

To contribute to the volume problem, the Hofacker Ln. springs produced a water so pure, that in 1967 a University of California at Berkeley professor who stopped for water every week had it tested in his lab. He reported to us that it could be used in car batteries. When I returned to this property 12 years ago it was clear that that was no longer true. We have heavy mineral deposits in the shower, toilet & sinks. Mineral spots adhere to glass where irrigation sprinkler water strikes it which we can't seem to remove. We've replaced windows so we can look out. There is clear mineral crystal development on the top of the soil when we water outside. This never occurred before. It is my hypothesis that one or many of the deep wells have become conduits for blending of these aquifers. To my knowledge, there has been no testing for dissolved mineral to see exactly what we are dealing with. I no longer feel safe drinking this water.

A large scale agricultural operation will have serious if not disastrous effects on the water systems on these 1500 acres. Both in availability of water as well as it's quality. Whether the system is well or spring originated. I also question the estimated use of 3 gallons per plant. I grow all my own produce, partially in greenhouse & partially outside. Tomato & peppers have similar water needs to cannabis & unless significant water awareness & practices are employed, that number won't hold up in this soil. It can be accomplished but I would ask for a detailed plan of practices before I'll be reassured.

On a whole, I am opposed to this plan as I would be to a vineyard or any agricultural operation of this scope. We have difficulties navigating our current water problems with our neighbors. And it is my expectation that this intended plan will double the water demands on an already stressed & overtaxed resource.

Please consider responsibly & carefully before granting this use.

Thank you, Norman Kimes

## Eric Porter

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**From:** cartercarterlaw <cartercarterlaw@gmail.com>  
**Sent:** Wednesday, October 10, 2018 11:50 AM  
**To:** Eric Porter  
**Subject:** 16983 Hofacker Lane, Lower Lake

Dear Mr. Porter,

I left you a voicemail a few minutes ago. I am in receipt of the Notice of Intent to Adopt Mitigated Negative Declaration regarding the above-referenced property. Please be advised that I received this notice today, October 10th, 2018. Today is the final day of the public review period, according to the notice I just received.

Accordingly, I have not had adequate time to prepare a more thorough response. So I will give you my response in a short version.

First, I would request more time to respond. I'm not sure why I only received this notice in the mail today, but nonetheless that is when I received it. In addition, there are several things in the project description that cause me grave concern. First of all, the idea of a marijuana grow of this size and extent on a property neighboring mine is very disturbing. These types of businesses attract crime, as we all know. I also have a great deal of concern about the substantial amount of water this project proposes utilizing. I have spring rights on my property and I have concerns that this enterprise will impact my spring water in a negative way. In addition, I believe this property falls within the Pomo Lakes Homeowners' Association. If it does, there are restrictions on this type of conduct. A commercial enterprise with five employees does not fit this area. This is a rural area with homes, not businesses. There are ponds and creeks in the vicinity of this property. The water use is undoubtedly going to adversely impact the ponds and the creeks. There are two very large ponds that are benefits of living in this area. They contain and support wildlife that will be impacted by this marijuana grow. The size of the outdoor grow undoubtedly requires changing the terrain of the land in a manner that will impact drainage into those ponds and creeks. The odor associated with a grow of this size will be intolerable to neighbors in the vicinity.

Again, I am requesting additional time to submit further comments.

Please contact me to confirm that you have received this email.

In the meanwhile, I am hereby requesting copies of the application, environmental documents and all reference documents associated with the proposed project.

In light of the fact that the notice of intent came to me so very late via regular mail, I am also requesting that any further notices regarding this project be copied to me by email in addition to regular mail. This is the only way I can be sure that I receive notices in a timely manner.

Regards

Angela Carter  
707-245-4727

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

**Eric Porter**

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**From:** Debra Fiedler <mdfiedler4@gmail.com>  
**Sent:** Thursday, October 04, 2018 10:54 AM  
**To:** Eric Porter  
**Subject:** Rejection of Sandtner; Use Permit (UP 18-12) and (MUP 18-10)

Dear Mr. Porter,

We are property owners in the Pomo Lake Ranch Home Owners Association (AP # 122-221-05). We reside at 16464 Hofacker Ln, Lower Lake, CA 95457. We have lived here since 1988. We are longstanding business owner and teacher in the local community.

We have been actively involved in our homeowners association throughout the years. Any purchaser of property is made aware of our CC&R's which includes that no commercial business may be operated within the association and that we are a community that does not in any way infringe or be "obnoxious" to our neighbors. I know for a fact that this property owner was completed aware prior to purchase as I (Debra) was the President at the time and spoke to him directly which he said he was growing a few plants for his Autistic son. This application reflects his total dishonesty and disregard for our association.

Water issues have been a constant issue over the years based on rainfall and usage. Our artesian spring is our sole provider of water and is approximately a half mile up from our home and serves several households. It is in close proximity to this property owner. Each year experiences a drop in water pressure in August. Over the last few years we have been experiencing water pressure drops earlier and this year in particular the pressure dropped in June and by August are lawn was dried up, we had to watch when to do a load of wash and be as conservative as possible. The overflow of our spring fills an association pond that this year has reached an all time low that we have never seen during the 30+ years we have lived here. We believe this is a direct correlation to the ever increasing amount of

grows (legal or illegal who knows?) that have been put in. Many neighbors wells have dried up completely. This is a large scale Commercial Grow. The test date of his well is absolutely outdated and we seriously doubt if it is producing that amount of water. He will be pulling a tremendous amount of water from our water table as we seriously doubt that each plant only uses 3 gallons. Research shows that it is actually almost double that amount. More than likely it will deplete all of our springs and wells which ultimately could affect our ability to live or sell the property.

We are also concerned with traffic from having employees - the very reason our CC&R's states no businesses! We have a hard time maintaining the roads we have.

Furthermore, we highly fear the usage of toxic chemicals (as reported just recently in the Record Bee 9/29 front page that 2 pot grows were raided and a huge container of a very toxic chemical was confiscated as well as multiple firearms of the 1300 and 1400 block of Spruce Grove which is the neighboring community to Hofacker). What they use on the plants does get to the water table. We have seasonal creeks and two ponds in the association. This is so disturbing on so many levels.

We as a neighborhood struggle to believe that the planning commission would sacrifice the well being of an entire homeowners association for the collecting of permit fees for a pot grow.

This property owner was in full knowledge of the CC&R's and chose to ignore them and has been known to say that he has deep pockets and we won't be able to fight him. You, the planning department are our means of stopping him. He could have picked 80 acres anywhere else in this county that was NOT part of a homeowners association. We all chose to be part of this association for this very reason-to keep commercial business out of our neighborhood.

Please support our legal rights to his compliance to our CC&Rs.

Sincerely submitted,

Martin and Debra Fiedler

## Eric Porter

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**From:** John blythe <[john@john-blythe.com](mailto:john@john-blythe.com)>  
**Sent:** Tuesday, November 06, 2018 9:28 AM  
**To:** Eric Porter  
**Subject:** RE: Sandner marijuana grows

Thank You Mr Porter you have been most helpful and professional.

**From:** Eric Porter [<mailto:Eric.Porter@lakecountyca.gov>]  
**Sent:** Tuesday, November 06, 2018 8:55 AM  
**To:** John blythe <[john@john-blythe.com](mailto:john@john-blythe.com)>  
**Subject:** RE: Sandner marijuana grows

It's partially true. Mr. Sandtner qualified for 'Early Activation' that enabled him to plant while his long-term use permit is under review. The hearing date of December 13<sup>th</sup> is still valid, and there are no guarantees that the County will approve his permit.

Having said that, he has indicated that he is going to withdraw one of his two grow sites; the larger (1 acre) outdoor site he wants to eliminate because of neighbor concerns and due to economics. He still wants to pursue the indoor (greenhouse) grow, however odors can be controlled more effectively in a controlled environment.

The other change he wants to do is to rely solely on rainwater containment. He wants to put ten 15,000 gallon tanks on site to hold rainwater. His engineer believes that this will be a sufficient amount to water his indoor plants for one growing season.

Let me know if you have other questions –

Eric Porter

**From:** John blythe [<mailto:john@john-blythe.com>]  
**Sent:** Tuesday, November 06, 2018 08:50 AM  
**To:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Subject:** RE: Sandner marijuana grows

Mr. Porter,  
Thanks for your reply.

Apparently Mr. Sander is telling locals that the County has already granted his permit.

Is this true, or is there still a hearing on 12/13?

Thanks,

John Blythe

**From:** Eric Porter [<mailto:Eric.Porter@lakecountyca.gov>]

**Sent:** Tuesday, October 09, 2018 10:07 AM

**To:** John blythe <[john@john-blythe.com](mailto:john@john-blythe.com)>

**Subject:** RE: Sandner marijuana grows

Good morning Mr. Blythe,

I received your testimony (below), and will put it into the public record for the Sandtner commercial cannabis file.

In order for the Planning Commission to approve this commercial cannabis request, the following findings must be met by the Commission:

**51.4 Findings required for approval:**

(a) The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. (Ord. No. 1749, 7/7/1988)
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)

If you are opposed to this commercial grow proposal, which you clearly are, then you would need to provide evidence as to why one or more of these approval findings cannot be met. I will put whatever correspondence I receive from you into the public record and will make sure the Planning Commission receives all written testimony on this matter. I would encourage you to attend the hearing if at all possible.

The tentative hearing date is Thursday December 13<sup>th</sup>, 2018, around 9:00 am in the County Courthouse building, 255 N. Forbes Street, Lakeport. We will be mailing out a 'hearing notice' approximately two weeks prior to the hearing.

Please feel free to contact me if you have questions or additional testimony that you would like made part of the record in this matter.

Take care,  
Eric Porter  
Planner  
County of Lake  
707-263-2221

**From:** John blythe [<mailto:john@john-blythe.com>]  
**Sent:** Tuesday, October 09, 2018 09:35 AM  
**To:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Subject:** Sandner marijuana grows

TO: Eric Porter  
FROM: John Blythe, Pomo Lakes HOA property owner  
RE: Sandtner: Use Permit (UP18-12), (MUP18-10), (IS 18-16), (EA18-06). AP12-056-44,  
16983 Hofacker Lane, Lower Lake

Dear Mr Porter,

We request that you do **not approve** the expansion of the marijuana grow at AP 12-056-44.

The CCR's of our the Pomo Lakes HOA, which were put in place when the subdivision was created , clearly spell out that the intended and approved use of all the properties within the subdivision is **Residential**.

Large marijuana grow operations do not fit the intended use within the subdivision.

The presence of the large grows places much increased traffic on our already degraded dirt roads.

More importantly the water requirements of the proposed increased grow will take large amounts of water from our already stressed aquifer.

The anticipated draw on our aquifer looks to exceed the usage of 10 or more normal residential property owners.

In light of all these facts, please decline any efforts to expand the marijuana grows within our HOA, which was created as a Residential environment.

Thank You,

John Blythe  
AP 12-56-40

## Eric Porter

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**From:** brendaathelake@gmail.com  
**Sent:** Tuesday, November 06, 2018 5:54 PM  
**To:** Eric Porter  
**Subject:** Re: Hofacker Lane project - a question

The other issue is the electric. For the large indoor green house grow to run fans and lights it would require 3phase wire out here which we do not have here at Hofacker thus overloading our electrical system. Thank you for your help.

Sent from my iPhone

On Oct 30, 2018, at 4:20 PM, Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)> wrote:

We allow applicants to be someone other than the property owner, provided the property owner gives their consent in writing. Jason Oram owns the property; I have met with him and the applicant following complaints that I had received.

Eric Porter

**From:** [brendaathelake@gmail.com](mailto:brendaathelake@gmail.com) [<mailto:brendaathelake@gmail.com>]  
**Sent:** Tuesday, October 30, 2018 04:09 PM  
**To:** Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>  
**Subject:** Re: Hofacker Lane project - a question

From what I can see the permit is not for the actual property owner? Why is that?

Sent from my iPhone

On Oct 9, 2018, at 12:52 PM, Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)> wrote:

Brenda, below is a partial site plan for Sandtner. The well is shown in the water management plan as being the only water source for the grow site. The 1991 well logs provided show 10 gallons per minute for the well.

I can't tell from your photos where the white water pipe starts and stops. Can you print this site plan and mark up where the second water line is that you photographed, then scan and send (or mail it) back to me?

Thanks,  
Eric Porter  
C/O Community Development Dept  
255 N. Forbes Street  
Lakeport, CA 95453

<image001.png>

Eric J. Porter  
Associate Planner  
County of Lake

## Eric Porter

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255 N. Forbes Street  
Lakeport, CA 95453

<image001.png>

Eric J. Porter  
Associate Planner  
County of Lake  
707-263-2221  
[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)  
<image002.jpg>



**Eric Porter**

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**From:** brendaathelake@gmail.com  
**Sent:** Tuesday, October 30, 2018 4:04 PM  
**To:** Eric Porter  
**Subject:** Re: Hofacker Lane project - a question

As per our phone conversation you were going to come and show me to show you so you could mark it on the map. I await your call

Sent from my iPhone

On Oct 9, 2018, at 12:52 PM, Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)> wrote:

Brenda, below is a partial site plan for Sandtner. The well is shown in the water management plan as being the only water source for the grow site. The 1991 well logs provided show 10 gallons per minute for the well.

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C/O Community Development Dept  
255 N. Forbes Street  
Lakeport, CA 95453

<image001.png>

Eric J. Porter  
Associate Planner  
County of Lake  
707-263-2221  
[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)  
<image002.jpg>



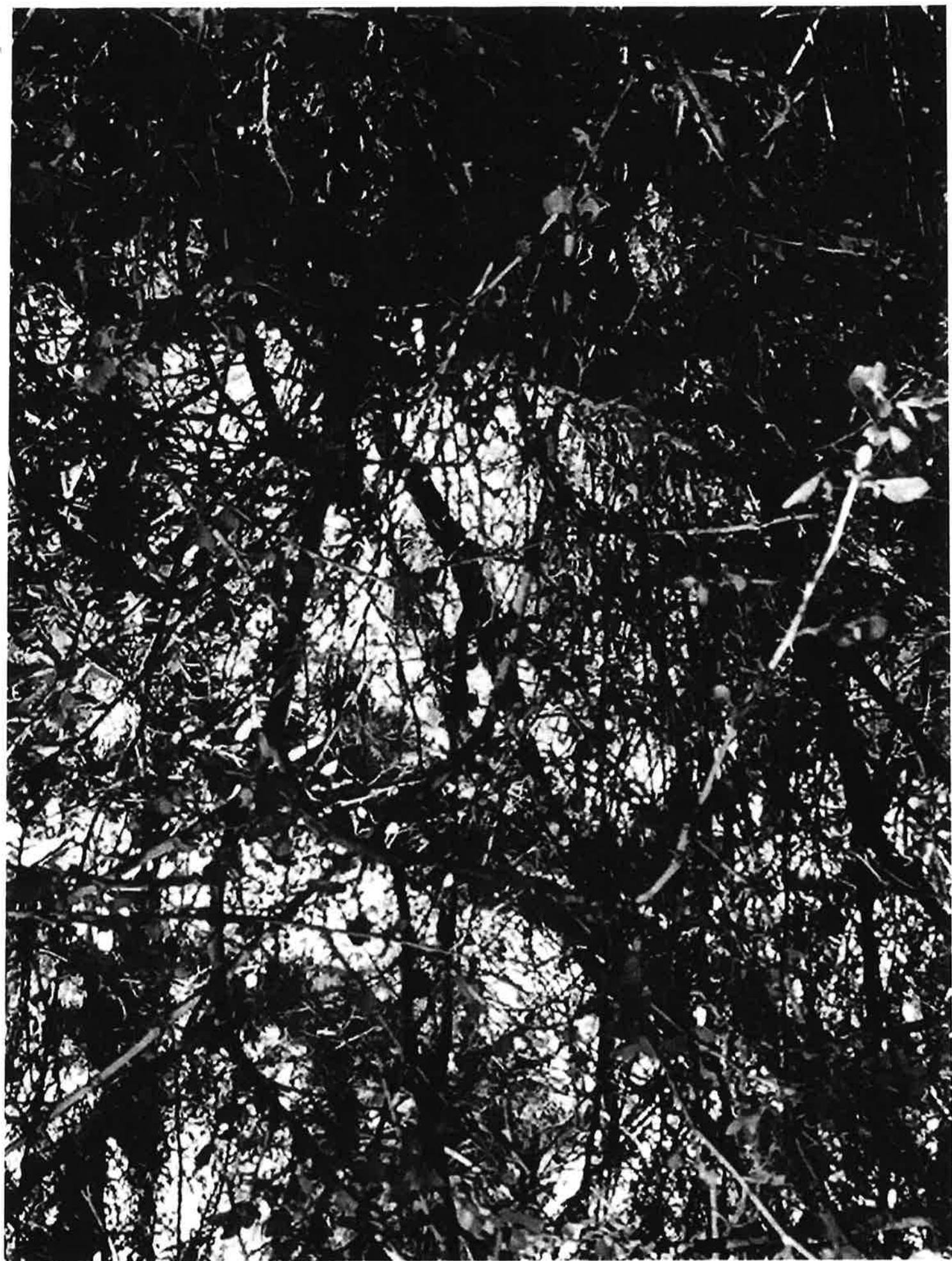




















ITEM 1  
9:05AM  
MAY 23, 2019

Eric Porter

MUP 18-10 Sandtner

**From:** Yuliya Osetrova  
**Sent:** Tuesday, March 12, 2019 3:34 PM  
**To:** Eric Porter  
**Subject:** RE: Sandtner's water system (file no. MUP 18-10, APN: 012-056-44)

Afternoon Eric,

I have reviewed the proposed project and this is my feedback:

Let's determine what would be the water demand for this scale of the project - 8640 square feet - with the first assumption that the project is running year around and the growing season for cannabis plant is 100 days, I would assume 3 growing seasons per year.

Second assumption is amount of the water that the plant needs per season - different sources give different numbers I would assume a maximum of 36" ( as the growers themselves suggesting if you look at their blogs) and a minimum of 20" ( just to remind - corn needs about 27" and tomatoes - 25" of water per growing season)

Third assumption - wet season in the county - 5 months - November through March, and dry season in the county - 7 months - April through October.

Maximum water demand:

$36" / 12" \text{ in foot} \times 8640 \text{ sq. ft} \times 7.48 \text{ gallons in cubic foot} = 193,882 \text{ gallons of water per one season}$   
 $193,882 \times 3 \text{ seasons} = 581,645 \text{ gal per year}$

Minimum water demand:

$20" / 12" \text{ in foot} \times 8640 \text{ sq. ft} \times 7.48 \text{ gal per cubic foot} = 107,712 \text{ gallons per one season}$   
 $107,712 \times 3 \text{ seasons} = 323,136 \text{ gal per year}$

Next, I determine the factors limiting this project:

1. Storage reservoir size
2. Drainage area
3. Precipitation amount that could be harvested per a year

First, the Storage Size:

$100 \text{ ft} \times 25 \text{ ft} \times 13 \text{ ft} \times 7.48 \text{ gal per cubic foot} = 243,100 \text{ gallons}$

Utilizing only one, proposed on-site storage of the given size, this project could sustain only for 2 growing seasons throughout the dry season if I assume the minimal water demand and sustain only one season with a maximum demand.

Second, the Drainage Area:

From the plans attached the drainage area sustain of three areas:

House 1 = 1664 sq ft

House 2 = 1456 sq ft

Garage = 1200 sq ft

Total drainage area =  $1664 + 1456 + 1200 = 4320 \text{ sq. ft}$

The drainage area that is determine in the attached Rainwater Design for Irrigation is different however the numbers I used are from the plans.

Third, the Precipitation Amount:

The Rainwater Design for Irrigation developer proposed different average amounts of inches of rain to consider, I would like to use their maximum and minimum, and I'd like to consider the average that is suggested for the Lake County and accepted as the design criteria.

Maximum – 41.7" per year

Average – 31.5" per year

Minimum - 23.7" per year

The amounts of water that could be harvested at the drainage area per year would be:

Maximum:

$41.7" / 12" \text{ per ft} \times 4320 \text{ sq. ft} \times 7.48 \text{ gal per cubic foot} = 112,290 \text{ gal per year}$

Average:

$31.5" / 12" \text{ per ft} \times 4320 \text{ sq. ft} \times 7.48 \text{ gal per cubic ft} = 84,823 \text{ gal per year}$

Minimum:

$23.7" / 12" \text{ per ft} \times 4320 \text{ sq. ft} \times 7.48 \text{ gal per cubic ft} = 63,820 \text{ gal per year}$

The drainage area is the most limiting factor for this project.

By the simple observation, the maximum water that could be harvested per year would only sustain this project for one growing season only with the minimal water applied to the plant.

They proposed to increase the amount of the water harvested by using the roof tops of the greenhouses and the water tank (this would require to design gutter and delivery system to the storage tank), in that case: how they would mitigate the first flash? And how are they going to deliver the rainwater to the filter device (located up slope)?

To summarize, this project does not look like sustainable water source and would require a back-up using the other water sources (surface diversion of well's water are the possible alternative)

Hope this helps,

Please contact me if you have additional questions,

**Yuliya Osetrova**

Water Resources Engineer III

Lake County Water Resources Department

(707) 263-2344

**From:** Eric Porter

**Sent:** Friday, March 08, 2019 10:10 AM

**To:** Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>

**Cc:** Byron Turner <Byron.Turner@lakecountyca.gov>

**Subject:** Sandtner's water system (file no. MUP 18-10, APN: 012-056-44)

Good morning Yuliya,

Sandner / Oram brought in their design for the rainwater catchment system. I think the plans are grossly inadequate as engineered drawings, but they might be adequate for the planning review process.

If you are comfortable looking at the plan (it's in the Word doc) and offering feedback, that would be great. If you think they need more specific design done now, please let me know.

Thanks,

Eric J. Porter  
Associate Planner  
County of Lake  
707-263-2221  
[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)

