:03:05

and that the viability of any agricultural land use is contingent upon that water and that

2:03:12

is through our interactions with sauers and their staff they certainly take that into heart and

2:03:19

they are uh aware that the viability of their project hinges on

2:03:25

them being good stewards of the groundwater resource and so with that i'd like to speak a

2:03:30

little bit more about the investigation that was undertaken for this application we reviewed

2:03:36

some limited information that is available regarding the localized geology and hydrogeology for the high

2:03:43

valley region what we've ultimately determined that one of the most comprehensive

2:03:50

reports with respect to more recent water uses within that area is the

2:03:57

water availability report prepared by eba engineering on behalf of brassfield estates

2:04:05

in our initial review and our initial investigation we noted that

2:04:13

there's an estimate of roughly 900 acre feet of storage available in the aqua in the high valley

2:04:19

groundwater basin when upon further review of the published geologic literature

2:04:25

it is determined or we've determined that that estimate was limited just to the

2:04:31

quaternary alluvium deposits however when you factor in the underlying polar scene by

2:04:38

volcanic deposits the storage capacity of the aquifer increases to 28 000 from 27 to 28 000

2:04:47

acre feet so that initial estimate was an underestimate and really only focused

2:04:53

on the quaternary alluvium and that's where most of the domestic water supply wells

2:04:58

are located uh are within that shallower aquifer and i might add that that aquifer is also the most

2:05:04

susceptible to seasonal changes and seasonal fluctuations

2:05:10

the published literature states that in the spring and summer time groundwater fluctuations are as much as

2:05:18

five to ten feet within the alluvium deposit to the high valley

2:05:23

groundwater basin when we conducted our investigation and looking at the information provided

2:05:30

by eba engineering i was critical to evaluate the amount of recharge

2:05:36

available to the groundwater basin versus the amount of water used by the

2:05:43

by the applicant what we've ultimately determined that little a little over 2.6

2:05:50

of the groundwater available to the area through impact would be you through recharge

2:05:56

would be uh used as part of this proposed uh water use that does not counter uh

2:06:04

does not take into consideration the fact that this is primarily an irrigation project and that a majority of the water

2:06:11

that is being used is actually being reapplied to the land surface and allowed to infiltrate and recharge the aquifer

2:06:20

historically uh there have been six irrigation wells associated with the high valley ranch property cumulative jason i'm

2:06:28

sorry we have surpassed the three-minute allotted timeline if you could conclude your comments

2:06:33

thank you sure i just want to say that uh historically the cumulative uh yield of the wells at the high valley

2:06:40

ranch uh success the amount of water that's being

2:06:46

proposed for this particular project and lastly i'd like to indicate that when you look at the cumulative

2:06:53

area of impact both battlefield estates and the high valley ranch project take a

2:06:59

take up approximately 50 percent 56 percent of that area of cumulative impact a majority of

2:07:06

the remaining area uh is not necessarily undeveloped undevelopable but the amount of density

2:07:13

associated with that is limited because we're talking about steep sided slopes within the valley

2:07:28

all right thank you do we have any other hands in the zoom room jake

2:07:34

yes we have uh at this point we have three more hands the next hand i have up is from paul of fernacio

2:07:41

i've given you permission to speak

2:07:47

it looks like you're muted will you please confirm your first and last name

2:07:52

hello my name is paul bernaccio and i just wanted to make a quick comment um

2:07:57

i am actually a neighbor of ellie's on another farm that he has and uh these guys have been great

2:08:04

neighbors to me they've helped me when i've had situations uh over at my farm whether it be

2:08:10

equipment or just feedback and you know i truly believe that a project this size

2:08:16

should go to a certain type of person who's going to be a student of the land and the water resources

2:08:22

and somebody who's going to help elevate lake county as a whole and um i've met you know i know and i've met

2:08:28

a lot of cultivators and i truly believe that these people are are good people and that they will

2:08:33

do whatever it takes to satisfy the concerns of all the neighbors so i ask that you please

2:08:38

support the project thank you

2:08:47

okay the next hand i have up was from damian ramirez

2:08:52

damian and i have given you permission to speak all right looks like you're muted will

2:08:58

you please confirm your first and last name good morning damian ramirez lake county

2:09:04

grown um i just wanted to state that i'm in full support of this project

2:09:09

i feel mr armstrong's detailed presentation earlier it really thoroughly addressed

2:09:15

many of the concerns that were brought up by the planning commission and all the neighbors at the previous hearing uh

2:09:21

held on the 8th in my humble opinion on all all of the supporting docs

2:09:27

that i've reviewed them all they're as comprehensive as i've ever seen for any cannabis cultivation project that's

2:09:33

that's gone in front of this commission i feel operators such as ellie and tom

2:09:40

they're they're the exact type of people who we want to be running a large-scale operation in this county and

2:09:45

representing it and as richard alluded to it it really will do good for the entire community of

2:09:52

uh for the cannabis community and uh from day one it seems clear that these

2:09:57

guys have have put in the good faith efforts to respect all the concerns of the community and their detailed reports

2:10:04

um really they really show that as as always um just thank you all for your time to the

2:10:10

commissioners and everyone else involved um your work and efforts on these

2:10:15

projects and all others so definitely don't go unnoticed so uh thank you all

2:10:26

all right and the last hand i have up at this moment is uh jennifer's k smith uh jennifer i've allowed you a

2:10:33

permission to speak it looks like you're immediately please confirm your first and last name

2:10:39

jennifer smith thank you

2:10:44

if not here then where this project needs to land use criteria as mandated by the county planning commission

2:10:50

and the board of supervisors applicants met all the requirements of the state to obtain their state license

2:10:56

as allowed by the county the applicant went above and beyond the duty of any other of most applicants sorry

2:11:03

and paid outside consultants rather than add to the workload of county staff in anticipation of demands the applicant

2:11:09

commission studies that haven't been required of previous applicants and has been completely transparent and

2:11:16

provided all of this information to the county on multiple times i can appreciate the concerns of the neighbors change is difficult

2:11:23

but what we're witnessing is a culture war between generations this isn't about the facts this is about

2:11:28

emotions we're witnessing people wanting to control the land you spray it's of others we're watching this

2:11:34

information be spread widely even today as as valid and correct

2:11:40

information was presented people are not hearing it they're not absorbing it and we need to look at the

2:11:45

project as it stands this project has been cleared by the state by the cdfw

2:11:51

by cdfa and the county it wants to approve this project this project brings jobs with jobs we

2:11:58

have an increase in the economic impact of our county i don't see many other industries bringing this level of positive impact

2:12:05

economic impact to our county the owner and operator is a class act this is a well organized

2:12:11

clean and efficient farming practices this is farming this isn't backyard gardening this is an agricultural crop and should

2:12:18

be treated in the same light as all other agricultural crops i support this project our industry supports this

2:12:25

should support this project and our community should support this project these are the type of projects we need

2:12:31

to elevate lake county and i hope that this commission will see fit to approve this project thank you

2:12:44

okay thank you is that the last hand in the zoo room jake uh yes that was the last hand in the

2:12:49

zoom room okay we'll return back to the chambers and anybody who's wishing to speak

2:12:55

uh please again come up and state your first and last name

2:13:04

i do have someone who's gonna um speak thank you

2:13:11

thank you chair commission uh brad stoneman again i just wanted to respond to a couple of the questions that were

2:13:18

raised in regards to the wetlands um they're within the areas of impact

2:13:23

there are no wetlands mapped there are no wetlands taken again

2:13:29

cdfw has been out there i don't want to beat that dead horse but uh the uh the new legend stream bed

2:13:36

alteration agreement is is issued and uh the the wetlands um no impacts to wetlands

2:13:43

um in regards to the vehicle miles traveled and sci seminars um we did contact i contacted

2:13:50

them directly and from 2016 to 2020 i obtained their attendance records

2:13:57

so basically between students staff employees and vendors um i think it averaged out

2:14:04

to about 58 average daily trips per day over the year

2:14:09

compared to the proposed project again this was greater than what the proposed project would generate

2:14:16

and again going back to the discussed baseline briefly comparatively speaking there's fewer

2:14:23

trips under the proposed project i think tom covered that pretty well as well regarding the septic

2:14:28

system there's a number of septic and leech fields on site

2:14:33

as part of the record i believe environmental health provided a list of all the existing

2:14:40

septic tanks the project site also um was originally um gonna be sized for a hotel

2:14:50

or larger accommodations so the septic system is adequate to serve the project

2:14:56

lastly i just wanted to touch back on how much time do i have on the sql process so again i touched on

2:15:03

the initial study so the initial study goes through there's the 20 different resource areas under each question less than

2:15:11

significant less perfect less insignificant no impact less

2:15:17

insignificant with mitigation or potentially significant impact we went through the question by question

2:15:23

typically we go off of the appendix g checklist the county has modified it

2:15:29

slightly so we used that again everything was either less than significant no impact or less

2:15:34

insignificant with mitigation so this leads us to the mitigated negative declaration

2:15:41

revisions in the project had been made and there's no substantial evidence in

2:15:46

light of the whole record before the public agency this is including our initial reports the subsequent

2:15:52

reports that we've provided the commission regarding the vmt the hydrology report and whatnot

2:16:01

so the based on state secret statute 2108 2.2 significant effects on

2:16:08

the environment um determination or determining that an environmental impact report would be required

2:16:14

um those uh subheadings under that statute are not met therefore the

2:16:20

mitigated declaration is again the appropriate document for this thank you

2:16:36

anyone else in chambers wish to speak before we close public comment and bring it back to the commission

2:16:49

hi my name is maria khan i live in high valley uh i find it unfathomable that

2:16:56

they did not do an environmental impact report with this project

2:17:01

if you've seen the project from an aerial view you know it totally consumes our valley there is no

2:17:07

way that this could not have impacted the environment in many in many ways i

2:17:15

it's heartbreaking the the residents in the valley are grieving for

2:17:21

the way they've torn up the land you know disrespected native american artifacts potentially

2:17:26

migrating birds nesting baby fawns anything that was in the path of those dozers was pulverized to a fine dirt

2:17:35

it's killing us our beautiful quiet valley has been turned into a huge organization

2:17:43

and i'm not saying that these people aren't nice they are good people they're nice they did fill my water it been my paint my

2:17:48

tank with water so i thank them for that um

2:17:54

but it just doesn't belong in our valley right next to another huge water using project brassfield winery

2:18:01

these two organizations are going to drain our aquifer

2:18:06

possibly to the point of collapse and at that point it's game over and this county if it keeps moving

2:18:13

forward with weed and wine which i like both of them i i use both

2:18:19

we're looking at sucking up all the water for these two agricultural projects

2:18:24

that products that do not feed people do not provide water we will end up

2:18:29

sitting around drinking wine getting high until we die of thirst

2:18:35

and then the county will be over and the land will be ruined and they'll move a pick up move away

2:18:43

leave an environmental disaster behind and stop paying those glorious taxes

2:18:48

that they are promising us and i want the commission to please think very carefully about the future of

2:18:56

this county because you have so many residents who are stewards of the land and who care deeply and i believe that

2:19:03

these agricultural people as well but this little valley cannot support these two big players

2:19:13

thank you very much thank you

2:19:22

i do believe the applicant's going to come up and probably sum it all up for us and we'll

2:19:27

bring it back to the commission just i have a question for council real

2:19:32

quick nicole um if if the applicants

2:19:39

um coming up or any member of their team are they still required to have to stay within the three minutes

2:19:45

are they allowed to speak outside of the three minutes i would leave that to the commission

2:19:55

that typically applicants as the party requesting

2:20:04

a decision from your commission are they're often given

2:20:09

extra time not just to comment but to be questioned like staff would be by the commission as

2:20:15

far as their project um questions you your commission may have concerns your question

2:20:21

commission may have to see if if the applicant may provide evidence to you that would inform your decision

2:20:30

thank you thank you did did you want to speak so yes and the

2:20:36

applicant will come up um and speak just be sure to state your first and last name for us thank you

2:20:46

um i would like to address maria's concern um regarding the collapsing of the

2:20:53

valley um we're doing things out of

2:20:59

out of good faith not out of fear if we live our life through fear nothing

2:21:05

will change and nothing will happen change is here it's coming as long as we support each other as neighbors

2:21:11

and there is a problem between us that we can solve that should be the right measurement between between the residents

2:21:19

um i didn't want to bring it up but there's uh a letter i would like to read from

2:21:24

from the closest neighbor in the corner the one that we closed the gate next to because they were complaining about the noise um

2:21:31

leslie and greg small my name is leslie small i live at 12 000 high valley road clear

2:21:37

lake oaks i was excited to have new neighbors developing the property next to mine being situated

2:21:42

right next to them has given me the front row to see the progress initially it was

2:21:48

bumpy start as anyone who has been around consideration knows that there's some noise disruption

2:21:54

luckily the owner ellie hagwell has been extremely amicable in both communication and willingness to

2:22:01

soothe the our concerns instead of using the gate next to our driveway he has rerouted all deliveries

2:22:08

and vehicles to the gate further down almost a mile away in addition he has kept open

2:22:14

communication about when any noise disruption will occur going forward which is

2:22:19

greatly appreciated ellie has been noting but nothing but polite considerate and

2:22:25

cons and courteous neighbor who i believe is working hard to develop the property and provide

2:22:31

valuable jobs to those working with him sincerely leslie in addition to this um we decided

2:22:38

as a company to reduce the cannabis space and put sunflowers on the east side next to our neighbors which is about 40

2:22:46

acres that will separate the sunflowers to the rest of the project for this uh

2:22:52

for the season um which will help tremendously with uh with the smell and like i had a conversation with you don

2:22:59

you won't need to explain your grandchild what is next to you you can show up i apologize try to direct your

2:23:05

oh sorry thank you i didn't mean to turn my mic

2:23:11

off i just want you to direct your comments to the commission sorry about that one it's okay i'm i'm done thank you

2:23:23

public comment is still open so if you'd like to speak you're welcome to approach the podium again doug logan hi valley one more time

2:23:30

in the mic for me doug logan hi valley i'd like to uh just say it and pass it

2:23:36

or in closing that uh i've seen a lot of people come up um commenting on the fact that tom and ellie are nice

2:23:44

guys nice people nobody's questioning that i found them to be extremely amicable

2:23:49

i would like to tamp down some of the animosity that's growing before my eyes by saying that these are indeed good people the issue

2:23:57

is the water thank you

2:24:11

hi mary dre perkin um i'm coming up right now because i think that it's

2:24:16

important for future meetings for what's going on that consultants that are paid by other

2:24:23

growers should say that when they come up here i'm not sure why a consultant would take so much time

2:24:31

and go through so much work as karen mental what is her reasoning for doing it so i

2:24:38

think when you when somebody comes up against a project like that

2:24:43

if they're a consultant you need to know it and you need to know why because there

2:24:49

has been a lot of arrows and a lot a lot of stuff going on in the community and i think it's a conflict of interest

2:24:56

actually thank you

2:25:04

sure i do believe we have a couple more comments before we'll close public comment

2:25:10

yes commissioners karen mantelli i just want to address i'm just a member of the public i read the documents that were presented

2:25:18

and available and i am familiar with planning so my comments and my questions are

2:25:25

relative to my own personal feelings and concerns thank you

2:25:33

thank you one more round anybody else like that would wish to speak

2:25:43

okay i don't see anybody approaching the podium mr chair okay we'll do one last check in the zoom

2:25:50

room any hands in the zoom room jake yes we currently have one hand raised in the zoom room uh and

2:25:57

i have races from sarah sarah i've given you permission to speak looks like you're a muted will you please confirm

2:26:03

your first and last name sarah fowty all right great thank you um first of all i would like to thank

2:26:09

the commissioners i'd like to thank the applicants but also i would like to thank the neighbors um i had the same opinion as everybody

2:26:17

else and having to come a long way not against the projects but against cannabis cultivation as a whole

2:26:22

and my longtime friend ellie had to explain to me and i have been his devil's advocate for a long time

2:26:29

to consult or a long time ago when he decided to switch careers and actually dedicate his his life and

2:26:36

his lifetime savings into this and this was not about the money and this is not about the money no matter

2:26:41

how sweet the money might seem so a lot but i am under pledge and i'm under oath and money is definitely not a motivation

2:26:47

for this man um we i heard people mentioning that he is out of the county

2:26:54

or people out of the county are labeling the project as a corporation i believe this would have

2:26:59

this would have had a different attitude if you were dealing with a corporation i've attended a lot of hearings in many

2:27:06

counties and i would like to congratulate all of you for using your rights to express

2:27:11

your concerns and use in a very um not all the time but most of the time it was very

2:27:16

amicable on how the concerns were addressed and proposed the right corrective and preventive actions

2:27:22

this is the longest conflict in humankind since we discovered agriculture in having crops

2:27:27

learning how to grow next to each other and use the resources while maintaining property owner rights

2:27:34

which are constitutional rights to all of you and i'm glad a lot of you mentioned

2:27:40

today which is a great change of attitude compared to last time to use facts as opposed to emotions

2:27:46

and to respect um what is our expertise and interpretation of many of these

2:27:51

documents the fact that we do not understand all of them and the fact that this great country and this great county has the right systems

2:27:58

in place to review these documents i am not a hydrologist i i am

2:28:03

an educated more or less person but the fact that i do not understand a fact does not make it lack

2:28:09

transparency and i would like to congratulate all of you and i believe lake county

2:28:14

uh will give an example for how uh introducing cannabis cultivation should be done in many other counties and they

2:28:21

did choose lake county not only taken into consideration their business needs but also a long time ago we used

2:28:28

to fly over lake county and ellie wanted to be a resident of this way before he entered cultivation thank

2:28:38

you with no more hands in the zoom room um we're gonna close public comment

2:28:46

and bring it back to the commission for any questions or action commissioners

2:28:52

mr chair if i may yes please uh before you get anywhere near voting i just wanted to

2:28:59

reiterate since we're short a commissioner reiterate the rules relating to

2:29:04

um thai votes should your vote end in a 2-2 vote that is a no

2:29:11

that is effectively a no vote so it would be a denial because it is a no action vote if you

2:29:18

are if you are even concerned about reaching a 2-2 vote

2:29:23

and you would not want to outright deny the application you do have the option of continuing

2:29:30

the item if you feel that there are things that may be done in relation to the application and the

2:29:36

analysis of the project that may reach a um a three vote

2:29:42

or greater so you have the option of continuing however you do not have the option of continuing

2:29:48

if you move forward with a vote and it results in a 2-2 vote you can't go back

2:29:54

if that makes sense it does that's very helpful thanks

2:30:02

nicole so who wants to start with their

2:30:08

questions as far as the commission goes

2:30:13

do you have any

2:30:20

you know if it's in one commissioner's district maybe start with that person

2:30:26

so i'll go ahead and um as i said earlier i did visit the site on last week

2:30:33

thursday on the 15th and and the site visit was very helpful um the questions i have mostly are

2:30:40

related to the hydrology and i believe the applicant's hydrologist was on so i'd

2:30:48

like to direct questions to him if possible

2:30:54

and those questions are in regard to groundwater recharge i did

2:31:01

i did like the little slide showing the different the multiple groundwater aquifers

2:31:09

and so my questions will be in regards to the recharge of all of those aquifers and how does

2:31:17

that recharge impact the shallowest aquifer

2:31:29

and if the consultant's not available anybody from the applicant's team

2:31:40

i believe the um the consultant was attending via zoom i do have uh jason shealy raising his hand um

2:31:48

i did give him permission to speak can you confirm uh that's correct this is jason sheesley

2:31:53

oh great thank you so to answer your question um

2:32:01

when as far as the recharge is concerned when the when the

2:32:09

the applicant intends to use drip air irrigation and that irrigation method is one of the

2:32:16

most uh water conscious and conservative methods for irrigation as opposed to overhead

2:32:22

sprinklers or flood irrigation so this allows the water to be applied directly to

2:32:29

the land surface and concentrated in the root areas and as that water is applied

2:32:36

directly to the land surface it slowly infiltrates into this into the subsurface and ultimately uh

2:32:43

recharges the first aquifer that it comes in contact with which is the alluvial aquifer so

2:32:50

in reality um the benefit of withdrawing water out of the deeper

2:32:56

aquifer uh the actual benefit will be to apply that water to

2:33:02

and recharge the shallow aquifer ultimately over enough period of time because there

2:33:09

is some hydraulic connection between the underlying bedrock aquifer and the

2:33:15

overlying alluvial aquifer that water that is applied to the land surface will

2:33:21

ultimately recharge the deeper aquifer at some point um it's just a matter of how fast it

2:33:27

takes that water to infiltrate uh into the subsurface and then ultimately uh into the uh the bedrock aquifer

2:33:40

and then secondly how how is the how is this aquifer um in vermont

2:33:46

connected to the conditions i missed that last part could

2:33:52

you repeat that please yes so in terms of of the aquifer um there's a lot of a lot of uh

2:33:58

testimony and concern with the current drought and and so i'd like to know from your

2:34:04

your perspective um and your expertise

2:34:10

is the drought and this aquifer gonna have an impact to the rest of the water or the water in

2:34:15

the valley well i think

2:34:23

it goes without saying that that the drought does have an impact for sure

2:34:28

we do know that at least historically in the alluvial aquifer during normal

2:34:34

seasonal fluctuations we can anticipate between five to ten feet of water level

2:34:40

change during the typical spring and summertime in the alluvial aquifer the we're in

2:34:47

extraordinary circumstances with this drought for sure the fact

2:34:53

that the water is being used for irrigation as opposed to

2:35:01

being used for bottled water or is being trucked off-site for other uses

2:35:06

or even is being used for livestock called grow growing and cultivation it's being

2:35:13

reapplied to um to the land surface

2:35:18

and almost i won't say it's a 100 closed loop but the water is coming right out of the ground and going right back into the

2:35:24

ground as the drought conditions will

2:35:30

presumably change i think if we look back 50 years probably the most

2:35:39

comparable drought to the conditions that we're seeing right now occurred in 1976 it took roughly

2:35:47

four to five years for ground water levels to come back to pre-1976

2:35:55

conditions and that's normal under drought conditions depending on the severity of

2:36:00

the of the drought um one thing is for sure for sure is that generally the drought

2:36:06

conditions come and go we'll have periods of low water and drought conditions and then just as

2:36:13

that we will also have periods of high water and drought conditions so it's not a steady system that never changes

2:36:21

we have to anticipate those changes and as we're looking at drought conditions

2:36:26

adjust and the irrigation use and look at potentially reducing crops

2:36:35

sizes or look at other methods for irrigating the land weather

2:36:43

and not using directly groundwater and that could be you know using reclaimed water as a

2:36:51

potential source to help offset some of the groundwater withdrawals

2:36:59

okay thank you and then i have one other question that i guess would not be directed to your

2:37:07

hydrologist but upon the site was it exiting exiting the site

2:37:15

and coming down coming down the road there was a there was a truck that um was coming up

2:37:22

the hill that we did have to come to a stop and so i guess in terms of if going forward to cause less

2:37:31

impacts of traffic would a pilot car support

2:37:36

the transportation of any trucks that are bigger than a half

2:37:42

ton or any semis that are coming in without reduced impacts to concerns with

2:37:47

the road and so the the stop was less than a minute to wait for the truck to pass

2:37:53

around the one of the first turns at the bottom of the hill so i guess that's a concern that um i would like to see

2:37:59

addressed so if the applicant can speak to

2:38:06

the potential of deliveries semi trucks coming up the hill where we anticipate on the future use of

2:38:13

the road for deliveries or any any type of uh

2:38:19

construction materials that have to be delivered to the site mr chair yeah did you want the applicant

2:38:27

to approach the podium and answer your question um if if we can wait until um if they

2:38:33

can take a note of that question and then we can get to everybody else's questions i'm not sure if anybody else has specific questions for the

2:38:39

hydrologist um we can come back to that

2:38:44

okay so we'll just um get all of our questions addressed and then have him respond yes

2:38:51

that'd be very perfect thank you

2:38:56

and so that'll be it for my questions at this time um hello everyone uh my name is alvarado

2:39:02

chavez um commissioner for district two um so pretty much

2:39:08

as every meeting goes i take notes of everything any public comments whatever the

2:39:16

applicants have to say i write everything down and i try to see where the patterns are um like uh

2:39:22

forget who came up earlier to discuss that you know these are nice people they are taking care of their

2:39:27

neighbors and they're doing everything they can um to make sure that uh that everything is

2:39:33

done as right as possible and the concerns are obviously we are in a drought is

2:39:39

about water so my questions are um with a video that surfaced on youtube

2:39:46

about and it was spoken about it today as well about using brass fields water so if the

2:39:52

well that is being used for irrigation what is

2:39:58

the the use of uh using brass fields water uh where is that water going to and

2:40:06

pretty much the use of of uh of having those pipes going through the properties

2:40:11

from one side to the to the to the project so that is one of my questions what that

2:40:17

water is being used for if the well is supposed to sustain such operation

2:40:23

um uh yeah pretty much that was a

2:40:29

i clumped it all together saying uh to discuss that if the applicant could later answer that

2:40:36

question yeah yeah commissioner house did you want to

2:40:41

um say your comments do you want me to go thanks so much yeah um they're related to traffic and water

2:40:48

as well and it's noted that brass field is making a what was a 10 per case contribution to i believe it

2:40:55

was 10 cents maintenance yeah 10 cents um has the applicant made a specific offer

2:41:02

to the county or has in the course of his meetings with the neighborhood as he discussed

2:41:08

just in the spirit of goodwill contributing to those efforts financially to to maintain

2:41:14

the road and to do something collectively with the county and the local neighborhood that would be

2:41:21

my question and then a comment um

2:41:30

did you freeze we are sensitive to whatever i don't know did you when did you lose

2:41:37

me um when i i think you should just start over

2:41:42

everything no um just when you said i have a comment and then it was a huge dramatic pause

2:41:49

so did you hear me talk about the offer to community about yes absolutely road vendors
yes

2:41:57

right no in general um we're as sensitive as county officials are can be to water hear about it
every time

2:42:04

we consider a a major applicant like this and um we are excruciatingly aware that we're out
but

2:42:11

we are a policy making body we we cannot just wave along today we will not consider

2:42:17

any more applications as long as we are in drought we're obligated to take every application
on as

2:42:24

a case-by-case basis and evaluate them individually and that just the commission has to

2:42:30

operate so i can imagine doing a lot more hearings with a lot of concerns about water

2:42:35

we cannot just make a blanket comment about um no more applications as long as they're

2:42:41

put and i would add that again receive more guidance from

2:42:46

the board of advisors with respect to operate in this extreme drought it would be helpful
and i know that

2:42:52

we've made that request before and so that's the extent of my questions and comments
thanks a lot

2:43:03

thank you um i do have a couple

2:43:08

questions um i'll echo i would like to hear about the the water and um what someone had brought up about

2:43:15

diverting water from uh brass field to the project um

2:43:20

the i was trying to find it in your original um project description is there

2:43:27

going to be trimming on site because i know that there's a i'm just trying to get a feel for how

2:43:32

the 60 employees it seems a little small to me with the scope of the

2:43:38

the project also i feel that the benefit of having

2:43:44

an early activation gives us enough time to explore these

2:43:49

things that the public brings up we don't know what the traffic increase is going to be like we don't know what your what the end result of the

2:43:57

water usage is going to be early activation has been a good thing

2:44:02

to where those things can happen and we can address those situations as they come

2:44:09

that being said we have we don't really have the true accurate numbers to say how many

2:44:14

trips are going to be taken how many employees whether it's influx you know whether it increases by 20 or

2:44:22

100. that's my concern that's one of my main concerns

2:44:29

[Music] i kind of lost my train of thought but we can let you guys um

2:44:34

respond to that and then we can bring it back to the commission

2:44:43

i also have a couple more questions but i'll let him answer these first and then i think you should answer or you should

2:44:49

get your questions out and then let him respond at once that's just my opinion okay so um another question was the well that is

2:44:55

being used how deep that well is

2:45:08

the well i think is more than 450 feet okay i'm not sure about that number but it's

2:45:13

for sure more than 350. okay and my other question was uh with the

2:45:18

grading that was done prior um how far from the closest cultural resource

2:45:25

site was the disking done or in other words did the property owner know about the

2:45:30

location of the cultural side before the grading was on yes so we knew exactly with dr parker we went

2:45:36

around when he was on on his work and it's a small area in

2:45:44

a wooded area that is i don't know how many feet but it's it's it's not it's it's near the

2:45:49

cultivation area but it was not even not even it was not this there was a

2:45:55

20-foot road that blocked between the wooden area to the fenced area okay thank you and for the

2:46:02

record can you confirm what how many wells are currently producing for you and then how many proposed you have

2:46:07

coming up right we have three wells and we have uh two more wells online i think coming in

2:46:14

so you have three that are producing currently correct thank you um so uh i will start with uh

2:46:21

commissioner hess regarding your questions of us benefit um contributing to the road

2:46:26

uh conditions um we already obligated to fix that uh hurt pin uh a turn

2:46:33

i've been for the last uh two weeks trying to reach uh jim howe uh hail from the uh roden

2:46:40

works uh we keep playing phone tags but we obligated we are we're obligating to add a 15-foot

2:46:47

culvert to that turn asphalt it we already had a contractor that is bidding this and

2:46:55

we would like to fix that if the county will allow us

2:47:00

regarding the water from brass field the property as you know is almost 1700 acres releasing another

2:47:07

400 acres on an adjacent parcel which that reservoir is on

2:47:12

currently we're running cattle for one of our neighbors and planning to bring more and we also

2:47:18

like i previously said we're going to plant over 40 acres of sunflowers instead of cannabis

2:47:24

um in the east side of the property that will pretty much will be um the block between

2:47:30

the neighbors and ourselves that water could be used greatly for fire suppression in the

2:47:36

middle of the valley and can be used for backup as well so that's that

2:47:42

so just to be clear the water that is being pulled from there is to water your sunflowers and other um

2:47:48

surrounding so so not not for not for your operations right so this the way the

2:47:53

system works the water comes from brass field to our filtration system and from there we can navigate it to to

2:48:00

the gardens so so two year operation cannabis agriculture agriculture thank you

2:48:08

thank you

2:48:14

don't forget to state your name please yep uh tom armstrong i just wanted to uh address a couple points as it relates to

2:48:20

the hydrology and the drought i think obviously it's an important point to note that obviously we're in drought um equally as important to note is that

2:48:27

eba engineering study that was done was done in 2016 which which was

2:48:32

just during an equally as intense drought or nearly as equally intense and actually was after a few years which

2:48:40

um there was you know a very intense drought therefore those numbers that they articulated in that report took into

2:48:47

account that drought that had just that we were just going through so i think that's important point to note that

2:48:52

it was very similar conditions in 2016 that we're in right now and those numbers were

2:48:58

from that report and thus in very very similar conditions so that drought was effectively taken into account um

2:49:05

i'm not sure if there was any other issues that we didn't address uh was there one about the

2:49:11

school or the distance from the school that you had or um that was previous but it was answered

2:49:17

okay i don't know if there's anything else that we didn't answer um

2:49:22

i just had a question about a pilot car escorting um more than half ton vehicles

2:49:31

um to to ease traffic concerns if that was something you would consider

2:49:36

in terms of any 16-wheeled vehicles or semis coming up the hill would that be a consideration you guys

2:49:42

would be open to open to entertaining yes it's definitely something we entertain and do i mean we're more than

2:49:48

willing to do whatever is we can to make the conditions better for for the residents for the road itself

2:49:54

and i would also point out that we're not the only people that drive larger vehicles up and down that road um there's some neighbors that have

2:50:01

tractor trailers parked in on their properties so i think that's important point to note it's

2:50:07

we're not the only people that are driving large vehicles on that road but we're more than willing to do

2:50:12

whatever we can and uh you know more than willing to to do that

2:50:22

okay i do see a hand from uh scott de leon in the zoom room

2:50:29

jake can you uh uh i'm i'm here thank you very much chairman brown and and good morning

2:50:35

planning commissioners uh scott de leon public works director uh i just wanted to jump on

2:50:41

quickly and address some of the issues related to the road i can confirm uh that they have been in

2:50:47

contact with our road superintendent jim hale uh to discuss some uh uh improvements to

2:50:53

the road uh so i i can confirm that they have done that um there's been some discussion about

2:51:00

brass field and the uh the per case

2:51:06

payment that they make for mitigations to impacts the road we considered something like that for

2:51:13

this project however uh we really struggled frankly with

2:51:19

uh the unit of measure uh on on how to apply uh uh a fee

2:51:26

uh for uh mitigation uh and and so what the thought was is

2:51:33

um because uh the public works department and and roads specifically uh

2:51:40

are a component of the cannabis tax and we can request uh the board

2:51:48

uh give a portion of those property or those uh those taxes from cannabis

2:51:54

we we plan on asking for a percentage uh out of the cannabis tax that this

2:52:01

operation if approved uh will be making so uh in lieu of a

2:52:07

uh a specific fee uh we're uh plan our plan is is to uh

2:52:14

to take funds uh from uh the cannabis tax uh for for us to use uh for mitigations

2:52:22

to uh to the road i hope that uh addresses any concerns uh related to

2:52:30

uh fairness or anything of that nature with respect to what uh brassfield's doing and how we

2:52:36

intend to mitigate uh any impacts and i'll have to be happy to answer any

2:52:42

questions if you haven't

2:52:48

thank you scott i don't have any questions for you just to kind of go back to the water um

2:52:53

being deferred was that was that part of your

2:52:59

when did that become part of your project like what was that was it identified anywhere that you

2:53:04

would be using another water source or just the ones that were listed on your project description and your initial in

2:53:10

your right so just just um just to clarify when we're talking about sql and project like

2:53:16

in theory because we're not using it for cannabis it's not it's not in the scope like that's not

2:53:22

we're not using you know so it's not it was not considered in the initial solid however i would point out that it's in the

2:53:28

cumulative impact area and it's in within the same aquifer so if it is you know that's something to

2:53:33

point out but as i say as it relates to sql and analysis of the project that's we're not using it for

2:53:38

that therefore there's no need in this sql analysis to to evaluate that

2:53:44

that's good i just um as you know since it was brought up from the public i feel like that was it's just

2:53:50

it's good to kind of alleviate anybody's questions or gray areas or the the what

2:53:55

ifs or sure all of that so the more transparent and black and white we can be i feel like the public and and the

2:54:02

commission in general um i would also point out too that that's that's temporary that pipe as evident by the video

2:54:08

is above ground that was purposely done not only is it above ground but it's a rented pipe it's not even pipe we purchased um it

2:54:13

was only there as ellie mentioned we have two wells that are incoming uh next season we'll use those for any

2:54:19

of that that east garden as i say we're doing sunflowers there this year the ones that's in the closest proximity to

2:54:24

the neighbors if we decide to then revert that back to cannabis we have those other wells there

2:54:29

and as i say it's a temporary pipe everything was done it's a ministerial permit we pulled the encroachment permit

2:54:35

did everything per county ordinances thank you

2:54:43

can i can i ask director de leon to clarify what an encroachment permit is for the

2:54:49

planning commission

2:54:54

i'm sorry i missed the question i heard my name but i missed the question so it's just a clarification for everybody what an encroachment permit is

2:55:02

and what it isn't okay well i presume you're you're

2:55:08

talking about the the trenching permit that the county issued for a horizontal directional bore

2:55:17

underneath high valley road for the purpose of extending water lines between

2:55:24

the adjacent properties the encroachment permit is a permit that

2:55:31

allows uh folks to do work within the county uh county maintained road right-of-way

2:55:38

uh a trenching permit in this case for a private utility is not unusual we do issue those

2:55:46

there are specific requirements for example for a private utility we typically

2:55:51

require a casing be installed and then the water

2:55:58

line or sewer line sometimes needs to be inside that casing that way

2:56:04

if there's a problem with the line they can they can dig it up at either

2:56:10

end of the casing and they don't have to go back into the road uh to do anything um uh with uh

2:56:18

with the line they can they can access it from either end uh uh that's basically the permit that

2:56:24

was issued for for this project again it was a directional bore for the placement of a casing underneath

2:56:33

underneath high valley road the permit allows

2:56:40

for the installation of of the utility it doesn't approve the use of it or or anything of

2:56:46

that nature it's simply uh limited to the work being allowed

2:56:52

within the the road right-of-way

2:56:58

so i hope that helps

2:57:04

thanks scott

2:57:10

i don't know if there's any other questions or public comments closed

2:57:19

[Music]

2:57:31

that was not sure that was john yes we did close public comment

2:57:41

do we have do we have any other questions from the commission i apologize did you tell me like that

2:57:46

you guys do plan on doing trimming up at the facility oh you did ask about that yes and as i stated we have ample housing on

2:57:53

there um as as brad our consultant stated that site and as it relates to even the septic was previously designed for a proposed

2:58:00

hotel additionally when they would routinely have 120 plus people there for their seminars

2:58:05

they stayed on site within the housing that we have on site we have numerous ample housing that's

2:58:11

that's permitted and adequate for people to stay there as well

2:58:16

okay i have no further questions

2:58:24

okay do any other commissioners have any further questions uh number questions just kind of like a

2:58:30

comment um so looking at how uh how um

2:58:35

that how deep that well is going uh obviously to the lower aquifer um

2:58:42

i feel more and with the hydrologist here um feel a little bit better about the whole

2:58:48

water issue and how water is going directly into

2:58:53

the ground filtering back into that top aquifer we are in a serious drought so it's not

2:59:00

like an easy like choice to make but i do feel a little bit better

2:59:05

with the new information that we got today about the aquifers and the water use so and i'll echo that a

2:59:13

little bit i do i did appreciate um on the slide how you showed the plastic mulch and being on drip system and all of that

2:59:21

um that that was nice to see and if i may comment um i'm the last

2:59:28

standing commissioner who was part of writing the uh cannabis ordinance and i've literally been present from

2:59:34

the very first vote on the very first application and i've seen lots of applications large and small

2:59:40

and this is truly in terms of my review of things one of the most comprehensive and carefully crafted applications

2:59:48

um that i've seen and i've i'm further buoyed by the additional information

2:59:54

that we have received today and personally this commissioner would prepare to be prepared to move forward

3:00:05

okay i have no further questions or comments and i'm ready for

3:00:12

ready to entertain some action

3:00:19

the way i see it my colleagues is we have the option now to not read emotions and uh

3:00:25

and continue this if we think that by a two-two vote we would have the

3:00:30

unintended consequence of terminating the project today um but

3:00:36

if we do can choose to continue we would have to move on to that path now and not

3:00:41

consider the motions at all and um

3:00:47

it's hard to get a read on exactly where commissioners stand and i certainly understand that but um i would

3:00:54

i would regret if a 2-2 vote today resulted in the cancellation of this project um it's

3:01:01

not the applicant's fault that uh we are currently missing our fifth commission

3:01:11

i will um also say john that i'm in agreement with your comments i at this time

3:01:18

after viewing the site taking the site visit a lot of my concerns are not valid

3:01:26

anymore based up based on the site visit the information that's current

3:01:31

a big concern with water hydrologists addressed that well so i at this time i'm prepared to

3:01:39

support this application and if we do entertain a vote we risk the

3:01:45

chance of you know that tie and so i would uh leave it at that with

3:01:51

where i'm at all of my all of my questions have been

3:01:58

answered i do appreciate the applicant and staff in the commission taking the time to

3:02:06

issue them their uh their rescheduling of today and i feel that um they definitely

3:02:13

wanted to address every situation that was brought up it doesn't go unnoted

3:02:21

so that's where i stand i am prepared to move forward with the

3:02:26

application i feel like compared to other projects that we've seen

3:02:32

they've put in a lot of work and continue to to go far beyond making sure that

3:02:39

neighbors concerns and public concerns are addressed and are willing to do something about it

3:02:46

if there are issues so they're not just you know not ignoring people and not

3:02:52

addressing their concerns so they really true truly seems like they do care about um

3:02:58

about this project and about the people around the project so that's why i think i'm ready to move

3:03:03

forward with the project if we go to a vote

3:03:12

this is in the chairman's district is that correct yes district three that

3:03:19

is correct uh well in that case um based on what i'm what i've heard i would be prepared to

3:03:26

move forward with a motion and i would move that the planning

3:03:31

commission find that the major use permit up21-100 applied for by sauers hvr inc on a

3:03:38

property located at 11650 high valley road 4919 new long valley

3:03:44

road 4963 new long valley road 107 888 high valley road 107 50 high valley

3:03:52

road 109 10945 high valley road 4491 new long valley road in clear lake oaks

3:03:58

california 95423 further described as apn

3:04:06

006-004-06006-004 dash 25-04

3:04:20

06-004-2506-002-0400

3:04:29

will not have a significant effect on the environment and therefore a mitigated negative declaration should be approved

3:04:35

with the findings set forth in the staff report dated july 22 2021 and as amended today

3:04:45

roll call please commissioner house aye commissioner

3:04:51

chavez aye commissioner brown all right commissioner price yes motion so carry

3:05:01

if i move further that the planning commission find that the major use permit up21-10

3:05:06

prepared for the project proposed by sauers hvr inc on a property located at 11650 high

3:05:13

valley road clear lake oaks california further described as apn ends

3:05:30

006-004-06-006-004-07-06-004-2506-02-04006-009.

3:05:38

does meet the requirements of section 51.4 of the lake county zoning ordinance

3:05:44

and the major use permit be granted subject to the conditions and with the findings listed in the staff report dated july 22nd

3:05:51

2021 and is amended today a second

3:05:57

call please commissioner house aye commissioner chavez aye commissioner

3:06:03

brown aye commissioner price yes motion so carry i would like to note

3:06:10

that the applicant or initiative person is reminded that the zoning orders provides for a seven counter day appeal period

3:06:15

if there's a disagreement with the planning commission an appeal to the board of supervisors may be filed the appropriate forms and applicable fee

3:06:22

must be submitted prior to 5 pm on and before the 7th calendar day following the commission's final determination

3:06:30

okay do we have any untimed staff updates office news no

3:06:38

according to dave

3:06:44

okay well with no news or no on time staff updates we'll go ahead and

3:06:49

enjoy the meeting thank you thanks everybody

3:07:32

you

Show chat replay