YOCHA DEHE
CULTURAL RESOURCES

RECEIVED

MAR 20 2020

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

March 16, 2020

Lake County - Community Development Department
Attn: Victor Fernandez, Planner
255 N. Forbes Street.
Lakeport, CA 95453

RE: 21242 Morgan Valley Road Project

Dear Mr. Fernandez:

Thank you for your project notification letter dated, March 10, 2020, regarding cultural information on or near the proposed 21242 Morgan Valley Road Project, Lower Lake, Lake County. We appreciate your effort to contact us.

The Cultural Resources Department has reviewed the project and concluded that it is not within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we respectively decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

Habematelol Pomo of Upper Lake
Attn: Linda Rosas-Bill
P.O. Box 516
Upper Lake, CA 95485

Please refer to identification number YD - 04262019-01 in any future correspondence with Yocha Dehe Wintun Nation concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Tribal Historic Preservation Officer

cc: Habematelol Pomo of Upper Lake

Yocha Dehe Wintun Nation
PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org

Victor Fernandez

From: Yuliya Osetrova
Sent: Friday, March 13, 2020 2:29 PM
To: Victor Fernandez
Subject: RE: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Victor,
No comments for this project (see a *Note*)

Note The water usage calculations for this project are way off: proposed 15,000 gallons in July and August translates to (15,000 gal. / 30 days) = 500 gallons per day. The Applicant proposed to place 397 plants in 100-gallon pots, which translates to (500 gal per day / 397 plants) = 1.25 gallon per plant per day. However all that, one acre of canopy on an over-100-acre-lot could be pronounced having a negative environmental impact.

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

From: Victor Fernandez
Sent: Wednesday, March 11, 2020 8:44 AM
To: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email at victor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez - Assistant Planner

Victor Fernandez

From: Linda Rosas <lrosas@hpultribe-nsn.gov>
Sent: Wednesday, March 11, 2020 9:48 AM
To: Victor Fernandez
Subject: [EXTERNAL]Re: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning Mr. Fernandez,

Than You for the project notification e-mail dated 3/11/20, regarding cultural information on or near UP 18-48 in Lower Lake. We appreciate your effort to contact us.

I have reviewed the project and concluded that is not within the aboriginal territories of the Habematolel Pomo of Upper Lake Tribes. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the Following:

Elem Colony
Alix Tyler
and/ or
Koi Nation
Dino Beltran

Thank you,

Linda D. Rosas-Bill
Environmental Director
Habematolel Pomo of Upper Lake
9470 Main Street
P.O Box 516
Upper Lake, California
95485
(707) 348-8892 - Direct line
(707) 275-0737 - Tribal Office
(707) 275-0757 - Fax

This electronic message contains information generated by Habematolel Pomo of Upper Lake Environmental Department solely for the intended recipient(s). Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete email immediately.

From: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Sent: Wednesday, March 11, 2020 8:44 AM
To: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email at victor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221

Victor Fernandez

From: Mary Camp <admin@rvrpomo.net>
Sent: Wednesday, March 11, 2020 9:11 AM
To: Victor Fernandez
Subject: [EXTERNAL]RE: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Redwood Valley thanks you for the notice. We would defer to any review, comments or concerns from Koi Nation.

From: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Sent: Wednesday, March 11, 2020 8:44 AM
To: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email at victor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221

Victor Fernandez

From: Lori Baca
Sent: Wednesday, March 11, 2020 9:14 AM
To: Victor Fernandez
Subject: RE: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Victor,

Parcel 012-069-08 is outside of any Special Districts service area, no impact.

Lori A. Baca, CTA
Customer Service Coordinator
Lori.Baca@lakecountyca.gov
Office Number (707) 263-0119
Fax (707) 263-3836

From: Victor Fernandez
Sent: Wednesday, March 11, 2020 8:44 AM
To: Victor Fernandez <Victor.Fernandez@lakecountyca.gov>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email at victor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez - Assistant Planner

Lake County – Community Development Department

Victor Fernandez

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Wednesday, March 11, 2020 10:02 AM
To: Victor Fernandez
Subject: [EXTERNAL]Re: Notice of Intent to Adopt a Mitigated Negative Declaration for Major Use Permit, UP 18-48

Victor,

For a Cannabis operation site, here is a list of Air Quality requirements that may be applicable to the site:

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.

2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.

3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.

4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.

6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.

7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.

8. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a

temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best,

Fahmy Attar
Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
(707) 263-7000 | fahmya@lcaqmd.net

On Mar 11, 2020, at 8:44 AM, Victor Fernandez <Victor.Fernandez@lakecountyca.gov> wrote:

Good Morning,

This email is in regards to the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Major Use Permit (UP 18-50) located at 21650 St. Helena Creek, Middletown, CA. I have attached a copy of the Notice of Intent (NOI) above, along with the Initial Study for you to review/comments. If you have any questions please let me know.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 18-71 will begin on March 10, 2020 and end on April 15, 2020. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email atvictor.fernandez@lakecountyca.gov.

Sincerely,

Victor Fernandez - Assistant Planner

Lake County – Community Development Department
255 N. Forbes Street, Lakeport, CA 95453
County Website: www.lakecountyca.gov
Phone: (707) 263-2221

<NOI.PDF><Environmental Document (Initial Study).pdf>

PUBLIC RESOURCES CODE 4290 FIRE SAFE REQUIREMENTS

Date: 12/11/19 Assessor's Parcel #: 012-069-08

Type of request

☐ Building Permit ☐ Subdivision Map ☑ Use Permit ☐ Parcel Map ☐ Other *(please give brief explanation on line below)*

Project Information

Applicant name: Clark (Last) Spencer (First)

Address: 21242 Morgan Valley Rd. (Street) Lower Lake (City)

Cross Street: / Phone #: ( )

Applicant shall comply with the following subsections of Public Resources Code 4290 and 4291. Requirements shall be met prior to the issuance of a use permit; certificate of occupancy; the recording of a parcel or final map; filing of a notice of completion; or the final inspection of any building permit.

Road Standards for Fire Equipment Access

- ☐ 1273.01 Road Width
- ☐ 1273.02 Roadway Surface
- ☐ 1273.03 Roadway Grades
- ☐ 1273.04 Roadway Radius
- ☐ 1273.05 Roadway Turnarounds
- ☐ 1273.06 Roadway Turnouts
- ☐ 1273.07 Roadway Structures
- ☐ 1273.08 One-way Roads
- ☐ 1273.09 Dead End Roads
- ☐ 1273.10 Driveways
- ☐ 1273.11 Gate Entrances

Water Supply for Emergency Fire Use

- ☐ 1275.10 General Water Supply Standards
- ☐ 1275.15 Hydrant/Fire Valve Standards
- ☐ 1275.20 Signing of Water Sources

Signing Streets, Roads & Buildings

- ☐ 1274.01 Street & Road Signs
- ☐ 1274.02 Road Sign Visibility/Legibility
- ☐ 1274.03 Height of Street & Road Signs
- ☐ 1274.04 Names/Numbers for Road Signs
- ☐ 1274.05 Intersecting Road Signs
- ☐ 1274.06 Traffic Access Limitation Signs
- ☐ 1274.07 Installation of Road/Street Signs
- ☐ 1274.08 Building/Structure Addresses
- ☐ 1274.09 Size of Letters/Numbers/Symbols
- ☐ 1274.10 Address Location & Visibility

Fuel Modification Standards

- ☐ 1276.01a Defensible Space Setback Greater Than an Acre
- ☐ 1276.01b Defensible Space Setback Less Than an Acre
- ☐ 1276.02 Disposal of Vegetation & Fuels
- ☐ 1276.03 Greenbelts
- ☐ 1299 Defensible Space Requirements

This office reserves the right to have applicant comply with additional subsections of the Public Resources Code as additional information becomes available or in the course of the final inspection.

Remarks/Mitigations/Exceptions allowed:

Road off Morgan Valley is 20' but needs gravel surface / Spencers Driveway Needs improved with turnouts @ 400'

Authorizing Personnel Signature: Jack Smalley Title: Plans Examiner

Any future expansions or modifications may require additional fire protection requirements. Other agencies may impose more stringent requirements to this project.

FINAL INSPECTION COMPLETED BY:_____ **Title:**_____ **Date**_____

Middletown Rancheria
Tribal Historic Preservation Department
P.O. Box 1035
Middletown, CA 95461

May 3, 2019

Via Electronic Mail

Mr. Daniel Houck
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Request:	Use Permit, UP 18-48, IS 18-73
Owner:	Spencer Clark
Location:	21242 Morgan Valley Road, Lower Lake, CA
APN:	012-069-08

Dear Mr. Houck:

The Middletown Rancheria (Tribe) is in receipt of your notification dated April 26, 2019 regarding the above referenced matter.

Thank you for the opportunity to provide comments to the above referenced project. We do have cultural resources and/or sites in the proposed project area and are requesting the following condition to the permit: *Applicant must engage with the Middletown Rancheria in a Cultural Resource Monitoring Agreement for the preservation and protection of all cultural resources during all ground disturbance activities as identified by the Middletown Rancheria.* Please let me know if you have any questions and/or concerns.

Thank you,

Larry Longee, Jr.
THPO Director
llongee@middletownrancheria.con
707-230-1031 Cell

Daniel Houck

From: Mary Camp <admin@rvrpomo.net>
Sent: Friday, April 26, 2019 12:55 PM
To: Daniel Houck
Subject: RE: Comments for UP18-48

Redwood Valley thanks you for the notice. We would defer to any review, comments or concerns from Elem Tribe, Koi Nation, and all other Lake County Tribes.

From: Daniel Houck [mailto:Daniel.Houck@lakecountyca.gov]
Sent: Friday, April 26, 2019 11:47 AM
To: aarroyosr@hpultribe-nsn.gov; admin@rvrpomo.net; aroberts@yochadehe-nsn.gov; atyler.elem@gmail.com; btorres@middletownrancheria.com; cww281@gmail.com; drogers@robinsonrancheria.org; env.tech.elem@gmail.com; jkinter@yochadehe-nsn.gov; jsimon@middletownrancheria.com; kkarolaepa@gmail.com; kn@koination.com; lbill@yochadehe-nsn.gov; lrosas@hpultribe-nsn.gov; mshaver@middletownrancheria.com; rrouse@yochadehe-nsn.gov; scottg@mishewalwappotribe.com; speterson@middletownrancheria.com; sryan@big-valley.net; tc@middletownrancheria.com; terre.logsdon@sv-nsn.gov; thomas.jordan@sv-nsn.gov
Subject: Comments for UP18-48

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel W. Houck MSP
Assistant Planner
County of Lake CDD
(707)-263-2221
Extension: 37719

Daniel Houck

From: Microsoft Outlook
To: aarroyosr@hpultribe-nsn.gov; admin@rvrpomo.net; aroberts@yochadehe-nsn.gov; atyler.elem@gmail.com; btorres@middletownrancheria.com; cww281@gmail.com; drogers@robinsonrancheria.org; env.tech.elem@gmail.com; jkinter@yochadehe-nsn.gov; jsimon@middletownrancheria.com; kkarolaepa@gmail.com; kn@koination.com; lbill@yochadehe-nsn.gov; lrosas@hpultribe-nsn.gov; mshaver@middletownrancheria.com; rrouse@yochadehe-nsn.gov; scottg@mishewalwappotribe.com; speterson@middletownrancheria.com; sryan@big-valley.net; tc@middletownrancheria.com; terre.logsdon@sv-nsn.gov; thomas.jordan@sv-nsn.gov
Sent: Friday, April 26, 2019 11:49 AM
Subject: Relayed: Comments for UP18-48

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

aarroyosr@hpultribe-nsn.gov (aarroyosr@hpultribe-nsn.gov)

admin@rvrpomo.net (admin@rvrpomo.net)

aroberts@yochadehe-nsn.gov (aroberts@yochadehe-nsn.gov)

atyler.elem@gmail.com (atyler.elem@gmail.com)

btorres@middletownrancheria.com (btorres@middletownrancheria.com)

cww281@gmail.com (cww281@gmail.com)

drogers@robinsonrancheria.org (drogers@robinsonrancheria.org)

env.tech.elem@gmail.com (env.tech.elem@gmail.com)

jkinter@yochadehe-nsn.gov (jkinter@yochadehe-nsn.gov)

jsimon@middletownrancheria.com (jsimon@middletownrancheria.com)

kkarolaepa@gmail.com (kkarolaepa@gmail.com)

kn@koination.com (kn@koination.com)

lbill@yochadehe-nsn.gov (lbill@yochadehe-nsn.gov)

lrosas@hpultribe-nsn.gov (lrosas@hpultribe-nsn.gov)

mshaver@middletownrancheria.com (mshaver@middletownrancheria.com)

rrouse@yochadehe-nsn.gov (rrouse@yochadehe-nsn.gov)

scottg@mishewalwappotribe.com (scottg@mishewalwappotribe.com)

speterson@middletownrancheria.com (speterson@middletownrancheria.com)

sryan@big-valley.net (sryan@big-valley.net)

tc@middletownrancheria.com (tc@middletownrancheria.com)

terre.logsdon@sv-nsn.gov (terre.logsdon@sv-nsn.gov)

thomas.jordan@sv-nsn.gov (thomas.jordan@sv-nsn.gov)

Subject: Comments for UP18-48

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA, COLUSA, CONTRA COSTA, DEL NORTE, HUMBOLDT, LAKE, MARIN, MENDOCINO, MONTEREY, NAPA, SAN BENITO, SAN FRANCISCO, SAN MATEO, SANTA CLATA, SANTA CRUZ, SOLANO, SONOMA, YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

May 3, 2019

File No.: 18-2078

Daniel Houck, Project Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA 95453

re: UP18-48 / 21242 Morgan Valley Road, Lower Lake, CA 95457 / Spencer and Amizetta Clark Trust

Dear Planner,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor license. This includes a 41,550 square feet in canopy area, consisting of 397 100 gallon pots in 11 concentric circles, with a total diameter of 230 feet. Additionally, there is two 12' x 16' storage sheds, one for storage of fertilizer and chemicals, one for harvest storage. The canopy area will be contained within a 6 foot fence comprised of a wildlife exclusionary wire grid attached to steel tubing, timber, or concrete and spaced less than 10 feet apart with wire grid also attached to a top horizontal rail joining all posts. The property is accessed by an easement road connecting to Morgan Valley Road. The property has on-site septic and on-site well. The project location lies in the sub-watershed HUC #180201160363 in the Upper Cache Creek.

Previous Studies:
XX Study # 35508 (Flaherty 2008), covering approximately 100% of the proposed project area, identified no cultural resources.

Archaeological and Native American Resources Recommendations:
XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

XX The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

Built Environment Recommendations:
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to

18-2078

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: **April 26, 2019**

REQUEST FOR REVIEW FOR SUFFICIENCY
AB52 TRIBAL CONSULTATION REQUEST

@ **AG. COMMISSIONER**	☐ LAKEBED MANAGEMENT	@ TRIBES:
@ **AIR QUALITY MGMT**	☐ LAKEPORT CITY	@ **Big Valley Rancheria**
☐ ARMY CORPS	☐ LAKE TRANSIT	@ **Elem Colony**
@ **ASSESSOR**	☐ NATIVE AM. HERITAGE	@ **Koi Nation**
☐ BLM	☐ NRCS	@ **Middletown Rancheria**
@ **BUILDING DIVISION**	☐ OFFICE OF EDUCATION	@ **Robinson Rancheria**
@ **CAL FIRE**	☐ PG&E	@ **Scotts Valley Band of Pomo**
☐ CALTRANS	☐ PUBLIC SERVICES	@ **Upper Lake Habematolel**
☐ CLEARLAKE CITY	@ **SHERIFF**	@ **Cortina Rancheria**
@ **CRWQCB**	☐ SOLANO CO. WATER	@ **Yocha Dehe**
@ **DPW ROADS**	@ **SONOMA STATE**	@ **HERC**
@ **CA FISH & WILDLIFE**	@ **SPECIAL DISTRICTS**	☐ US FOREST SVC
☐ FISH & WILDLIFE SVC	☐ STATE DEPT. HEALTH	☐ VECTOR CONTROL
@ **FIRE DIST: Lake County**	@ **SURVEYOR**	☐ WASTE DISPOSAL
@ **HEALTH DEPARTMENT**	@ **TAX COLLECTOR**	☐ WATER CO:
☐ HERITAGE COMMISSION	☐ TRAFFIC ADV. COMM.	@ **WATER RESOURCES**

FROM:	Daniel Houck; Assistant Planner
REQUEST:	Use Permit, UP 18-48, IS 18-73
OWNER:	Spencer Clark; 1099 Greenfield Road, St. Helena, CA 95474
APN:	012-069-08
LOCATION:	21242 Morgan Valley Road, Lower Lake, CA 95457
ZONING:	"APZ" – Agricultural Preserve
GENERAL PLAN:	Rural Lands
FLOOD ZONE:	"D" Flood Zone

RECEIVED
4/26/2019
NWIC

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **Friday, 5/10/2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice.** Please email your comments to Daniel Houck at daniel.houck@lakecountyca.gov or mail them to the address listed in the letterhead above.

PROPOSAL: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor license. This includes a 41,550 square feet in canopy area, consisting of 397 100 gallon pots in 11 concentric circles, with a total diameter of 230 feet. Additionally, there is two 12' x 16' storage sheds, one for storage of fertilizer and chemicals, one for harvest storage. The canopy area will be contained within a 6 foot fence

commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Andrew Von Pinner

For Bryan Much
Coordinator

Daniel Houck

From: Ryan Lewelling
Sent: Tuesday, April 30, 2019 2:59 PM
To: Daniel Houck
Subject: RE: Comments for UP18-48

Daniel,

This Assessor's Office review of proposed AT3 license for CLARK, APN 012-069-080-000, has the following comments:

- No outstanding property tax obligations were noted.
- No Tax Rate Area conflicts were identified.
- An Easement for roadway and utility (O.R. 680/668, 11/19/1971) was noted, there may be others not identified.
- The parcel is subject to a Williamson Act Contract that is in non-renewal status (#2011017803, 12/16/2011).

Please proceed accordingly.

Ryan Lewelling
Cadastral Mapping Specialist
707-263-2302 | *Ryan.Lewelling@LakeCountyCA.gov*

From: Daniel Houck
Sent: Friday, April 26, 2019 11:45 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; CVRWQCB - Elizabeth Lee <centralvalleysacramento@waterboards.ca.gov>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; r2ceqa@wildlife.ca.gov; fdchf700@yahoo.com; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Casey Moreno <Casey.Moreno@lakecountyca.gov>
Cc: elizabethk@lcaqmd.net; Doug Gearhart <dougg@lcaqmd.net>
Subject: Comments for UP18-48

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel W. Houck MSP
Assistant Planner
County of Lake CDD
(707)-263-2221
Extension: 37719

Daniel Houck

From: Lori Baca
Sent: Tuesday, April 30, 2019 4:28 PM
To: Daniel Houck
Subject: RE: Comments for UP18-48

Daniel,

Parcel 012-069-080 at 21242 Morgan Valley Rd is outside of any Special Districts service areas, no impact.

Have a great evening!!

Lori A. Baca, CTA
Customer Service Coordinator
Lori.Baca@lakecountyca.gov
Office Number (707) 263-0119
Fax (707) 263-3836

From: Daniel Houck
Sent: Friday, April 26, 2019 11:45 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; CVRWQCB - Elizabeth Lee <centralvalleysacramento@waterboards.ca.gov>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; r2ceqa@wildlife.ca.gov; fdchf700@yahoo.com; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Casey Moreno <Casey.Moreno@lakecountyca.gov>
Cc: elizabethk@lcaqmd.net; Doug Gearhart <dougg@lcaqmd.net>
Subject: Comments for UP18-48

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel Houck

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Wednesday, May 1, 2019 8:03 AM
To: Daniel Houck
Subject: Re: Comments for UP18-48
Attachments: Spencer Clark_Cannabis_04302019.pdf

Daniel,

Attached are the comments

Best regards,

Fahmy Attar
Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453

(707) 263-7000 | fahmya@lcaqmd.net

On Apr 26, 2019, at 11:45 AM, Daniel Houck <Daniel.Houck@lakecountyca.gov> wrote:

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,
<image001.png>

<Site Plans for UP18-48.pdf><UP 18-48 Clark RFR.doc>

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

RECEIVED
APR 29 2019
LAKE COUNTY COMMUNITY DEVELOPMENT DEPT.

DISTRIBUTION DATE: **April 26, 2019**

REQUEST FOR REVIEW FOR SUFFICIENCY
AB52 TRIBAL CONSULTATION REQUEST

@ **AG. COMMISSIONER**	☐ LAKEBED MANAGEMENT	@ TRIBES:
@ **AIR QUALITY MGMT**	☐ LAKEPORT CITY	@ **Big Valley Rancheria**
☐ ARMY CORPS	☐ LAKE TRANSIT	@ **Elem Colony**
@ **ASSESSOR**	☐ NATIVE AM. HERITAGE	@ **Koi Nation**
☐ BLM	☐ NRCS	@ **Middletown Rancheria**
@ **BUILDING DIVISION**	☐ OFFICE OF EDUCATION	@ **Robinson Rancheria**
@ **CAL FIRE**	☐ PG&E	@ **Scotts Valley Band of Pomo**
☐ CALTRANS	☐ PUBLIC SERVICES	@ **Upper Lake Habematolel**
☐ CLEARLAKE CITY	@ **SHERIFF**	@ **Cortina Rancheria**
@ **CRWQCB**	☐ SOLANO CO. WATER	@ **Yocha Dehe**
@ **DPW ROADS**	@ **SONOMA STATE**	@ **HERC**
@ **CA FISH & WILDLIFE**	@ **SPECIAL DISTRICTS**	☐ US FOREST SVC
☐ FISH & WILDLIFE SVC	☐ STATE DEPT. HEALTH	☐ VECTOR CONTROL
@ **FIRE DIST: Lake County**	@ **SURVEYOR**	☐ WASTE DISPOSAL
@ **HEALTH DEPARTMENT**	@ **TAX COLLECTOR**	☐ WATER CO:
☐ HERITAGE COMMISSION	☐ TRAFFIC ADV. COMM.	@ **WATER RESOURCES**

FROM:	Daniel Houck; Assistant Planner
REQUEST:	Use Permit, UP 18-48, IS 18-73
OWNER:	Spencer Clark; 1099 Greenfield Road, St. Helena, CA 95474
APN:	012-069-08
LOCATION:	21242 Morgan Valley Road, Lower Lake, CA 95457
ZONING:	"APZ" – Agricultural Preserve
GENERAL PLAN:	Rural Lands
FLOOD ZONE:	"D" Flood Zone

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **Friday, 5/10/2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice.** Please email your comments to Daniel Houck at daniel.houck@lakecountyca.gov or mail them to the address listed in the letterhead above.

PROPOSAL: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor license. This includes a 41,550 square feet in canopy area, consisting of 397 100 gallon pots in 11 concentric circles, with a total diameter of 230 feet. Additionally, there is two 12' x 16' storage sheds, one for storage of fertilizer and chemicals, one for harvest storage. The canopy area will be contained within a 6 foot fence

site well. The project location lies in the sub-watershed HUC #180201160363 in the Upper Cache Creek.

Description of the type of requested permit as defined in Article 27, Section (at):

I have no comments on this proposal.

4/26/19

Daniel Houck

From: Yuliya Osetrova
Sent: Thursday, May 2, 2019 11:22 AM
To: Daniel Houck
Subject: RE: Comments for UP18-48

Daniel,

These are my comment to this project:

1. Water Resources part of PMP – incomplete
   - Need description of resources
   - Need description of watershed
   - Need description of how the Applicant would minimize the adverse impact
   - Need measured paramenters
   - There is a creek running through the property lot and a lake at the East edge of it and they are not on the provided drawings(nor there is description of them)
   - Need topographic map (5' contours)
2. Water Use - incomplete
   - Need description of measurements methodology
   - Water calculations are much off and unrealistic

Best,

Yuliya Osetrova
Water Resources Engineer III
Lake County Water Resources Department
(707) 263-2344

From: Daniel Houck
Sent: Friday, April 26, 2019 11:46 AM
To: Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>
Subject: Comments for UP18-48

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel W. Houck MSP
Assistant Planner
County of Lake CDD
(707)-263-2221
Extension: 37719

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: **April 26, 2019**

REQUEST FOR REVIEW FOR SUFFICIENCY
AB52 TRIBAL CONSULTATION REQUEST

@ **AG. COMMISSIONER**	☐ LAKEBED MANAGEMENT	@ TRIBES:
@ **AIR QUALITY MGMT**	☐ LAKEPORT CITY	@ **Big Valley Rancheria**
☐ ARMY CORPS	☐ LAKE TRANSIT	@ **Elem Colony**
@ **ASSESSOR**	☐ NATIVE AM. HERITAGE	@ **Koi Nation**
☐ BLM	☐ NRCS	@ **Middletown Rancheria**
@ **BUILDING DIVISION**	☐ OFFICE OF EDUCATION	@ **Robinson Rancheria**
@ **CAL FIRE**	☐ PG&E	@ **Scotts Valley Band of Pomo**
☐ CALTRANS	☐ PUBLIC SERVICES	@ **Upper Lake Habematolel**
☐ CLEARLAKE CITY	@ **SHERIFF**	@ **Cortina Rancheria**
@ **CRWQCB**	☐ SOLANO CO. WATER	@ **Yocha Dehe**
@ **DPW ROADS**	@ **SONOMA STATE**	@ **HERC**
@ **CA FISH & WILDLIFE**	@ **SPECIAL DISTRICTS**	☐ US FOREST SVC
☐ FISH & WILDLIFE SVC	☐ STATE DEPT. HEALTH	☐ VECTOR CONTROL
@ **FIRE DIST: Lake County**	@ **SURVEYOR**	☐ WASTE DISPOSAL
@ **HEALTH DEPARTMENT**	@ **TAX COLLECTOR**	☐ WATER CO:
☐ HERITAGE COMMISSION	☐ TRAFFIC ADV. COMM.	@ **WATER RESOURCES**

FROM:	Daniel Houck; Assistant Planner
REQUEST:	Use Permit, UP 18-48, IS 18-73
OWNER:	Spencer Clark; 1099 Greenfield Road, St. Helena, CA 95474
APN:	012-069-08
LOCATION:	21242 Morgan Valley Road, Lower Lake, CA 95457
ZONING:	"APZ" – Agricultural Preserve
GENERAL PLAN:	Rural Lands
FLOOD ZONE:	"D" Flood Zone

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **Friday, 5/10/2019**. **Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice.** Please email your comments to Daniel Houck at daniel.houck@lakecountyca.gov or mail them to the address listed in the letterhead above.

PROPOSAL: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor license. This includes a 41,550 square feet in canopy area, consisting of 397 100 gallon pots in 11 concentric circles, with a total diameter of 230 feet. Additionally, there is two 12' x 16' storage sheds, one for storage of fertilizer and chemicals, one for harvest storage. The canopy area will be contained within a 6 foot fence

comprised of a wildlife exclusionary wire grid attached to steel tubing, timber, or concrete and spaced less than 10 feet apart with wire grid also attached to a top horizontal rail joining all posts. The property is accessed by an easement road connecting to Morgan Valley Road. The property has on-site septic and on-site well. The project location lies in the sub-watershed HUC #180201160363 in the Upper Cache Creek.

Description of the type of requested permit as defined in Article 27, Section (at):

A – Type 3: "Outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

Property Managements Plans are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

A **Biological Resources Assessment** was performed on the site and is within the management plan. A **Cultural Resource Study** was also performed on the site.

Access Requirements: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Please let us know if this site meets these standards.

The following sheets are attached for your reference: Sheet 1 cover, Sheet 2 surrounding area aerial, sheet 3 site plan, existing conditions, Sheet 4 site plan proposed conditions, Sheet 5 Cannabis cultivation Site, Sheet 6 Cannabis Related Building Layouts and Sheet 7 Security.

COMMENTS: See attached Memorandum

NAME Lina Rubin DATE 5/2/19

cc: 1 Supervisorial District (RFR Only) @chamber of commerce Redbud Audubon

Other (Examples: @ Sierra Club Admin @ Farm Bureau / etc.) (RFR Only)

COUNTY OF LAKE
HEALTH SERVICES DEPARTMENT
Division of Environmental Health
Lakeport:
922 Bevins Court, Lakeport, CA 95453-9739
Telephone 707/ 263-1164 FAX: 263-1681

Denise Pomeroy
Health Services Director

Erin Gustafson MD, MPH
Public Health Officer

Jasjit Kang
Environmental Health Director

Memorandum

DATE: May 2, 2019

TO: Daniel Houck, Assistant Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 18-48, IS 18-73 Use Permit for Commercial Cannabis

APN: 012-069-08, 21242 Morgan Valley Rd, Lower Lake

The applicant must meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and potable water requirements.

Our office does not have any septic system records on file. Our office has on file a 2011 well permit WE-2606 for an AG well; a 7/13/09 sign off for an AG Exempt barn for tractor storage.

Our office will need to validate the existing septic system for the single family dwelling. As our office does not have the septic system on file, the applicant will need to apply for a field clearance to validate the system.

Lake County Environmental Health requires all applicants to provide a written declaration of the chemical names and quantities of any Hazardous Material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities Hazardous Material Declaration.

Daniel Houck

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Saturday, April 27, 2019 5:11 PM
To: Daniel Houck; Mary Jane Montana
Cc: Bertelli, Greg@CALFIRE; Ch700, Fd@yahoo; Dist1 PlanningComm
Subject: Re: Comments for UP18-48

Good afternoon Daniel. I show this project located in unincorporated Lake County, that is also in the SRA (State Responsibility Area). Below are the comments from CAL FIRE.

As this address is in the SRA, all Fire Safe Regulations/Laws shall apply. The four references below contain some redundant requirements, which are all wildland fire related and required:

- All regulations on the State of California's Public Resource Code, Division 4, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction.

- All regulations in the California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter2, Article 1 through 5 shall apply to this application/construction.

- All regulations in the California Building Code, Chapter 7A, Section 701A, 701A.3.2.A

- All regulations in the California Government Code, TITLE 5. LOCAL AGENCIES [50001 - 57550], DIVISION 1. CITIES AND COUNTIES [50001 - 52203], PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5], CHAPTER 6.8. Very High Fire Hazard Severity Zones [51175 - 51189], Section 51182

This shall include, but not be limited to property line set backs for structures that are a minimum of 30 feet, addressing, on site water storage for fire protection, driveway/roadway types and specifications based on designated usage, all weather driveway(10 feet residential)/roadway (20 feet commercial) surfaces constructed to support 75,000 lb vehicles, maximum slope of 16%, turnouts, gates (14 foot wide minimum), gate set backs (minimum of 30 feet from road), parking, fuels reduction including a minimum of 100 feet of defensible space. If this property will meet the criteria to be, or will be a CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around said structure. If the use is determined to be commercial by the Lake County Building Department, a two lane road is required. A driveway is only allowed to be used for residential use, not commercial. Commercial roadways shall consist of two, ten foot lanes of travel that are a all weather surface. Existing roads visible on the draft maps do not appear to meet the standards for this Use Permit Application.

Thank you for your time and consideration. Have a great week. Mike

http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes

California's Wildland-Urban Interface Code Information - CAL FIRE - Home

www.fire.ca.gov

The law requires that homeowners do fuel modification to 100 feet (or the property line) around their buildings to create a defensible space for firefighters and to protect their homes from wildfires. New building codes will protect buildings from being ignited by flying embers which can travel as ...

http://www.lakecountyca.gov/Government/Directory/Environmental_Health/Programs/cupa.htm

Hazardous Materials Management (CUPA)

www.lakecountyca.gov

The Lake County Division of Environmental Health is the Certified Unified Program Agency for all of Lake County, dealing with hazardous waste and hazardous materials.

Mike Wink
Battalion Chief
Middletown Battalion
CAL FIRE
Sonoma - Lake - Napa Unit
21095 Hwy 175 - P.O.Box 1360
Middletown, Ca. 95461
Office: 707.987-3089 ext 3
Cell: 707.889.4225
Fax: 707.987.9478
Emial Mike.Wink@fire.ca.gov

From: Daniel Houck <Daniel.Houck@lakecountyca.gov>
Sent: Friday, April 26, 2019 11:45 AM
To: Steven Hajik; Fahmy Attar; Ryan Lewelling; Mary Jane Montana; Wink, Mike@CALFIRE; WB-RB5S-CentralValleySacramento; Todd Mansell; Stoner, Kyle@Wildlife; Wildlife R2 CEQA; Ch700, Fd@yahoo; Kelli Hanlon; Brian Martin; Chris Macedo; nwic@sonoma.edu; Lori Baca; Gordon Haggitt; Casey Moreno
Cc: elizabethk@lcaqmd.net; Gearhart, Doug@lcaqmd
Subject: Comments for UP18-48

Warning: this message is from an external user and should be treated with caution.

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel W. Houck MSP

Assistant Planner
County of Lake CDD
(707)-263-2221
Extension: 37719

Daniel Houck

From: Gordon Haggitt
Sent: Friday, April 26, 2019 1:06 PM
To: Daniel Houck
Subject: RE: Comments for UP18-48

Daniel: Usual comment. There are recorded survey maps for portions of this property so if setbacks become an issue they need to demonstrate the setbacks are met. A survey should be required if necessary per the land surveyors act or, at a minimum, a letter stating the setbacks are met and how they were determined in a letter stamped and signed by a land surveyor.

Gordon M. Haggitt
County Surveyor, County of Lake
(707)263-2341

From: Daniel Houck
Sent: Friday, April 26, 2019 11:45 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; mike.wink@fire.ca.gov; CVRWQCB - Elizabeth Lee <centralvalleysacramento@waterboards.ca.gov>; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; r2ceqa@wildlife.ca.gov; fdchf700@yahoo.com; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Chris Macedo <Chris.Macedo@lakecountyca.gov>; nwic@sonoma.edu; Lori Baca <Lori.Baca@lakecountyca.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Casey Moreno <Casey.Moreno@lakecountyca.gov>
Cc: elizabethk@lcaqmd.net; Doug Gearhart <dougg@lcaqmd.net>
Subject: Comments for UP18-48

Good morning,

I am sending out for comment/review on a Use Permit for cannabis, UP18-48. Please return any comments by 5/10/19.

Thank you,

Daniel W. Houck MSP
Assistant Planner
County of Lake CDD
(707)-263-2221
Extension: 37719

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: **April 25, 2019**

REQUEST FOR REVIEW FOR SUFFICIENCY
AB52 TRIBAL CONSULTATION REQUEST

✓ @ **AG. COMMISSIONER**	☐ LAKEBED MANAGEMENT	@ TRIBES:
✓ @ **AIR QUALITY MGMT**	☐ LAKEPORT CITY	@ **Big Valley Rancheria**
☐ ARMY CORPS	☐ LAKE TRANSIT	@ **Elem Colony**
✓ @ **ASSESSOR**	☐ NATIVE AM. HERITAGE	@ **Koi Nation**
☐ BLM	☐ NRCS	@ **Middletown Rancheria**
✓ @ **BUILDING DIVISION**	☐ OFFICE OF EDUCATION	@ **Robinson Rancheria**
✓ @ **CAL FIRE**	☐ PG&E	@ **Scotts Valley Band of Pomo**
☐ CALTRANS	☐ PUBLIC SERVICES	@ **Upper Lake Habematolel**
☐ CLEARLAKE CITY	✓ @ **SHERIFF**	@ **Cortina Rancheria**
✓ @ **CRWQCB**	☐ SOLANO CO. WATER	@ **Yocha Dehe**
✓ @ **DPW ROADS**	✓ @ **SONOMA STATE**	@ **HERC**
✓ @ **CA FISH & WILDLIFE**	✓ @ **SPECIAL DISTRICTS**	☐ US FOREST SVC
☐ FISH & WILDLIFE SVC	☐ STATE DEPT. HEALTH	☐ VECTOR CONTROL
✓ @ **FIRE DIST: Lake County**	✓ @ **SURVEYOR**	☐ WASTE DISPOSAL
✓ @ **HEALTH DEPARTMENT**	✓ @ **TAX COLLECTOR**	☐ WATER CO:
☐ HERITAGE COMMISSION	☐ TRAFFIC ADV. COMM.	✓ @ **WATER RESOURCES**

FROM:	Daniel Houck; Assistant Planner
REQUEST:	Use Permit, UP 18-48, IS 18-73
OWNER:	Spencer Clark; 1099 Greenfield Road, St. Helena, CA 95474
APN:	012-069-08
LOCATION:	21242 Morgan Valley Road, Lower Lake, CA 95457
ZONING:	"APZ" – Agricultural Preserve
GENERAL PLAN:	Rural Lands
FLOOD ZONE:	"D" Flood Zone

An Initial Study will be prepared for the project, in compliance with the California Environmental Quality Act. Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **Monday, 5/6/2019. Any Consultation request under AB52 must be received in writing within 30 days of receipt of this notice.** Please email your comments to Daniel Houck at daniel.houck@lakecountyca.gov or mail them to the address listed in the letterhead above.

PROPOSAL: The applicant is applying for a Major Use Permit to allow one A-Type 3 outdoor license. This includes a 41,550 square feet in canopy area, consisting of 397 100 gallon pots in 11 concentric circles, with a total diameter of 230 feet. Additionally, there is two 12' x 16' storage sheds, one for storage of fertilizer and chemicals, one for harvest storage. The canopy area will be contained within a 6 foot fence

comprised of a wildlife exclusionary wire grid attached to steel tubing, timber, or concrete and spaced less than 10 feet apart with wire grid also attached to a top horizontal rail joining all posts. The property is accessed by an easement road connecting to Morgan Valley Road. The property has on-site septic and on-site well. The project location lies in the sub-watershed HUC #180201160363 in the Upper Cache Creek.

Description of the type of requested permit as defined in Article 27, Section (at):

A – Type 3: "Outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

Property Managements Plans are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

A **Biological Resources Assessment** was performed on the site and is within the management plan. A **Cultural Resource Study** was also performed on the site.

Access Requirements: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Please let us know if this site meets these standards.

The following sheets are attached for your reference: Sheet 1 cover, Sheet 2 surrounding area aerial, sheet 3 site plan, existing conditions, Sheet 4 site plan proposed conditions, Sheet 5 Cannabis cultivation Site, Sheet 6 Cannabis Related Building Layouts and Sheet 7 Security.

COMMENTS: _____

_____

_____

NAME _____ DATE _____

cc: 1 Supervisorial District (RFR Only) @chamber of commerce _____ Redbud Audubon

Other (Examples: @ Sierra Club ___ Admin @ Farm Bureau / etc.) (RFR Only)

RECEIVED

MAY 06 2019

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

3 May 2019

Daniel Houck
County of Lake
Community Development Department
255 North Forbes Street
Lakeport, CA 95453

CERTIFIED MAIL
7017 2620 0001 1359 2158

COMMENTS TO REQUEST FOR REVIEW FOR THE AB52 TRIBAL CONSULTATION REQUEST, USE PERMIT - CLARK (UP 18-48, IS 18-73) PROJECT, LAKE COUNTY

Pursuant to the County of Lake Community Development Department 's 26 April 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the AB52 Tribal Consultation Request* for the Use Permit - Clark (UP 18-48, IS 18-73) Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Cannabis General Order

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed.

Visit the Water Boards Cannabis Cultivation Programs Portal at: https://public2.waterboards.ca.gov/CGO

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at: www.waterboards.ca.gov/cannabis

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleysacramento@waterboards.ca.gov or (916) 464-3291.

For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State
If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to

all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Waste Discharge Requirements – Discharges to Land
Pursuant to the State Board's Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency's management program.

Please note that only domestic wastewater coming from bathrooms and kitchens should be discharged to septic systems. Cannabis cultivation can generate other wastewaters such as irrigation runoff, water treatment effluent, cleaning agents, and wash waters. Discharges of these wastewaters to an on-site wastewater system such as a septic tank and leach field must obtain separate regulatory authorization, such as waste discharge requirements (WDRs), a conditional waiver of WDRs, or other permit mechanism, prior to discharge. The application to obtain WDRs or a conditional waiver of WDRs can take over a year to process and requires that you characterize the wastewater chemistry and volume. In lieu of discharging to a septic system, Water Board staff recommends that wastewaters from cannabis cultivation activities be discharged to a holding tank and then hauled by a servicing company to a community wastewater treatment plant for disposal.

For more information on waste discharges to land, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml

Dewatering Permit
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require

coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

Jordan Hensley
Environmental Scientist