



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

INITIAL FEES:	
AB <u>21-01</u>	\$1,065.00
<b>Sub Total:</b>	\$1,065.00
Technology recovery 2% Cost	\$21.30
General Plan Maintenance Fee	\$50.00
<b>Total:</b>	\$1,136.30

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

Project name: WE GROW UP 20-22  
 Assessors Parcel #: 013 - 060 - 40

Zoning: \_\_\_\_\_  
 General Plan: \_\_\_\_\_  
 Receipt #: \_\_\_\_\_  
 Initial: \_\_\_\_\_

**APPLICANT:**

NAME: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 PRIMARY PHONE: ( ) \_\_\_\_\_  
 SECONDARY PHONE: ( ) \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

**PROPERTY OWNER (IF NOT APPLICANT):**

NAME: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 PRIMARY PHONE: ( ) \_\_\_\_\_  
 SECONDARY PHONE: ( ) \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

**PROJECT LOCATION**

ADDRESS: 16750 HERRINGTON RD  
 PRESENT USE OF LAND: \_\_\_\_\_

**DESCRIPTION OF PROJECT:**

COMMERCIAL CANNABIS  
 \_\_\_\_\_  
 \_\_\_\_\_

**SURROUNDING LAND USES:**

North: \_\_\_\_\_  
 South: \_\_\_\_\_  
 East: \_\_\_\_\_  
 West: \_\_\_\_\_

**PARCEL SIZE(S):**

Existing: \_\_\_\_\_  
 Proposed: \_\_\_\_\_

Existing/Proposed Water Supply: \_\_\_\_\_  
 Existing/Proposed Sewage Disposal: \_\_\_\_\_  
 Fire Protection District: \_\_\_\_\_  
 School District: \_\_\_\_\_

RECEIVED  
 APR 28 2021  
 LAKE COUNTY COMMUNITY  
 DEVELOPMENT DEPT.



**COUNTY OF LAKE**

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

Receipt No.: **58549**

Receipt Date: **04/28/2021**

**RECEIPT**

**RECORD & PAYER INFORMATION**

Record ID: AB21-01  
Record Type: Planning Entitlement  
Property Address: 16750 HERRINGTON RD, MIDDLETOWN 95461  
Parcel Number: 013-060-40  
Description of Work: Appeal to the board regarding UP20-22  
Job Value: \$0.00  
Payer: Jesse Cude  
Applicant: Jesse Cude  
, CA  
Owner: OTCHIKOVA ZARINA

**PAYMENT DETAIL**

Date	Payment Method	Reference	Cashier	Comments	Amount
04/28/2021	Check	692	COUNTER	Acting as agent for the subdivision	\$1,136.30

**FEE DETAIL**

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

**At-Cost Project Reimbursement**

I, JESSE CUDE, COOMERY RIDGE/SHADOW HILLS, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$ 1,136.30 as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19, February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

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

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

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.

7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.

9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.

10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.

11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). [www.envirostor.dtsc.ca.gov/public/](http://www.envirostor.dtsc.ca.gov/public/) The proposed project site is  or is not  included on the most recent list.

12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

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

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

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

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

Ownership

Contract to Purchase\*

Letter of Authorization\*

Power of Attorney\*

\*Must Attach Evidence

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

JESSE CUDE  
(Please Print)

Name of Company or Corporation (if applicable):

SHADOW HILLS / DOHNERY RIDGE SUBDIVISION  
(Please Print)

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

Name: JESSE CUDE Date: 4-28-21

Email address: JOUDE@ATT.NET Phone Number: 707 322 1832

JOUDE  
Signature of Owners/Agent\* Name

4-28-21  
Date

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

\_\_\_\_\_  
Date



# **Justifications for Appeal of Planning Commission Decision on WeGrow UP 20-22**

Prepared by: Jesse Cude on behalf of the Dohnery Ridge Subdivision, Shadow Hills Subdivision, Rim Ranch Subdivision, numerous Hidden Valley residents and numerous Rancho Subdivision residents.

## **Article 27**

- The illegal building and felony violation should prevent the permit from being issued according to Lake County Ordinance Chapter 21, Article 27. The felony violation is documented in a CHP report, CHP Northern ISU Case # F0005-107-20. The Planning Commission's only response to the CHP report, was, "Did the stolen equipment fall from the sky?". The property owner's agent responded that they could not find that this report existed, and it could have been squatters. I am aware that the Code Violation has been cleared, however the Cannabis Code Ordinance says that once you have been caught, you cannot have a permit approved. During the Planning Commission Hearing, the Red Tag violation was not given any weight by the Commissioner's.

## **Water Analysis/Use: 27-12**

- Estimates the water usage 4,713,000 million gallons per year. This number comes from the applicant, Ms. Otchkova – There is no foot note to show how that estimate came to be. What scientific study offered these numbers? It is likely a lot higher. – Even at 4.7 million gallons, this will likely affect the surrounding residential wells.

## **Policy LU-1.3 (Prevent Incompatible Uses)**

- The County shall prevent the intrusion of new incompatible land uses into existing community areas.
- 40-80 trips a day will certainly impact the residents of Shadow Hills and Dohnery Ridge subdivisions, as well as the residents on the windy, narrow Spruce Grove Rd. In addition, there are no stop signs, speed limit signs, or center lane striping in the subdivisions.
- The mitigation from the applicant was "tell people to drive slow". This is not sufficient.
- Road maintenance agreement. Shadow Hills & Dohnery Ridge subdivisions pay the County for road maintenance. Herrington Rd is not included, this was only an easement to the ranch, not a Road when the Subdivisions were established. This project expects 40-80 trips per day on Tinilyn Rd and Jaclyn Dr. This is significantly more traffic than was expected in this subdivision when the Road Maintenance Agreement was

developed. This Agreement needs to be re-written, and Herrington Rd should be added with a significantly higher cost for their part. As of now, the residents in this subdivision will be economically impacted while paying for road maintenance with this project and the applicant has been using our roads for free. This economic impact was not addressed in the Initial Study and was ignored when brought up to the Planning Commission during the Public Hearing.

**Policy LU-1** (to encourage the overall economic and social growth of the County while maintaining its quality-of-life standards.)

- The Final Staff Report says they will have perimeter lighting. This will certainly have an impact on quality-of-life to all residents surrounding the grow. (est. 21 residents).

### **Proposed Site Plan**

- The site plan map included in the Final Staff Report does not match the Attachment 5-site plan included in the Final Agenda for the Public Hearing. The site plan Attachment 5 would be of less visual impact to the neighboring properties to the north, but it is not clear which site plan will be used.

### **Energy Usage**

- The Final Staff Report and the Initial Study is deficient as the applicant has not provided energy use calculations.
- Clarification on generators. (ie: how much use during power outage?)

### **Sewage Disposal**

- The Final Staff Report indicates that sewage disposal will be done through existing and future on-site septic systems. The existing system is unpermitted, and the viability is unknown. This was not discussed in the Initial Study or the Staff Report.

### **Biological Study**

- The March 2020 Biological Study is outdated. The study required a follow up biological assessment prior to cultivation and prior the Planning Department Hearing. This was not completed. The study doesn't satisfy CEQA as no seasonal survey was completed.

### **Exclusion Zone**

- In the Initial Study and the Final Staff Report it states that the property is 309 acres which would allow for the 15 licenses that are being sought (20 acres per license). However, approximately 70 acres of the property are

in the exclusionary zone and cannot be used or included in the calculation for the number of licenses. The number of licenses allowed should be amended to 10 licenses. Nowhere in the Cannabis Cultivation Ordinance does it allow for exclusionary zone property to be included in the calculation for the number of licenses. This was not mentioned in the Initial Study, or the Planning Commission Hearing.

### **Herrington Road**

- The Final Staff Report states that a dirt road is ok, but the Conditions for Approval states that chip seal, asphalt or an equivalent all-weather surfacing is required on the primary access and parking areas, this is another inconsistency.

### **Middletown Area Plan Conformance**

- The Final Staff Report includes the Middletown Area Plan Conformance, objective 5.1.1/policy 5.1.1.a states that the development proposal should contain a high level of community participation. However, during the planning commission comment section, one of the Planning Commissioner's said that she did not want to hear any comments that had been previously brought up. The purpose of this public hearing was to allow the public to bring forward any concerns they had, not to be quieted by a Commissioner that did not want to hear them. The hearing seemed somewhat bias as the applicant's side was aloud to have an expert witness, who is also a former planning commission employee give testimony on the applicant's behalf. The oppositions side was not afforded the same luxury. Also, how can the planning commission be unbiased when they have never denied a commercial cannabis permit request?

### **Air Quality**

- Both in the Initial Study and Final Staff Report, it does not clarify what type of mitigation will be used for greenhouse odor control.

### **Environmental Review**

- In the staff report, under hydrology it states the project will have an adverse impact related to hydrology, water quality, and amount of water used. This was not addressed by the Planning Commissioner's, in fact, they downplayed the public concern for water usage and told the public not to talk about it anymore. The mitigation suggested in the staff report for this problem is water storage. This does not mitigate hydrology, water quality, nor the amount of water used.
- Condition of Approval should include hiring local.



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