



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item 1
9:05 AM
Jul 8, 2021

STAFF REPORT

TO: Planning Commission

FROM: Community Development Department

Prepared by: Kimley Horn

Edited by: KS/EJP

DATE: July 8, 2021

RE: **SourzHVR Inc; Major Use Permit (UP 21-10), Initial Study (IS 21-10), Mitigated Negative Declaration**

Supervisor District 1

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan
 3. Agency and Public Commentary
 4. Proposed Conditions of Approval
 5. Site Plans
 6. Biological Assessment
 7. Initial Study (IS 21-10)

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Use Permit for commercial cannabis cultivation, distribution, and a nursery located at 11650 High Valley Rd in Clearlake Oaks, CA 95423. The project property includes a total of seven separate parcels, 006-004-07 (649.28 acres), 006-004-24 (429.31 acres), 006-004-25 (10.85), 006-004-06 (39.60 acres), 006-002-04 (321.74 acres), 006-002-09 (103.35 acres), and 006-009-36 (85.83 acres) totaling 1,639.96 acres. The proposed project site is located approximately 7 miles northwest of the City of Clearlake, CA, at 11650 High Valley Road. The proposed cultivation and related activities would occur within APN 006-004-

07 (project site).

The proposed project includes (80) A-Type 3 “outdoor” licenses for 80 acres of outdoor cannabis cultivation, (1) Type 11 “distribution” license to transport cannabis goods, and (1) A-Type 4 “nursery” license for the propagation of small plants and to conduct research and development in accordance with California Code of regulations Section 8302. The applicant is also proposing construction of 11 buildings totaling 111,000 ft², including one refrigeration building (*Please refer to Attachment 5 for full building design details*). These buildings will be utilized for the drying and storage of product and materials and to facilitate overall operations. Lastly, the project includes the use of an existing 13,000 sf conference center for packing, distribution (shipping and receiving), and other ancillary uses such as office space. No internal or external improvements to this structure are proposed.

Staff is recommending approval of Major Use Permit UP 21-10, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study IS 21-10) with the incorporated Mitigation Measure and Conditions of Approval.

II. PROJECT DESCRIPTION

Applicant: SourzHVR Inc / Elli Hagoel / Avi Pollack

Owner: Aviona, LLC

Location/APN: **11650 High Valley Rd, Clearlake Oaks, CA 95423**

APN: 006-004-07 [Project location]

4919 New Long Valley Rd, Clearlake Oaks, CA 95423

APN: 006-002-09 [Clustered parcel]

4963 New Long Valley Rd, Clearlake Oaks, CA 95423

APN: 006-002-04 [Clustered parcel]

10788 High Valley Rd, Clearlake Oaks, CA 95423

APN: 006-004-25 [Clustered parcel]

10750 High Valley Rd, Clearlake Oaks, CA 95423

APN: 006-004-24 [Clustered parcel]

10945 High Valley Rd, Clearlake Oaks, CA 95423

APN: 006-004-06 [Clustered parcel]

4491 New Long Valley Rd, Clearlake Oaks, CA 95423

APN: 006-009-36 [Clustered parcel]

Parcel(s) Size: 1639.96 total combined acreage

General Plan: Agricultural and Rural Lands

Zoning: Split RL "Rural Lands" WW "Waterway Combining"
SC "Scenic Combining" B5 "Special Lot Density
Combining District"

Flood Zone: "D" Areas of undetermined, but possible, flooding

Natural Hazards: SRA Very High Fire Area

Date Submitted: February 7, 2021

III. WATER AVAILABILITY ANALYSIS

- a. **Well #1** – will not be used for cultivation activities.
[Located on APN 006-004-07]
- b. **Well #2** – will not be used for cultivation activities.
[Located on APN 006-004-07]
- c. **Well #3** – will not be used for cultivation activities.
[Located on APN 006-004-24]
- d. **Well #4** – An aquifer performance test was performed on Well #4 on October 27, 2020 to evaluate the yield of the well and hydraulic parameters of the aquifer. A step-drawdown test was performed in which Well #4 was pumped at increasing rates (steps) and the corresponding drawdown of the water level in the well was measured. The well was pumped at 100, 150, 250 and 380 gallons per minute. The maximum drawdown observed in the well was 11.02 feet at 380 gallons per minute.
[Located on APN 006-004-07]
- e. **Well #5** – will not be used for cultivation activities [Located on APN 006-004-07]
- f. **Well #6** – will not be used for cultivation activities

[Located on APN 006-004-07]

- g. **Pond** – will not be used for cultivation activities
[Located on APN 006-004-07]
- h. **On-site water storage** - Five 10,000 gallon water tanks. All water will be pumped directly from Well #4 through to the irrigation mainlines.
- i. **Proposed well** – to be installed approximately 50 feet from proposed nursery [Located on APN 006-004-07] (*see Attachment 5*)

IV. PROJECT DETAILS

- a. Early Activation
 - i. **Time Frame** – This project was Early Activated on June 7, 2021, as all conditions were met according to Ordinance no. 2021-32. The Community Development Department received notification on Friday, June 18th, that the Department of Fish and Wildlife would be conducting an inspection for possible violations. As of the writing of this Staff Report, details of this visit have not been released. The Community Development Department also received complaints in regards to dust generation, and possible grading violations.
- b. **Construction** (for the 11 proposed 50'x100' metal buildings)
 - i. **Time Frame** – The applicant estimates the construction at four months. All pre-fabricated buildings are to be delivered to the site by July 1st, 2021. The applicant must procure all approvals (including Use Permit and Building Permits) prior to commencement of construction activities, which are proposed as follows: *First the concrete slabs will be poured then following that process, the buildings will be erected. The concrete slabs will all be poured within a one-week timeframe then the pre-fabricated buildings will be erected one by one.*
 - ii. **Equipment to be used** - The equipment used for construction would include a scissor lift, pickup trucks, a backhoe for footing detail, and hand tools.
 - iii. **Staging areas** - Materials and equipment needed to prepare the cultivation areas will be staged on previously disturbed areas including existing parking lots and on-site private roadways. The existing paved parking lot that is adjacent to

the proposed building site will also be used for staging

- iv. **Earth to be moved** – The applicant is proposing no grading. The elected building site is flat with a ~ 1 % slope. No cut or fill is proposed.
- v. **Vehicle trips during construction** – Approximately 12 vehicle truck trips daily during construction, with those vehicles consisting of one ton or smaller pick-up trucks for contract workers.
- vi. **Dust mitigation during construction** – The applicant is proposing no dust mitigation measures, arguing that all roads that any construction vehicle or related vehicles would utilize are fully paved.
- vii. **Number of employees** - Approximately 15 employees per day during the construction phase.

c. Post-Construction

- i. **Number of employees** – The applicant is anticipating 30-40 workers daily.
- ii. **Estimated vehicle trips per day** – The applicant is anticipating roughly 20 vehicle trips per day, as many of the workers will live on-site.
- iii. **Break areas** – Please refer to Attachment 5 for location(s).
- iv. **Permanent restrooms** – The applicant is proposing the use of temporary ADA portable restrooms in conjunction with the permanent restrooms of the existing structures.

V. PROJECT SETTING

Existing Uses and Improvements: The project property is primarily accessed via High Valley Road which bounds the project site on the south. Interior access throughout the property and within the area of all cannabis operations, in APN 006-004-07, would use existing paved roads. All existing roads are paved with asphalt and are 20 feet wide. The paved roads traverse all seven parcels of the 1639-acre property. The parcel on which the cannabis operation is located (APN 006-004-07) includes the following existing structures:

-“Mobile Home” 1,534 ft² building

-“Mobile Home” 960 ft² building

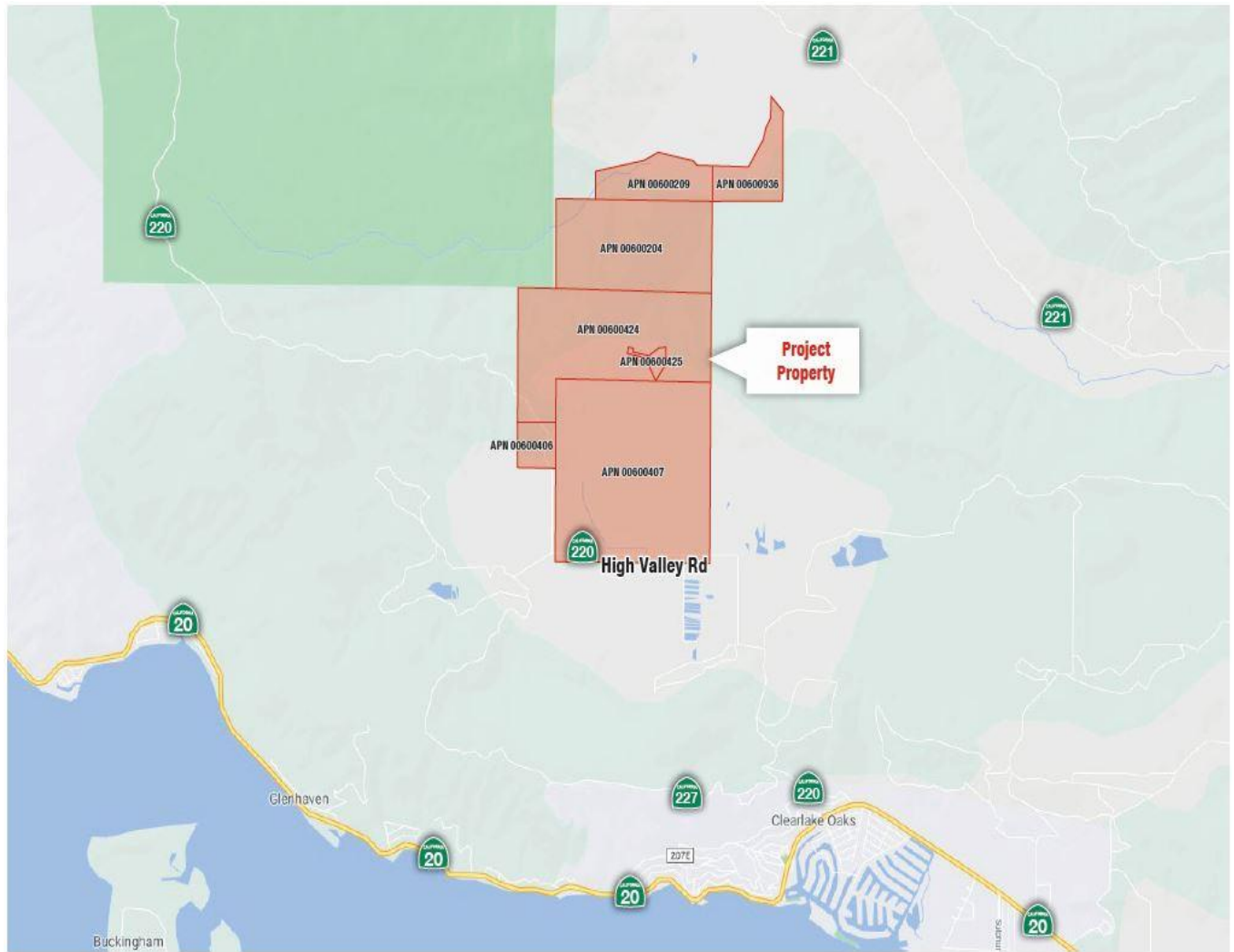
- “Office Mobile Home” 1,280 ft² building
- “Caretakers Cottage” 800 ft² building
- “Pavilion/Conference Building” 13,096 ft² building
- “Garage Building” 1,440 ft² building
- “Barn” 2,045 ft² building
- “Gift Shop” 4,253 ft² building
- “Hangar” 3,000 ft² building

Only a selection of these existing structures are proposed be used in conjunction with the commercial cannabis project, and are outlined below:

- The (Pavilion/conference building), to be utilized for distribution is a one-story meeting room/theater/commercial kitchen building with a 13,096 ft² slab foundation, and a 1,523 ft² *port cochere*. Built in 2008, the building contains carpeting and tile flooring, forced air heating and cooling, custom lighting, a sprinkler system, fully equipped commercial kitchen with a 4' x 10' hood, a 10' x 24' walk in cooler/freezer, four restrooms, stucco exterior and concrete tile roof.
- The (Garage Building), to be used for Ag/pesticide storage, is a 1,440 ft² one-story building, with wood paneling exterior and a metal roof. Effective year built 1984.
- The (Office Mobile Home) is a 1,280 ft² one-story mobile home with a 504 ft² covered deck. Effective year built 1989.

One other parcel [APN 006-004-25], used for acreage clustering purposes, contains existing structures. None of these following structures are proposed to be used in conjunction with the Commercial Cannabis operation:

- “Main Residence” 11,733 ft² building
- “Garage” 1,400 ft² building
- “Abandoned Pool House” 1,400 ft² building



Surrounding Uses and Zoning

North: “A” Agricultural and “RL” Rural Lands

South: “RL” Rural Lands

East: “A” Agricultural and “RL” Rural Lands

West: Vineyard, “A” Agriculture, and “RL” Rural Lands.

Directly west of the project parcel at 11650 High Valley Rd (APN 006-04-07, there are several adjacent residential structures. 12000 High Valley Rd (APN 060-211-01) contains a residential structure that is 893 ft removed from Field 3, and is zoned as Rural Residential. This parcel includes one dwelling unit on an acre of land. 1325 Valley Oaks Dr (APN 006-011-54) contains a structure located approximately 672 ft away from the project site’s Field 3.

Topography: The proposed cultivation areas would be located on gently sloping and flat terrain. The cultivation site is flat with less than 10 percent slope.

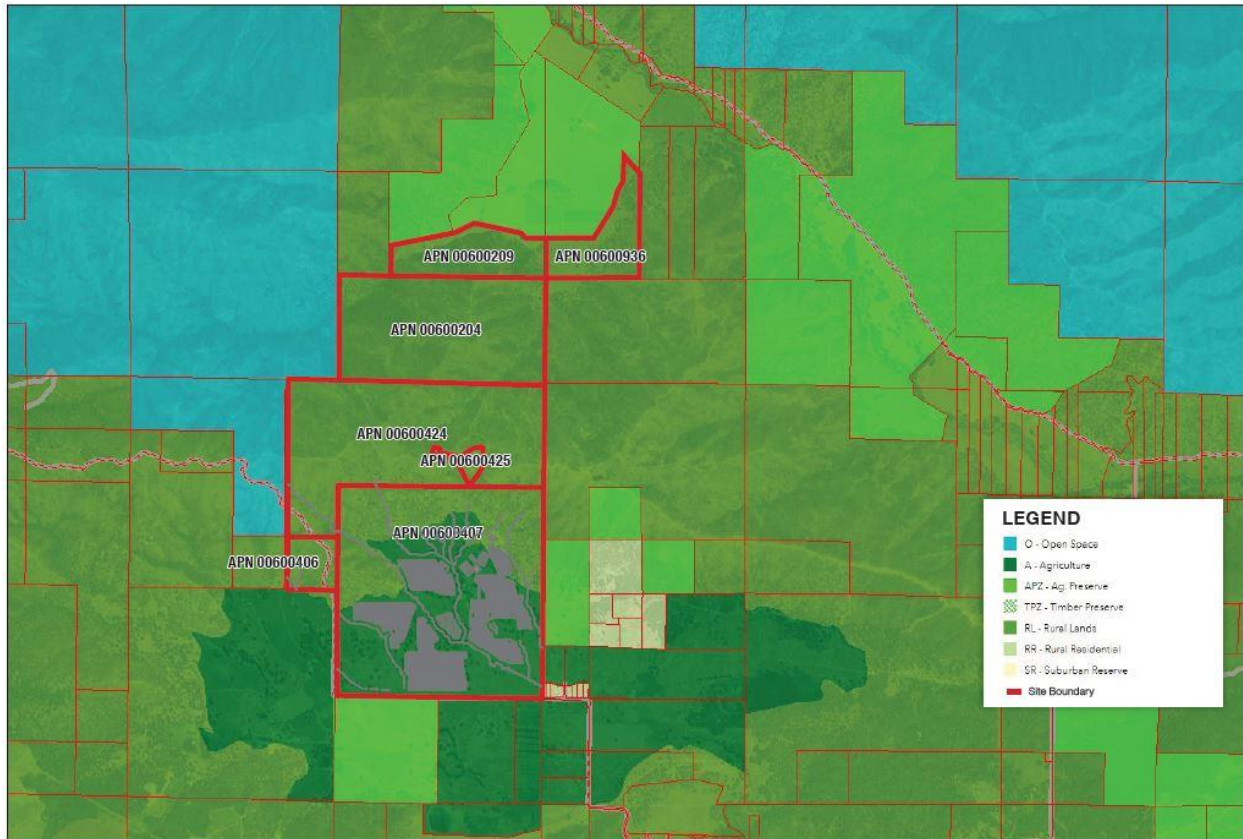
Soils: The soil over the majority of the proposed cultivation area is comprised of Wolfcreek loam (Type 247). Wolfcreek loam generally has 0-2% slopes, is well-drained with a slow runoff, and has moderately slow permeability. The soil consists of alluvium derived from mixed rock sources. A small portion of cultivation area on the westerly side of APN 006-004-07 would occur in an area with Wappo loam (Type 242). Wappo loam occurs in areas with 2-8% slopes, is moderately well-drained, has a high runoff class, with a parent material of alluvium (USDA, 2020).

Water Supply: On-site wells. Only Well #4 will be used for the proposed cultivation. A well availability analysis and data from the draw-down tests may be found within the Property Management Plan (*Attachment 2*). An additional well is proposed to be drilled approximately 50 feet from proposed nursery (see *Attachment 3 Site Plans*).

Sewage Disposal: On-site septic systems and portable toilets. There is one septic system along with pre-existing permanent bathrooms within the structures of the project parcel. Additional details may be found in the Septic Site Plan (*Attachment 5*).

Fire Protection: North Shore Fire Protection District

Vegetation: The study area contains four terrestrial vegetation communities: blue oak woodland; chemise chaparral; annual grassland; and ruderal developed. Cultivation would occur within existing grazing land and no trees are proposed for removal.



VI. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is Rural Lands and Ag Lands:

Rural Lands allows for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for areas that are remote, or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality.

Agriculture Allows all agricultural uses, including one dwelling, processing (wineries, packing sheds, etc.), and labor quarters. Minimum lot size typically 40 acres.

The applicant is proposing commercial cannabis cultivation which is applicable to agricultural/ crop production with the Lake County General Plan (2008) for Rural Lands and Agriculture.

The following General Plan policies relate to site development in the context of this proposal:

Growth and Development

Goal LU-1: “To encourage the overall economic and social growth of the County while maintaining its quality of life standards.”

- Policy LU 1.4: “The County shall recognize each community as an important asset to the County and seek to strengthen and revitalize all communities.”

Response *The applicant has proposed that the project would generate over \$6,000,000 in annual tax revenue for the county while employing over 20 people and would utilize other existing ancillary businesses within the county such as well drillers, agronomists, engineers, and general contractors.*

Economic Development

Goal LU-6: “To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents.”

- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

Response: *The proposed commercial cannabis operation would create diversity within the local economy by allowing the expansion of industrial and non-industrial corporate developments such as Cannabis manufacturing, processing, and retail sales. Per California’s Employment Development Department list of major employers for the County of Lake (State of California EDD, (2021) Major Employers in California. <https://www.labormarketinfo.edd.ca.gov/majorer/countymajorer.asp?CountyCode=000033>), employers associated with the Cannabis industry are not found amongst the top 25. By employing not only 30 full time workers, along with an additional 30 part time workers, the applicant is contributing to the development of another sector, thus bringing diversity to the available workforce and to the local economy.*

Open Space

- Goal OSC-1 Biological Resources. *To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County. Commercial cannabis cultivation has a relatively small impact on properties depending on how large the cultivation activity is, and the extent of site preparation needed. The applicant has indicated that no significant grading will occur, although some disking is needed to prepare the ground for the cannabis plants.*

Response: *The applicant has relayed that the areas proposed for cultivation consist of previously disturbed and managed grazing land. In addition to being grazed by cattle and horses, the area was disked and plowed periodically in preparation of planting seasonal grasses and legumes. The applicant has related that the proposed project area was plowed in August 2020 and planted with clovers, legumes, and other grasses prior to the applicant having any association to the property. All other existing on-site habitats including areas with trees, drainages, or other vegetation, have been avoided. All cultivation activities and other improvements would not affect any drainages and would be appropriately buffered to include consideration of waterways and oaks. Fences would be installed to enable wildlife movement throughout the property. There are periodic fence breaks to allow for animal movement every 100 yards.*

Shoreline Community Area Plan Conformance

The subject site is within the Shoreline Community Area Plan's boundary. The Plan does not contain cannabis-specific policies but contains several policies that are subject to consistency review as follows:

“3.3.1b: Preserve the natural flow and appearance of creeks. The maintenance and restoration of stream bank vegetation and bank structures along creeks shall be encouraged or required”

Response *The proposed project will not disturb or impede the flow of any stream or creek. All vegetation along the stream bank will be maintained and improved in areas where erosion appears apparent.*

“3.3.1c: Incorporate the preservation of native trees and vegetation into development projects to the extent practical.”

Response *The proposed project is preserving all trees on site. All garden, irrigation, and operational plans were designed to preserve all trees and as much existing vegetation as possible. No trees are to be removed for this proposed project.*

“3.4.1c: Preserve lands for Agricultural production

Response *The proposed project is seeking to cultivate 80 acres of cannabis. In the case that the proposed project were to be shut down, closed, or abandoned, the applicant is proposing a vineyard or other agricultural commodity could be grown on the land utilizing the proposed irrigation system and related infrastructure. The applicant has also stated that aside from the proposed drying buildings, all land proposed for cannabis cultivation would be planted in native soils, not requiring paving, excavating, or permanent change to the land.*

Zoning Ordinance Conformance

Article 7 – Rural Lands Zoning District The purpose of the Rural Lands Zoning District is to provide for resource related and residential uses of the County's undeveloped

lands that are remote and often characterized by steep topography, fire hazards, and limited access.

Response: *The site was evaluated for compliance with the RL zoning district requirements and found to be consistent with all applicable regulations. The commercial cannabis use is allowed in the RL zoning district subject to review and compliance with Article 27, subsection (a) commercial cannabis regulations, and subject to compliance with all sub-zoning districts including the “SC” Scenic Combining and “WW” Waterway combining district.*

Article 34 – Scenic Combining District (SC) The purpose of this article is to protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation based economy of the County.

Response: *The project parcel that will contain all cultivation activities is within the Scenic Combining District. The cultivation site is setback approximately 200 feet from High Valley Road. The applicant proposes an all outdoor grow and will not be proposing structures that violate the height restrictions.*

Article 37 – Waterway Combining District (WW) The purpose of this article is to preserve, protect and restore significant riparian systems, streams, riparian, aquatic and woodland habitats, protecting water quality, erosion control, sedimentation/runoff and protecting the public’s health/ safety by minimizing dangers due to flood and earth slide.

Response: *Pursuant to Article 27 of the Lake County Zoning Ordinance, the proposed use must be a minimum 100 feet away from top of bank of any waterway (seasonal or year-round). According to the applicant’s Property Management Plan and Site Plans, the proposed use has met this requirement. Additionally, the Property Management Plan relays that the cultivation area will not inadvertently have chemical spillage occurring through stormwater runoff or any other obvious means. Conditions of Approval and/or mitigation measures have been incorporated to reduce any potential impact to less than significant.*

Article 5 – Agriculture District The purpose of this article is to protect the County’s agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

Response: *The proposed operation would include the annual planting of a legume cover crop, which would add nitrogen to the soil, mitigating the potential for soil depletion of future agricultural uses.*

Article 27 - Use Permits/Commercial Cannabis Cultivation

The purpose of Article 27 is to provide regulation for those uses possessing characteristics of unique and special form in order to make their use acceptable in one

or more districts upon issuance of a zoning permit, or minor or major use permit; in addition to any required building, grading and/or health permits.

Response: *The cultivation of commercial cannabis is permitted within the Rural Lands zoning district upon issuance of a use permit, pursuant to Section 27.11 (Table B) of the Lake County Zoning Ordinance. The project is proposing (80) A-Type 3 “outdoor” licenses for 80 acres of outdoor cannabis cultivation, (1) A-Type 4 “nursery” license, and (1) Type 11 “distribution” license, for a total of 3,484,800 ft² of outdoor canopy area, within a total of 6,098,400 ft² of cultivation area, including the 11 proposed 111,000 ft² each buildings. An A-Type 3 license allows up to 43,560 ft² of canopy per license and requires 20 acres. An A-Type 4 “nursery” license also requires a minimum lot size of 20 acres. The Type 11 “distribution” license does not have an acreage requirement. The (80) A-Type 3 “outdoor” licenses and (1) Type 4 “nursery” license would require 1,620 acres. “Clustering” all 7 proposed parcels, the project contains a total of 1,639.96 acres, and meets the acreage requirement. According to Article 27, section (at), subsection (j) Collocation of Permits and Clustering:*

“Clustering a cultivation site across multiple contiguous parcels may be permitted when...All parcels must qualify for a commercial cannabis cultivation permit independently; Title interest on all parcels shall be held under the same identical ownership; All required cultivation setbacks shall be maintained from exterior property lines and the cultivation site may be permitted to cross contiguous property lines; A deed restriction prohibiting commercial cannabis cultivation shall be recorded on each parcel where density has been transferred.”

The application package shows conformance with the above requirements. A deed restriction on each parcel as noted above will be required if the project is approved.

In addition, the applicant’s project site is located over 400 feet from the nearest waterway, as is stipulated in Article 37 WW “Waterway combining district”. The applicant will incorporate best management practices in protecting natural resources within the waterway combining district as well as compliance with the Lake County Zoning Ordinance Article 27 subsection (at) for this project.

Development Standards. General Requirements and Restrictions. This application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance.

Development Standards

- *Minimum Lot Size (20 acres for A-Type 3 cannabis licenses): Complies; the site is 1639.96 acres in size and is seeking 80 A-type 3 outdoor cannabis license which is in conformance with the 20 to 1-acre land to canopy ratio.*
- *Setback from Property Line (100 feet): Complies, according to the applicants’ site plan, the proposed cannabis site is approximately 200 feet from the nearest property line. The nearest dwelling to the cultivation area is 672 ft (see Project*

Management Plan, Appendix F – Distance to Boundary, Vineyard and Structures map)

- *Setback from Off-Site Residence (200 feet):* *Complies, there are no off-site residences within 200 feet of the cultivation site.*
- *Minimum Fence Height of Six (6) Feet:* *Complies, according to the Property Management Plan, the proposed fence height is seven (7) feet with privacy mesh coverings.*
- *Canopy size:* *The canopy size is 80 acres or 3,484,800 ft²*
- *Cultivation area:* *The fenced cultivation area is 140 acres or 6,098,400 ft²*
- *Mapped Farmland on Site:* *Cultivation activities will take place within Farmland of Local Importance. Other Farmland throughout the project and clustered parcels include Grazing Land, and Other Land, The project parcels lie neither within the Farmland Protection Zone nor within the 1,000 ft. buffer.*

General Requirements.

There are several general requirements for cannabis cultivation listed in Section 27.11(at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operation and deliveries, access requirements, etc. The applicant will provide proof of all state and environmental licenses upon request. Pending licenses include: A Letter of “No agreement needed” from the CDFW addressing the LSA requirement, an NOA from the state water resources control board, a sellers permit, 353 CalCannabis licenses (currently under environmental review), surety bonds for all 353 associated state licenses. A CEQA Environmental study was authored and revised by the applicant’s environmental consultant Kimley Horn, and was uploaded by the County of Lake to the California State Clearinghouse CEQAnet on May 10, 2021.

Response: *The applicant meets all of the General Requirements outlined in Section (at) of the Zoning Ordinance. If the requirements have not yet been met, a condition has been added to assure compliance.*

The applicant has submitted a Property Management Plan, outlining proposed compliance pertaining to cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, stormwater management, security, compliance monitoring, etc. In addition, the applicant’s Property Management Plan and Site Plans propose compliance with the restrictions pertaining to the prohibited activities listed in subsection (at) of the Lake County Zoning Ordinance Article 27, including but not limited to the removal of trees, illegally diverting water, producing excessive odors, cultivating within a Cannabis Exclusion Area, etc.

VII. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Please refer to Initial Study IS 21-10 (Attachment 7) for the Environmental Analysis of the proposed cannabis cultivation project. Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified as having potential environmental impacts:

Air Quality. The project is located in a rural area of the County and protected by the natural steep topography; the proposed use of Commercial Cultivation of Cannabis has the potential to result in high air quality impacts to the surrounding area. Additionally, dust and fumes may be released as a result of the proposed cannabis operation, vegetation removal, grading, vehicular traffic, including small delivery vehicles and/or use of construction and routine maintenance equipment. Therefore, the implementation of the mitigation measures below would ensure Air Quality impacts remain less than significant.

MM-AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions.

MM-AQ-2: All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines.

MM-AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.

MM-AQ-4: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials to the Lake County Air Quality Management District.

MM-AQ-5: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.

MM-AQ-6: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all-weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.

MM-AQ-7: All areas subject infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

MM-AQ-8: Prohibition of Open Burning of Cannabis Material. The applicant and individual license holders shall be prohibited from open burning of cannabis materials as part of project operations.

Biological Resources: This project has the potential for adverse impacts to Biological resources. The following mitigation measures are proposed to reduce or eliminate impacts related to Biological resources:

MM-BIO-1: A qualified biologist shall be hired to conduct surveys for special-status bats (Townsend's big-eared bat and pallid bat) no more than two weeks prior to planned commencement of construction activities that have the potential to disturb bat day roosts or maternity roosts through elevated noise levels or removal of trees. If an active maternity roost is detected, a qualified biologist shall determine an appropriate avoidance buffer to be maintained from April 1 until young are flying (typically through August). If an active day roost is detected in a tree or structure planned for removal, or within a zone of influence (i.e., area subject to noise, vibration) that could result in roost abandonment, as determined by a qualified biologist, the bats shall be safely evicted under

the guidance of a qualified biologist. Day roosts shall not be removed unless the daytime temperature is at least 50 °F and there is no precipitation. Mitigation for day roosts impacted by the Project will be achieved through the installation of bat houses on-site to replace lost roosts at a 1:1 ratio. Replacement roosts will be placed at the discretion of the qualified biologist.

MM-BIO-2: Tree and vegetation clearing (removal, pruning, trimming, and mowing) shall be scheduled to occur outside the migratory bird nesting season (February 1 through August 31). However, if clearing and/or construction activities will occur during the migratory bird nesting season, then pre-construction surveys to identify active migratory bird and/or raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation on the Project site and within 300 feet (i.e., zone of influence) of Project-related activities. The zone of influence includes areas outside the Project site where birds could be disturbed by construction-related noise or earth-moving vibrations.

If active nest, roost, or burrow sites are identified within the Project site, a no-disturbance buffer shall be established for all active nest sites prior to commencement of any proposed Project-related activities to avoid construction or access-related disturbances to migratory bird nesting activities. A no-disturbance buffer constitutes a zone in which proposed Project-related activities (e.g., vegetation removal, earth moving, and construction) cannot occur. A minimum buffer size of 50 feet for passerines and 300 feet for raptors will be implemented; sizes of the buffers shall be determined by a qualified biologist based on the species, activities proposed near the nest, and topographic and other visual barriers. Buffers shall remain in place until the young have departed the area or fledged and/or the nest is inactive, as determined by the qualified biologist. If work is required within a buffer zone of an active bird nest, work may occur under the supervision of a qualified avian biologist. The qualified avian biologist monitoring the construction work will have the authority to stop work and adjust buffers if any disturbance to nesting activity is observed.

MM-BIO-3: The project applicant shall avoid impacting or removing protected trees and true oak species when feasible. If any protected or true oak trees are proposed for removal, the applicant shall procure a tree survey and arborist report. Any trees removed shall be mitigated according to Lake County requirements for tree replacement mitigation for the removal of protected trees; typical mitigation is tree replacement at a ratio of 2:1 or 3:1.

Cultural Resources: This project has the potential for adverse impacts to cultural resources. The following mitigation measures are proposed to reduce or eliminate impacts related to cultural resources:

MM-CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

MM-CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

MM-CUL-3: If human remains are uncovered during ground disturbing activities, the applicant shall immediately cease all ground disturbance and contact the Lake County Coroner or Lake County Sheriff's Office to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The Lake County Planning Division also shall be contacted immediately after contact or attempted contact with the County Coroner and/or Sheriff's Office. If the County Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). No further subsurface ground disturbing activity shall occur on the site or any nearby area reasonably suspected to overlie adjacent human remains until consultation is complete with the most likely descendent. Authorization to resume construction shall only be given by the County Planning Division and shall include implementation of all appropriate measures to protect any additional possible burial sites or human remains.

Noise: *This project has the potential for adverse impacts to Noise. The following mitigation measures are proposed to reduce or eliminate impacts related to Noise:*

MM -NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

MM-NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 AM to 10:00 PM and 45 dBA between the hours of 10:00 PM to 7:00 AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

MM-NOI-3: Generators shall only be used as Emergency Power Backup supply and shall not be used for regular power provision to this facility.

VIII. FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZOSection 51.4, Major Use Permits) 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.

Response: The proposed use of Commercial Cannabis Cultivation Operation is a permitted use in the "RL" Rural Lands Zoning District as well as the "A" Agricultural district upon issuance of a Major Use Permit pursuant to Article 27 of the Lake County Zoning Ordinance. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits from the appropriate Federal, State and/or Local government agencies.

The Applicant has submitted an environmental analysis (Initial Study - Attachment 7) and has determined that the proposed use would not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood as all potential impacts have been reduced to less than significant with the incorporated mitigation measures and Conditions of Approval. Potential impacts identified are related to air quality, biological resources, cultural/tribal/ geologic resources, noise and wildfire. Additionally, the Community Development Department would conduct Annual Compliance Monitoring Inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval.

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.

Response: The proposed canopy area is 3,484,800 ft²; this area represents 4.9% of the 1639.96-acre site. The project complies with the 20 acres of land to 1 acre of canopy stipulation 20:1 is 5% thus 4.9% is within that limitation. Additionally, the application package shows conformance with the Clustering requirements of Article 27, section (at), sub-section (j). A deed restriction on each parcel as noted above will be required if the

project is approved.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

Response: *The proposed project takes access via High Valley Ranch Road to a private drive. The access driveway and interior private drives would be improved to meet all applicable safety standard including Cal Fire and Caltrans as shown on the project site plans.*

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.

Response: *This application was routed to all of the affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to all area Tribes. Relevant comments are attached as 'Attachment 3'. No adverse comments were received. There are adequate public services to accommodate the project.*

During the request for review period of the Initial Study, as part of the CEQA State Clearinghouse public participation process, a letter was received by a neighboring parcel raising concern in regards to odor, security, and water usage. The letter has been provided in Attachment 3, Agency and Public Commentary. A water availability plan and the identification/location of Well #4 as the supplier of this project in the Site Plans and Property Management Plan has been provided by the applicant. The security and odor concerns have been addressed with mitigation measures within the Initial Study document and proposed Conditions of Approval.

During the request for review period of the Initial Study, commentary was also received from the Department of Toxic Substances, and the California Highway Patrol (Attachment 3, Agency and Public Commentary). The concerns have been addressed and mitigated in the Initial Study under section XIII. Noise, and have been included in the Conditions of Approval.

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and the Shoreline Communities Area Plan.

Response: *Since commercial cannabis cultivation is named as a permitted use in the Rural Lands zoning district within the Commercial Cannabis ordinance, this proposal is consistent with the governing ordinance for cannabis cultivation in Lake County. The proposal, as conditioned, meets all requirements and development standards of the Zoning Ordinance. The General Plan and the Shoreline Community Area Plan do not have any provisions for commercial cannabis, but both plans do have provisions for economic development and related policies that the project is consistent with (see Section VI, Project Analysis, above).*

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.

The Community Development Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property.

IX. APPROVAL CRITERIA – ARTICLE 27(at), Subsections 1, 2 and 3

Section 1:

Section 1.i: The applicant and proposed project complies with Article 27 Section 1i.

- Whereas the minimum lot size for an A-type 3 outdoor cultivation license is 20 acres. The applicant is proposing 80, A-type 3 outdoor cultivation licenses on 1,639 acres, thus there is > 20 acres for each A-type 3 outdoor license. The canopy limit is achieved by having 1 acre for every 20 acres of land, or 43,560 ft² for each A-type 3 license.
 - See Project Management Plan, Section 2: Project Description
 - See Initial Study, (Page 7) Project Overview, paragraph 6
 - See Site Plan, Site Information (Sheet 1.0)
- The application's proposed cultivation site is also over 100 feet from the property line and greater than 200 feet from any offsite residence as articulated on the Site Plan.
 - See Site Plan, Proposed Site Plan (Sheet 3.0)
- The application's proposed cultivation site is greater than 200 feet from any offsite residence.
 - See Project Management Plan, Appendix F.
 - (Map) Distance to Boundary and Vineyard (from Field 1)
 - (Map) Distance to Boundary, Vineyard, and Structures

- Additionally, the fence height is 7 feet meeting the minimum requirement.
 - See Initial Study,
 - (Page 12) Site Preparation and Cultivation Plan (third paragraph)
 - Evaluation of Environmental Impacts, Section I.a AESTHETICS

Section 1.ii(g): Whereas each of the owners have completed background checks through the Lake County Sheriff's department and passed all background checks. Per the comments received after the initial 30-day review period, Lake County Sheriff's department had no comments and stated the application met their standards.

- Complies, submitted with application package.

Section 1.ii. (i) Whereas the applicant has obtained all applicable permits/permissions from state and local agencies including, but not limited to:

- California Department of Fish and Wildlife, in process.
- Central Valley Regional Water Quality Control Board, complies.
- Department of Tax and Fee Administration, in process.
- CDFA CalCannabis, in process.

X. RECOMMENDATIONS

Staff recommends that the Planning Commission:

A. Accept the finding of a Mitigated Negative Declaration

1. The project is consistent with CEQA.
2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ4, AQ-5, AQ-6, AQ-7 and AQ-8.
3. Potential environmental impacts related to biological resources can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, and BIO-3.
4. Potential environmental impacts related to cultural resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, and CUL-3

5. Potential environmental impacts related to noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2, and NOI-3.
6. This project remains consistent with the Lake County General Plan, Shoreline Communities Area Plan and the Lake County Zoning Ordinance.
7. This project is consistent with land uses in the vicinity.
8. This project will not result in any significant adverse environmental impacts.

B. Approve Major Use Permit, UP 21-10 with the following findings:

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.
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.
5. This project is consistent with the Lake County General Plan, Shoreline communities Area Plan, and Lake County Zoning Ordinance.
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.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the Initial study prepared for Major Use Permit (UP 21-10) applied for by SourzHVR Inc on a property located at 11650 High

Valley Rd, 4919 New Long Valley Rd, 4963 New Long Valley Rd, 10788 High Valley Rd, 10750 High Valley Rd, 10945 High Valley Rd, 4491 New Long Valley Rd, in Clearlake Oaks, CA 95423, further described as APN: 006-004-06; 006-004-07; 006-004-25; 006-002-04; 006-009-36; 006-004-24; 006-002-09, based on the findings set forth in Staff Report dated July 8, 2021.

Major Use Permit (UP 21-10)

I move that the Planning Commission find that the Major Use Permit (UP 21-10) prepared for the project proposed by SourzHVR Inc on a property located at 11650 High Valley Rd. Clearlake Oaks, CA, further described as APN: 006-004-06; 006-004-07; 006-004-25; 006-002-04; 006-009-36; 006-004-24; 006-002-09 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated May 11, 2021.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 8, 2021

Commission Members

P John Hess, District I
P Everardo Chavez, District II
P Batsulwin Brown, District III
P Christina Price, District IV
A Lance Williams, District V

Staff Members

A Carol Huchingson, Interim Deputy Director
P Eric Porter, Associate Planner
P Katherine Schaefer, Assistant Planner
P Nicole Johnson, Deputy City Counsel
P Kerrian Marriott, Office Assistant III

REGULAR MEETING

9:00 a.m. CALL TO ORDER

Pledge of Allegiance lead by Comm. Brown

9:00 a.m. ACTION ON MINUTES

Comm. Price Motioned to approve the minutes from the June 24, 2021 PC Hearing seconded by Comm. Hess.

4 Ayes, 0 Nays -- Motion Carried

9:05 a.m. CITIZEN'S INPUT –

Don Van Pelt stated he was there to question the deficiency of a notice he was provided and the inaccuracies of the notice and was requesting a delay of the hearing.

Comm. Hess asked if Mr. Pelt was speaking on an agenda item.

Don Van Pelt responded yes.

Comm. Hess stated that this portion of the meeting was for anything not on the current agenda.

Nicole Johnson Deputy City Counsel, stated that the notices that were issued for the current meeting were missing the element of time. CA allows for the notices to be consider sufficient if it meets substantially compliance with the rule and in this case all items were present and in her assessment since the planning commissioners meeting is always held at 9 am, she believes that the notices were substantially compliant. It was left up to the decision of the commissioners if they would like to continue or have the items re-noticed.

Comm. Prices requested clarification and asked if the public had other ways to confirm the time of the PC Hearings.

Nicole Johnsons responded yes and CA law also provides that if a person had arrived to speak on the item they were stating was inefficiently noticed then they were in deed sufficiently noticed.

Comm. Price stated that she was comfortable moving forward.

Comm. Hess stated that he was prepared to proceed as the 9 am starting time had been well established.

Comm. Brown stated he was in agreement.

Comm. Chavez stated he was in agreeance as well and it would not be fair to the rest of the public that was present.

9:08 a.m. Public Hearing to consider approving Use Permit UP 21-10. Applicant/Owner: Sourz HVR, Inc./Aviona LLC. Location: 11650 High Valley Road, Clearlake Oaks, CA 95423, on property consisting of 1,639.96 acres. APNs: 006-004-07, 006-004-25, 006-004-24 , 006-004-06, 006-002-04, 006-002-09, 006-009-36. (Katherine Schaefers)

Katherine Schaefers Assistant Planner gave a verbal and visual presentation on the proposed project. The items reviewed were the permit request, project description, site description, project analysis and recommendations and conditions. Ms. Schaefers also reviewed the applicant's response to a few of the neighbors' concerns which included odor, air quality, traffic, water and dust/grading. Project was early activated in 2021 and approval would be contingent of the clearance of violations with the Lake County Grading Ordinance and the California Department of Fish and Wildlife.

Comm. Hess referenced the letter from Fish and Wild Life, stating that the letter concluded that the department was confident that the applicant was willing to remediate the concerns brought forth and that they had no objections to the project.

Katherine Schaefer stated that the format of the letter was via email, the applicants would be served a notice of violation. Staff spoke with a representative of CDFW who was confident that the applicant would remediate the issues brought forth and noted that remediated measures had already begun during their inspection.

Comm. Brown asked about the 1600 + acre parcel with only 80 acres being utilized for cultivation, why the 1600 with multiple parcels not being included.

Katherine Schaefer responded that the parcels were clustered per article 27, multiple parcels could be used to meet an acreage requirement. The deed and title had to be held identical, every parcel had to qualify for a cannabis use permit and could not be in exclusion zones and deed restrictions had to be placed on all parcels.

Comm. Hess inquired about the staff reports reference to traffic in a letter sent by the California Highway patrol and how it would be mitigated but also referenced the initial study and asked staff why the mitigation tied into noise and was still not addressed.

Katherine Schaefer responded that the CHP comment was about traffic collisions as well as an increase in traffic, staff's only comment on the issue was that there wasn't that type of data because of a lack of use.

Comm. Brown stated several concerns including the environmental impact report not being a part of the package, Biological concerns, traffic concerns as well as water as it related to current drought conditions and the well test completed in 2006 and how it would adequately address the concerns of today.

Brad Stone with Kimley Horn consultant to the applicant wrote the CEQA document, the project management plan, the hydrology report and technical study for the project.

Comm. Hess asked if Mr. Stone would like to address his concern of the transportation and potential traffic impacts.

Brad Stone stated that based on the CEQA checklist there were four questions that determined significant impact based on the projects projected 60 trips per day during peak season, without modification or

changes to the existing roadways, his evaluation determined that the project met the less than significant threshold which would not require a mitigation.

Brad Stone referenced the PSI seminars, which were held at the proposed site with the prior owners and the amount of traffic it generated, based on the CEQA checklist and threshold that were used, there was not a violation of that threshold so there was less than significant impact.

Comm. Brown asked how the school would be impacted by the traffic and how were materials delivered and what types of trucks were used to complete the delivery.

Brad Stone stated that he was unaware of the type of vehicles used, knows that once the construction portion of the project was complete it would be only passenger vehicles, stated no commercial vehicles were scheduled for further use.

Comm. Brown asked if only the one ton vehicle as proposed would be used.

Brad Stone responded yes.

Comm. Brown asked if the applicant was available for questions.

Don Armstrong applicant thanked staff, gave a background on his company and the proposed project and site. Spoke on the violations with CDFW and the mitigation measures that were being taken, follow ups also done with CDFA and the Water Board.

Comm. Price asked if a site visit was completed after grading was done and if a plan of mediation was then discussed.

Don Armstrong responded that yes.

Comm. Brown stated his concerns of violations from CDFW and referenced an item from the cultural resource report and that the site contained significant historic resources. His concern was with illegal grading happening, destruction of the natural resources could happen without proper oversight and shared his concern of the areas preservation and protection.

Don Armstrong stated that he would immediately reach out, pre-construction surveys had occurred and would continue to on a weekly basis.

Comm. Brown stated that was a concern for him as nothing in the report defined staging areas and asked if those areas had been surveyed.

Don Armstrong stated that the cultural survey was completed for the entire acreage of the property, not just the proposed project site. Paved lots for staging, which was paved prior to the purchase of the parcels.

Katherine Schaefer stated that Dr. John Parker was the archeologist who completed the Cultural Resources survey. The initial biological survey was completed by Sequoia Consulting and the follow up biological report was completed by Jacobson.

Brad Stone stated that an archeology survey was completed. The staging area would be on previously disturbed land and within existing parking areas. There were mapped archeological sites but the project had been mapped and designed to avoid those areas.

Comm. Brown referenced the cultural resource report and stated his concern that the report was not definitive.

Brad Stone responded that there was an inadvertent discovery protocol, which the project was required to comply with if resources were discovered. There were no disturbances to existing known resources.

Comm. Brown asked if the inadvertent plan had been developed.

Brad Stone stated that it was included as a mitigation measure that all activity would be halted if resources were discovered.

Comm. Hess asked about the reference to the number of trips per day to and from the site and asked what thought went behind the roads and access points.

Don Armstrong stated that they repaved a portion of the road leading to the site, Don referenced the prior owners that would have regular seminars at the site and that there had always been a decent amount of traffic, and he didn't believe that there would be an increase in traffic as onsite housing would be provided for some of the employees and the seasonality of the project.

Comm. Chavez stated he had both a question and a concern as it related to the projects proximity to the local school and possible congestion on the road. Asked if there was another access point to property.

Don Armstrong stated that there was only one access point.

Nicole Johnson County Counsel stated that during public comment if the public asked questions or raised questions for the Commissioners the Comm. could then ask staff or the applicant for answers but public comment period was not for conversation.

Maria Kaan neighbor opposes project, believes it will have a negative impact on her properties, livestock and quality of life. Shared concerns of such a large water consuming project being placed in a community that had another large water consuming vineyard. Stated that her well had already gone dry. Ms. Kaan stated that High Valley Road was a single point entry way, very congested during school time, the road is mediocre at best and not very well maintained and was only partially paved, there was a hairpin turn and large trucks have gotten stuck attempting to maneuver the turn Ms. Kaan provided pictures of the turn and a stuck truck. Stated that it took 45 mins to a hr. before the truck was removed which would be catastrophic in an emergency situation.

Douglas Logan Neighbor, stated that he felt he was being forced off his land. Mr. Logan then read into the record his concerns of the proposed project which included water concerns, a lack of concern on the part of the county, dust concerns, road inadequacy concerns.

Randy Molder neighbor opposes the project, voiced his concern for odor, lack of water, with a dry well and having to truck in water.

Don Von Pelt referenced a letter submitted to staff, voiced concern for early activation issued and requested that the permit be denied. Stated his concern for water, safety and odor. Stated reports were inadequate, referenced Fish and Wild Life violation email.

Richard Duram realtor and cannabis cultivator voiced that this was the best place in Northern California to grow cannabis and without producing an amount of poundage, the county would not receive the recognition it deserved, a project like this would bring attention to the county, other cultivators and help with reputation. Supports project.

Bryan Valentine stated he had two concerns to discuss, gross misuse of the water basin and asked Northshore fire was made aware of the project and its impacts.

Comm. Hess responded that a letter was submitted by the Northshore Fire Department which explained what kinds of road conditions were needed in order to qualify. Comment was made but not in a pro or con fashion.

Lara Valentine opposes project stated that the applicant tilled 24 hours per day, large trucks 18 wheelers outside her residents the day before. Voiced

her concerns of dust and water, stating that the applicants had two large water trucks.

Sandra Reed opposes project, spoke on her relationship with the prior owners of the proposed site and stated that they would also not approve. Stated her concerns of dust and her inability to open her windows and doors now also voiced her concern of the unpaved road and spoke of wind direction and odor concerns.

John Walter general manager Brassfield Vineyards neighbor, spoke well of the applicants, supports projects, stated that he had assisted the applicants with the efficiency of their water use. Spoke on road maintenance.

Gloria Vega spoke on another item on the agenda proposed site Wilkinson Rd.

Renee Vega stated he was concerned that the people were appealing to the commissioners and they needed help. Mr. Vega requested that the project be denied.

Anthony Contento Stated that county wide, roads were an issue, the county chose where the areas of cultivation would occur, water concerns were throughout the state and recommended a hydrologist.

Mary Draper supports project, spoke of her relationship with the applicant, the land was flat and there were no removal of trees, mitigation measures were used while tilling to help with dust. Shared that the owners held a meeting with neighbors prior to being issued an Early Activation Permit, helped neighbor fix their broken well and was researching a after school program for the kids in the community which showed they were invested. Ms. Draper spoke of a new well that had been drilled on site and that the applicants had disked over cover crop that was immediately remediated.

Glory Krea stated her concerns regarding road use, referenced a statement made earlier by Mr. Armstrong regarding the prior owners and not having an increase in the traffic but Ms. Krea stated that the folks would travel in buses and stayed onsite for weeks at a time. Ms. Krea shared a document with signatures of resident that were unable to make the hearing who opposed the project along with a few photos of dust as tilling had occurred. Also shared her concern of water shortage.

Randy Gernas worked with the prior company, states that there were 50 employees that travelled the road every day and did not believe the proposed project would have much of an impact on the roads. Ms. Gernas also stated that an archeological report was completed years ago as the prior owner had proposed building a hotel structure and that the survey had

concluded that there was less than 1% of any activity. Spoke on the credits of the applicants. Supports project.

Damien Ramirez supports project and stated that the applicants reports were well put together, spoke on the site location. Stated that the applicants have met the requirements and should be allowed to operate.

Sarah Rosales with Sourz, spoke on behalf of the applicants, spoke on the applicants ethics and plan sustainability, and spoke on the distance to the nearby school being approximately three miles away.

Elli Hagoel applicant spoke on the proposed site and the potential project, spoke on his outreach to the community and apologized to the public stating that he had no idea so many opposed the project. Addressed the dust concern, stating that the more the land was worked the less dust it would produce, so the dust concern should not be an issue next year.

Comm. Hess asked if the disking which was disturbing was mostly done.

Elli Hagoel applicant responded yes, dirt work and beds should be completed as of today. Addressed some water concerns and explained why the beds were an important part of the conservation of the water, based on studies completed.

Danielle Backy wished to remain anonymous, his concern was he was an operator who had turned in his application approximately a year and half ago and was disturbed that a large corporation seemed to have skipped the line.

Nicole Johnson stated that going forward comments were to remain specific to the particular project being discussed and that there was a citizen's input option at the beginning of the meeting.

Annje Dodd consultant stated that the project seemed to have been rushed with inaccuracies on the reports provided. Ms. Dodd spoke on her belief from experience of the employee count based on the size of the project, spoke on road conditions and recommended a study be completed. Stated that the water analysis report did not provide enough information. Had concerns of the Biological surveys completed. Had a question regarding AB52 and tribal consultation. Had concerns that an EA was issued although there was a letter sent from a neighbor that opposed it. Asked if a "stop work" had been issued due to CDFW violation?

Jennifer Smith spoke on Ms. Dodd's comments stating that Ms. Dodd was a consultant for several large cannabis applicants in competition with the proposed project. Ms. Smith stated that dust during construction was inevitable and that it was a onetime build out which would not be ongoing.

Ms. Smith spoke on the traffic concerns which the build out contributed to and stated that it was normal congestion during this process and that seasonal traffic, was no different than any other AG. Ms. Smith stated that there were two entrances to the site and spoke well of the applicants and their involvement with the community and neighbors.

Jonathan Donald Farmer in High Valley, stated that he supported the project and believed the project would be conducted in accordance with the cultivation requirements of the county and the state.

Doug Logan Asked what types of toxic chemicals would drain back into the aquifer due to irrigation.

Elli Hagoel stated that the project was all organic.

Sandra Reed asked the commissioner if they could live with a project such as this being in their backyard.

Maria Kann stated that she did not have an issue with the applicants, it was the impact that the project would have on the community. Asked how the applicants would mitigate wildlife from attacking the cannabis plants.

Erin McCerick stated she understood the timeline going through the application process, stated that it spoke well of the applicants for reaching out to their neighbors and that type of engagement should be encouraged.

11:02 a.m. Public Comment Closed

Comm. Chavez stated his main concern was road access to the site he estimates allot of deliveries based on the size of grow and asked how or what would be done if an emergency evacuation occurred.

Comm. Hess stated he wasn't prepared to oppose project but was concerned with the comments made by neighbors and suggested a hydrology presentation and would like to see a break down and an analysis of the potential traffic impacts.

Com. Price stated that she echoed Comm. Hess's comments and also recommended a hydrology report. Comm. Price asked if the Biology report was completed in the late season and in the spring.

Brad Stone stated that a bio survey was completed and mitigation measure was included.

Comm. Brown stated that his concern was the overall cumulative impact, traffic water, cultural resources issue, bio issues.

Comm. Hess suggested to continue the item to a later date.

Comm. Price stated that she would also agree to a continuation as she was interested in seeing a hydrologist report, as well as having the CDFW violation mitigated. Asked staff if the layout of the project and water ways with the 100 ft setbacks was done prior to the grading of the tributaries and the waterway.

Brad Stone stated it was done prior to.

Comm. Price asked if the map she was currently viewing had been altered since grading.

Brad Stone responded that there was slightly more clearing and grading on the site versus what was currently represented on the map.

Comm. Hess Moved to Motion, Seconded by Comm. Chavez Item Continued to PC Hearing July 22, 2021 so that additional items can be received and reviewed.

4 Ayes, 0 Nays – Motion Carried

11:18 Break Return at 11:30 a.m.

11:32 a.m. Public Hearing to consider approving Use Permit UP 19-41. Applicant/Owner: Voight Holdings LLC. Location: 425 and 500 Voight Road, Lakeport, CA on property consisting of 40+ acres. APNs: 008-043-02 and 008-032-65. (Eric Porter)

Eric Porter Associate Planner gave a verbal presentation on proposed project. Project is in a mapped zone but within a greenhouse, project cannot be outdoors. Recommending approval.

11:42 a.m. Public Comment –

Peggy Todd Neighbor gave the commissioners a letter and read the letter into the record. Main concerns were voiced including outdated water data.

James Adams Neighbor opposes project stating that the site was zoned as AG and that there had been no communication regarding environmental, scenic or traffic impacts. Mr. Adams also voiced concerns with water mitigation plan and concerns of the lack of road maintenance.

Diane Dukker Neighbor stated that the project would change the configuration of the land, stated she did not receive notification from the county about the project. Spoke on concerns of a neighbors well going dry.

Tony Scully Neighbor voiced her concerns of water, stated that the water table in the report submitted was from Sonoma county data, and recommended hydrology report.

Petra Bergstrom Neighbor voiced her concern of water, pond on her property is currently at its lowest levels. Spoke of her concern for the size of the project.

11:58 a.m. Public Comment Closed

Comm. Price asked Eric if there was an updated water report.

Eric Porter responded that there was a reported well test completed in February 2021, by a certified hydrologist and the conclusion was water usage was estimated four acre ft. per year for cultivation, six acre ft. per year for vineyard irrigation.

Comm. Brown asked if anything could be done with the esthetics.

Eric Porter responded that a condition could be added that required an eight ft. fence versus the six ft. recommended in addition black out screening and the applicant could incorporate vegetative screening with native trees.

Comm. Chavez asked that since it was a mixed light cultivation would it be operated for 12 months.

Eric Porter responded that three crops per year could be cultivated and would assume that cultivation would occur all year round.

Jennifer Berg applicant stated three crops per year within a greenhouse which was a controlled environment. Less water would also be utilized due to lack of evaporation.

Com. Chavez referenced map and asked for the exact location of the grow site.

Jennifer Berg responded that it was to the south side of the property. Ms. Berg spoke on the water report completed by a hydrologist and the reasons why it was done in February 2021 and stated that the well production was due to it being an agricultural well formerly used for vineyards and that it was possible that her neighbors well had gone dry due to their wells being domestic which might recharge at a lower rate.

Comm. Hess asked Ms. Berg how she felt about eight foot fencing.

Jennifer Berg stated she would be fine with it.

Comm. Price asked about the maintenance of Voight road and if it was addressed or was there a plan to address it.

Jennifer Berg stated that they were currently in contract with the property owner to finalize the purchase of the property and were just awaiting the lot line adjustment and the approval of the project, one of the first things was to chip and seal the road.

Comm. Chavez asked if the current vineyard would be maintained after the purchase and asked if the well would sustain both AG uses.

Jennifer Berg stated that the well would sustain both.

Comm. Hess asked how to get ahead of the water concern, can a detailed hydrology report be a part of the application.

Eric Porter responded that code was silent on water requirement and referenced article 27 as it pertained to water requirements.

Nicole Johnson County Counsel stated that the commissioners had the discretion based on evidence, staff could request information to make the analysis that they need to in order for the commissioners to make the findings that they had to, even if a threshold was in the ordinance that threshold might not always be applicable, land use was fluid. Thresholds were not a determinative, the absence of one did not prevent the Comm. from asking for the data needed to make an informed decision, if staff finds that they are limited by the ordinance to obtain the information requested, they can ask the board. The commissioners were not restricted because there wasn't a threshold in the ordinance.

Comm. Hess thanked Ms. Johnson and expressed that not all applications have the detail included in the report submitted by the applicant and reports received can be inconsistent on a case by case basis.

Comm. Price asked that since the project was in three phases was there anything in writing requesting additional well test prior to starting each phase to monitor the usage.

Eric Porter responded that a condition could be added.

12:20 p.m. Public Comment Reopened –

Gerald Todd Neighbor stated his disagreement with the reports and said he had to put in a 1500 gal tank. Stated that he had lost his garden and lawn

and that the water report was incorrect, the report was completed in February during the rainy season.

Nicole Johnson stated that since staff had described the project as a phased project, if staff had analyzed all three phases under one CEQA analysis she would like staff to address it, typically phased projects would require a CEQA analysis per phase.

Eric Porter stated that the CEQA review took into account all three phases.

Ami Homead part owner of proposed project stated that the well being discussed produced 150 to 200 gals per min. stating that due to the cutback of the vineyard he estimated that the project would utilize 20 to 25 percent less water.

Peggy Todd neighbor asked why on the water table it showed no use for employees for five months. Was there anything showing use for frost protection.

12:25 p.m. Public Comment Closed

Comm. Price Moved to Motion, Seconded by Comm. Chavez find that the Initial Study (IS 19-60) applied for by Voigt Road Holdings LLC on property located at 425 and 500 Voigt Road, Lakeport, and further described as APNs: 008-032-65 and 008-043-02 will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated July 8, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Price Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 19-41) applied for by Voigt Road Holdings LLC on property located at 425 and 500 Voigt Road, Lakeport, and further described as APNs: 008-032-65 and 008-043-02 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated July 8, 2021.

4 Ayes, 0 Nays – Motion Carried

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must

be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

12:28 p.m. Public Hearing to consider approving Use Permit UP 21-02.
Applicant/Owner: Coastle LLC / Tyler Mitchell. Location: 6565 Wilkinson Road, 6620 State Route 29, 6213 Wilkinson Road, Kelseyville, CA on property consisting of 244+ acres. APNs: 007-015-13; 007-016-13 and 007-015-63 (clustering site). (Eric Porter)

Eric Porter gave a verbal presentation on proposed project.

Comm. Chavez asked about the three parcels shown in the report and the exact location of the proposed site.

Eric Porter responded that the site would cross over from lot parcel number 007-015-13 to 007-016-13

12:37 p.m. Public Comment

Gloria Vega neighbor voiced her concern for road wear, traffic, odor and the proximity of the site to schools.

Renee Vega stated his longevity as a Kelseyville resident, stated that Wilkinson was a one lane bridge so had concerns of traffic.

Taylor Gamber supports project reiterated the acreage that would be utilized to grow cannabis and stated that the project entry way was off highway 29 and had a private road, which was county maintained.

David McQueen superintend of the school district is for agriculture as well as the tax benefits, stated his concern was the sites location and the proximity to the school, stated that due to the project being an outdoor grow the odor would be a concern, stated traffic concerns at drop off and pick-up, recommended mitigation with the congestion. Opposes project due to proximity concerns.

Tyler Mitchell applicant stated that the school was approximately a mile from the proposed site, winds also blew in the opposite direction of the school. Thanked Eric who proposed planting fragrant vegetation that would help mitigate the odor, considers the traffic minimal. Mr. Mitchell stated the site would only require one to two employees that would cut down on traffic congestion and would mandate carpooling during high season. Gave the commissioners a packet for reference to the water table.

Gloria Vega stated that although the entry was off 29 freeway, a path still had to be made down Wilkinson or Konocti

12:52 p.m. Public Comment Closed

Comm. Brown asked what measure would be taken to mitigate the impacts i.e. odor, concerns with the school, kids in the community, aesthetics.

Tyler Mitchell stated that the site was 4600 sq. ft. away from the school and there were large trees blocking the view he also had fragrant flowers to help mitigate odor included in the conditions of approval and stated that security local and state mandated cameras and fencing.

Comm. Price stated she was familiar with area, the one way bridge which was not in good condition and hadn't been for a number of years, was a concern as the bridge might not accommodate the amount of traffic, the alternative would be to take Konocti to Single Springs. Comm. Price also voiced that it was a neighborhood with kids outside all the time, which was a concern and voiced her concern of the projects proximity to the school.

Comm. Hess asked if the setback for schools were a 1000 ft. and stated that the distance was more than adequate, the bridge being in bad repair was not the fault of the applicant and with the employee schedule, he did not see how it would add a significant load to the traffic.

Comm. Price asked if heading down highway 29 from BottleRock Road could the proposed project site be seen.

Tyler Mitchell stated that you would not be able to see the site as it was encumbered with large trees and vegetation.

Comm. Price asked what was the distance between the site and the gate by Wilkinson?

Tyler Mitchell roughly 3000 ft. up the hill

Comm. Chavez referenced his GIS and stated that the northern parcel was within the Farmland Protection Zone and asked how it would affect the scope of the project.

Eric Porter stated that he was very careful to measure the distance, the cultivation area was not within the Farmland Protection Zone

Comm. Chavez asked about the publicly owned land known as dump road and did it fall within the 1000 ft. buffer.

Eric Porter referenced page three of the staff report and areas that required a buffer i.e. Grace Evangelical Free Church.

Tyler Mitchell responded that it was environstar per state and local mandate to locate any hazardous waste sites, the old Kelseyville dump was no longer used as a dump, applicant stated that he had spoken with Ed Pepper in Public Works and the site was now used for wood chipping and tree storage.

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Initial Study (IS 21-02) applied for by Coastle LLC on property located at 6565 Wilkinson Road, 6620 State Route 29, and 6213 Wilkinson Road, Kelseyville; APNs: 007-015-63, 007-015-13 and 007-016-13 will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated July 8, 2021.

3 Ayes, 1 Nays (Comm. Price) – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Use Permit (UP 21-02) applied for by Coastle LLC on property located at 6565 Wilkinson Road, 6620 State Route 29, and 6213 Wilkinson Road, Kelseyville; APNs: 007-015-63, 007-015-13 and 007-016-13 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated July 8, 2021.

3 Ayes, 1 Nays (Comm. Price) – Motion Carried

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

1:06 p.m. Continuation from Planning Commission Hearing June 24, 2021. Public Hearing to consider a Major Use Permit (UP 19-20). Applicant/Owner: LDM Operations Inc. Location: 7295 Adobe Creek Road, Kelseyville, CA; APN: 007-021-23. (Eric Porter)

Eric Porter stated that the applicant was no longer interested in cultivating at the site.

1:08 p.m. Public Comment Open

1:08 p.m. Public Comment Closed

Comm. Price moved to Motion, Seconded by Comm. Hess find that the Initial Study (IS 19-35) originally applied for by LDM Operations Inc. on property located at 7295 Adobe Creek Road, Kelseyville, and further described as APN: 007-021-23 *is no longer valid* for file no. UP 19-20 because there are no applicants as stated in the staff report addendum dated July 8, 2021 and that the application be denied.

4 Ayes, 0 Nays Motion Carried

Comm. Price Moved to Motion, Seconded by Comm. Hess find that the Use Permit (UP 19-20) originally applied for by LDM Operations Inc. on property located at 7295 Adobe Creek Road, Kelseyville, and further described as APN: 007-021-23 does *not* meet the requirements of Section 51.4 and Section 27(at) of the Lake County Zoning Ordinance and that the Major Use Permit be *denied* because there are no applicants as stated in the staff report addendum dated July 8, 2021.

4 Ayes, 0 Nays Motion Carried

12:19p.m. UNTIMED STAFF UPDATE

Office News

1:05 p.m. Adjournment

Agency Comments UP 21-10

Sourz HVR

APN: 006-004-07; 006-004-25; 006-004-24; 006-002-04; 006-002-09; 006-004-06; 006-009-36

Central Valley Regional Water Quality Control Board, Region 5R

This site has submitted all required technical reports and is in good standing with the Water Board.

Lake County Water Resources

A Type 3 outdoor license only allows for up to 1 acre, and this application seems to be applying for 80 acres of outdoor grow. Additionally, the amount of nursery licenses is also in question. Please ask the applicant to provide the **exact amount** of licenses requested for each type.

Lake County Sheriff

In review of the Security Management Plan submitted for revised MUP 21-10 via the Lake County Community Development Department in April 2021. The Lake County Sheriff's Office has determined the submitted security plan meets the requirements of the County of Lake as set forth in Lake County Ordinance 3084 / 3073.

The Lake County Sheriff's Office's review of the Security Plan is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the minimum requirements as outlined in Lake County Ordinance 3084 / 3073.

Lake County Special Districts

All parcels listed are outside of any Special Districts service area, no impact.

Lake County Surveyor

There are recorded survey maps showing portions of the property. The boundary should be located on the ground in areas where setbacks become an issue with adjoining properties.

Redbud Audoban

The fact that they state no trees will be removed is encouraging. I didn't see anything about fencing. For instance, is the whole 80 acres going to be fenced? Or will the grow sites be fenced individually? This is important for wildlife movement.

Lake County Resource Planner

Thank you for the questionnaire. I will review it this morning and we can schedule a time to discuss via the phone. But, to address the ag exempt grading question... ag exempt grading is typically only for existing ag operations that have already been through the full CEQA analysis and impacts have already been disclosed. For instance, annual tilling would be covered under the Ag Exempt grading permit. Ag Exempt activities still require a review and permitting.

CAL FIRE

These comments and questions from CAL FIRE.

The project proposes 110,000 or more square feet of drying sheds, harvested plant storage and cold storage structures. I did not observe water supply for fire use in any of the documents. We are requesting that the AHJ (Lake County) please check the formula from NFPA 1142 to see what the water for fire suppression is for 110,000 square feet of structure.

Question - The structures indicate they will be used for cold storage, plant storage and drying. Does the electrical required to support these activities meet the California Electrical Code for cold and drying purposes? This is critical to help mitigate wildland fire ignitions in the wildland from an electrical source that does not meet code.

Question - The property management plan is a thorough and well completed document. Please consider adding a specific section for Fire, Fire Prevention or similar so applicant can focused on these title, code and regulation requirements. With 60 plus percent of the land mass in Lake County having burned from Wildland Fire in the past 7 years, it seems applicable.

The PMP identifies 100 feet of defensible space will be applied in many sections. That is applicable.

On page 12 of 65 of the PMP says gates will meet emergency vehicle width. Gate width minimum is 14 feet wide.

On page 54 of 65 of the PMP it identifies the Lake County Fire Protection District as the responding Fire entity. This address is located in the Northshore Fire Protection District.

On page 58 of 65 on the PMP is says the project will apply all sections of PRC 4290 / 4291 et'al. Please see below for all section of PRC code to be applied.

The Lake County RFR Document says that roads and access for "Emergency Vehicles" is a requirement. Below are the minimum requirements for "Emergency Vehicles".

This Use Permit is in the SRA (State Responsibility Area). The requires the application of all Fire Codes, which also apply Title 14, PRC 4290 et'al.

The delay of any Fire Safe Standards is not allowed per Title, Code, Regulation et'al, and CAL FIRE does not support any delayed application of minimum Fire Safe Standards.

If the AHJ chooses to not enforce minimum fire safe standards during the permit process that is required by the State Fire Safe Regulations (Title 14, PRC 4290 et'al), they are accepting all responsibility for not requiring the applicant to follow minimum State Fire Safe Regulations required in the SRA.

The Lake County Chief Building Official is also the County Fire Marshall who shall ensure all Codes, Laws, Regulations and etcetera for this project shall be applied. This is also within the local Fire Protection Districts Boundary, where they are a cooperator in applying and enforcing all Codes, Laws, Regulations and etcetera for this project and they will also have comments.

While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

This location is within proximity and or surrounded by a "VERY HIGH Wildland Fire Hazard Severity Zone" area. This is the most extreme and hazardous area category for wildland fire risk. (see below)

Regulations for the AHJ to follow listed below to be , but not be limited to:

Property line setbacks for structures shall be a minimum of 30 feet. A "Greenhouse" is a structure.

Addressing that is reflective and of contrasting colors from the public roadway to the location and at every intersection.

On site water storage for fire protection of each structure per NFPA 1142.

Per NFPA 1142, fire suppression water storage tanks for commercial use shall be steel or fiberglass (not plastic).

All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress

A "One Way" loop road standard could be used, or a two lane road.

A "Road" is two 10 foot lanes of travel for a total of 20 feet of derivable surface not including the shoulders.

A "Driveway" is a 10 foot wide road with a turnout every 400 feet. This shall not be used for commercial applications, or access to more than three structures that are residences.

A "Turnout" shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end

A "One Lane", "One Way" only loop road is 12 feet wide of derivable surface, plus shoulders. A one lane road must connect on both ends to a two lane road or County Road.

A bridge can meet the "One Lane", "One Way" 12 feet wide road standard with appropriate signage. A bridge must be marked by the owner of the bridge that it is rated to support 75,000 pounds.

A bridge shall not be less than 12 feet wide.

A bridge can meet the "Road " 20 feet wide standard. A bridge must be marked by the owner of the bridge that is is rated to support 75,00 pounds.

Existing roadways on private property shall meet, and or be improved to meet "Road" standards.

All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges).

All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through.

Maximum roadway slope is 16%.

Gate width is 14 foot minimum.

Gate set backs are a minimum of 30 feet from a road to the gate.

Gates shall have access criteria locks and alike that meet the local Fire Protection District standard "KNOX" (or similar) access program.

Parking at the site shall allow for turnarounds, hammerhead T, or similar.

Minimum fuels reduction of 100 feet of defensible space from all structures.

Some applications have mention that they may have a gasoline generator for backup power when solar is not available. If this is the case, the generator shall be placed on a minimum of a 10 foot radius of a non combustible surface. It shall have a minimum of a 3A-40B.C Fire Extinguisher within the 10 foot radius.

This property will meet the criteria to be, or will be a CERS / 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 structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.

While not in Title, Code or Regulation, CAL FIRE does support the County of Lake's "Dark Sky Initiative". This standard reduces the false reporting of a vegetation fire from light during the night. False activation of the 911 system puts the community and first responders at risk when it can be avoided.

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.lakecountycalifornia.gov/Government/Directory/Environmental_Health/Programs/cupa.h
tm](http://www.lakecountycalifornia.gov/Government/Directory/Environmental_Health/Programs/cupa.htm)

Hazardous Materials Management (CUPA)

www.lakecountycalifornia.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.

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<https://www.nfpa.org/assets/files/AboutTheCodes/1142/1142-A2001-ROP.PDF>

Report of the Committee on - NFPA

www.nfpa.org

351 Report of the Committee on Forest and Rural Fire Protection Richard E. Montague, Chair
FIREWISE 2000, Inc., CA [SE] John E. Bunting, Secretary New Boston Fire Dept., NH [U]

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March 17, 2021

Katherine Schaefers
County of Lake
255 N Forbes St
Lakeport, CA 95453

Ref: Gas and Electric Transmission and Distribution

Dear Katherine Schaefers,

Thank you for submitting the UP 21-10 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: March 24, 2021

TO: Katherine Schaefer, Assistant Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 21-10 Major Use Permit, IS 21-10, EA 21-10
Commercial Cannabis

APN: 006-004-07 11650 High Valley Rd, Clearlake Oaks
Including APNs: 006-004-25, 006-004-24, 006-002-04, 006-002-09,
006-004-06, 006-009-36

Lake County Division of Environmental Health (EH) has on file for the subject parcel:

APN: 006-004-25 – a 1972 septic permit (2789-S) designed to service 9 bedrooms/11 bathrooms (has 2 1,600 gallon tanks).

APN: 007-004-24 – a 2012 well permit (WE 2844P) for a public well. Well permit (WE 2840P) was a dry hole.

APN: 006-002-04, 006-002-09, 006-004-06 & 006-009-36 – nothing of file

APN: 006-004-07 – this is a very large and extensive file and includes multiple septic systems and wells and a permitted commercial catering kitchen. *The applicant will need to contact Environmental Health regarding the use of the commercial kitchen as it is currently permitted under PSI Seminars.* There are currently 3 domestic wells and 1 public well on this parcel (WE 2317, 2318, 1547P, 494); there are multiple septic permits: 2020 18988A for installation of new leach field designed to service 2 bedrooms; 2008 septic permit (20590) designed to service a 6 bed dormitory; 2008 septic repair permit (20586R) to replace riser & sanitary tee; 1990 septic repair permit (9524S) to repair leach field; 1988 septic permit (9254S) designed to service 7750 Gals/Day of flow and 15,000 gal septic tank & 1500 dosing tank; 1987 septic permit (9154S) with verbage indicating unpermitted system functioning correctly; 1975 septic permit (3566S) designed to service 2 bedrooms; 1972 septic permit (2860S) designed to service 2 bedrooms; 1972 septic permit (2840S) designed to service restrooms; 1972 septic permit (2750S) designed to service 2 bedrooms; 1969 septic permit (1709S) designed to service 2 bedrooms.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., and the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

Promoting an Optimal State of Wellness in Lake County

EH may require a field clearance to validate septic or well locations prior to site plan approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH 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 materials declaration.



NORTHSHORE FIRE PROTECTION DISTRICT
6257 Seventh Avenue • Post Office Box 1199 • Lucerne, California 95458
(707) 274-3100 • (707) 274-3102 Fax
District Fire Chief Mike Ciancio

Station 75
(707) 998-3294

Station 80
(707) 274-3100

Station 85
(707) 274-8834

Station 90
(707) 275-2446

March 22, 2021

Northshore Fire Protection District has the following comments regarding the proposed project.

Aviona LLC
11650 High Valley Road, Clearlake Oaks, CA 95423
Major Use Permit, UP 21-10; Initial Study IS 21-10; Early Activation 21-10

The Northshore Fire Protection District provides year-round fire protection services to the project area. Our closest staffed station to the project is at 12655 E. Hwy 20 in Clearlake Oaks about 4 miles from the project area.

The project area is also in State Responsibility Area (SRA). California Department of Forestry and Fire Protection (Cal Fire) has primary responsibility for wildland fire protection during the fire season which generally runs from June to October. Cal Fire may require the project to meet state Public Resource Codes. Your Cal Fire contact will be at the St. Helena Station which is the Lake/ Napa and Sonoma Unit Headquarters for Cal Fire.

A proposed Use Permit may will require a Change of Occupancy and will be subject to the requirements of the California Fire Code and NFPA standards and the Public Resource Code. The need for fire hydrants and supporting water storage will be determined by the Lake County Building official and/or Cal Fire. Sprinkler systems, fire alarm systems, portable fire extinguishers, fire hose reels and other fire protection methods may need to be provided as required by the California Fire Code and the Lake County Building official.

The project may be subject to Fire Mitigation Fees. Once plans are submitted those fees may be calculated if applicable.

Fire Access Roads shall be meet the requirements of CCR 1273/PRC 4290.
Premises Identification- approved address numbers shall be placed on all buildings and or driveways in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

Key Box- a rapid entry lock box, approved by this fire district will be required if a gate is installed.

Thank you for your consideration in this matter. Please feel free to contact me if you have any questions or concerns regarding these comments.

Respectfully,

Fire Chief
NorthShore Fire Protection District

RECEIVED

MAY 21 2021

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

County of Lake
Community Development Department
Planning Division
Courthouse – 255 N. Forbes Street
Lakeport, CA 95423

To whom it may concern,

We recently received the attached Notice of Intent for the Project Titled: Sourz High Valley Road. The letter was addressed to PSI World, A New Mexico Non-Profit Organization, at P.O. Box 990, Clearlake Oaks, CA 95423.

Please be advised that PSI World has sold the property at 11650 High Valley Road. The new owners of that property is Aviona, LLC / Sourz HVR, Inc. Please update the owner's name of the Property at 11650 High Valley Road, Clearlake Oaks, CA 95423. You may also use that as the new mailing address for anything related to the Project.

PSI World will continue to use the P.O. Box 990, in Clearlake Oaks, CA.

Thank you,



Debbie Vogel
Corporate Secretary

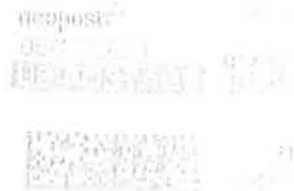
P.O. Box 990

High Valley Ranch 11650 High Valley Road | Clearlake Oaks, CA 95423

PHONE 707.998.2222 | FAX 707.998.2233 | www.psiworld.org | E-MAIL psiworld@psiseminars.com

COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
Courthouse – 255 N. Forbes St.
LAKEPORT, CALIFORNIA 95453



PSI WORLD A NEW MEXICO NON PROFIT
ORGANIZATION

P O BOX 990

CLEARLAKE OAKS, CA, 95423

9542380990 6008



COUNTY CLERK
BY D. Hallett
DEPUTY CLERK

- ☒ County Clerk
☒ Interested Parties

MAY 13 2021

**COUNTY OF LAKE
NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION -**

Project Title: Sourz High Valley Road (HVR); Major Use Permit (UP 21-10); Early Activation (EA 21-10); Initial Study (IS 21-10)

Project Location: 11650 High Valley Road, Clearlake Oaks, CA 95423

APN: 006-004-07, 006-004-25, 006-004-24, 006-004-06, 006-002-04, 006-002-09, 006-009-36

Project Description: The proposed commercial cannabis cultivation operation is located at 11650 High Valley Road Clearlake, CA, on APNs 006-004-07, 006-004-25, 006-004-24, 006-002-04, 006-002-09, 006-004-06, and 006-009-36 (Project Parcels). The proposed commercial cannabis cultivation operation will be composed of (80) A type 3 outdoor cultivation, (1) type 11 distributor, and (1) A type 4 nursery licenses with a total combined canopy area of 3,485,000 square feet (sf). The proposed project includes 11 buildings totaling 110,000 sf for storage and drying of cannabis. This includes one cold storage structure. The 1,639.96-acre property is large enough to support the proposed canopy areas; the applicant is not within an 'exclusion overlay district'; and that the applicant is pre-enrolled with the Regional Water Board. The applicant must meet all applicable local and state requirements for cannabis cultivation..

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 21-10 will begin on May 12, 2021 and end on June 12, 2021. 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 katherine.schaefer@lakecountycalifornia.gov.

2021 MAY 12 P 4:36

AUDITOR-CONTROLLER
COUNTY CLERK

MAY 13 2021

COUNTY CLERK
BY D. Hockett
DEPUTY CLERK

**NOTICE OF INTENT
FOR THE ISSUANCE OF 'EARLY ACTIVATION' FOR THE
CULTIVATION OF COMMERCIAL CANNABIS
NOTICE DATE: May 12, 2021**

MAY 13 2021

NOTICE IS HEREBY GIVEN that the Planning Department of the County of Lake, State of California, will be issuing **Early Activation EA 21-10 on May 22, 2021**, Early Activation allows for the temporary legal cultivation of commercial cannabis while the Use Permit applied for by the cultivator is under review by the County. Unless appealed, Early Activation is valid for a period of up to six (6) months. This decision may be appealed if any neighboring property owner who receives this notice believes that this decision is made in error. The appeal process is identified below.

Project details:

- Applicant/Owner:
- Proposed Project: (80) A-Type 3 outdoor cultivation licenses, (1) Type 11 Distributor license, (1) A-Type 4 nursery license
- Total Proposed Canopy Area: 3,485,000 square feet
- Total Proposed Cultivation Area: 3,595,000 square feet
- Project Location: 11650 High Valley Road, Clearlake Oaks, CA 95423
- Project APNs: 006-004-07, 006-004-25, 006-004-24, 006-004-06, 006-002-04, 006-002-09, 006-009-36
- Project Planner: Katherine Schaefer

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period following the date of issuance of this Early Activation permit. If there is a disagreement with the Planning Department, an appeal to the Planning Commission may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Planning Department's date of Early Activation permit issuance.

Posted: MAY 13 2021 - June 17th 2021

EJ Crandell Supervisor District 3
Scott Deleon Community Development Interim Director
Katherine Schaefer – Assistant Planner
Lake County Community Development Department
Lake County Courthouse
255 North Forbes St.
Lakeport, CA 95453

May 19, 2021

Re: Notice of Intent to Issue Early Activation for Cultivation of Cannabis

At a recent meeting we became aware of a large-scale cannabis cultivation project to be developed on the land adjacent to our property (APN 006 – 011 – 54) on Valley Oak Drive. We also recently received the Notice of Intent that was mailed out on May 12, 2021 regarding this project located at 11650 High Valley Rd.

We have several concerns about this project that need to be considered before issuance of the Early Activation and approval of the Use Permit. These concerns are:

The impact of the smell/odor of 80 acres of outdoor growing maturing cannabis plants during the typical cultivation season, which could last for 6 to 8 weeks. Our residents are located to the east of the proposed gross site and downwind of the prevailing wind direction. We will be significantly impacted by this potential odor situation to the point of possibly not being able to enjoy the peaceful outdoor environment at our place. The concentration of cannabis plants within a large-scale growing operation will exacerbate this odor problem by increasing the number of plants per acre. The odor impacts associated with a large-scale operation are real. The County in the review of these proposed cannabis projects does not seem to have an answer (mitigation plan) to the odor problem, particularly the cumulative impact of large-scale grows.

Aquifer drawdown of groundwater to supply the needed irrigation water to grow 80 acres of cannabis and supply the nursery is a potentially significant adverse environmental impact that could affect the existing water wells in the area and on our property. We have been told that this project will result in a demand of 351 acre-feet of water/per year which equates to 214 million gallons of ground water used for cultivation. The project proponent should be required to prepare a water availability plan that addresses the need and projected use of groundwater and the identification of existing wells in the area along with an analysis of the impact created by this project on the existing water wells specifically those wells that are used for domestic purposes.

The design of the security systems associated with the cannabis cultivation and processing facilities is important. Details matter with regard to how this security system is to be developed and operated including where cameras will be located, perimeter fencing locations and design, intended signage, road and property access design is important as these points of ingress and egress and on-site circulation are

potential points of entry for unwanted visitors. There is a history of home invasion activity up in the High Valley area in the form of a high-profile event nearby that took place some years ago. These kinds of situations do occur and are a seemingly a regular occurrence in some parts of northern California. The security and well-being of the residents and property owners in this somewhat secluded valley is of concern when large-scale cannabis cultivation operations are proposed.

We understand that the Lake County Board of Supervisors has adopted a cannabis cultivation ordinance that allows property owners to apply for use permits that allow for outdoor cultivation farms. However, the zoning ordinance also requires that cannabis growers comply with the specific development criteria in the ordinance and with the use permit criteria

Article 51, Section 51.4 (a) 1. – 6. Lake County Zoning Ordinance:

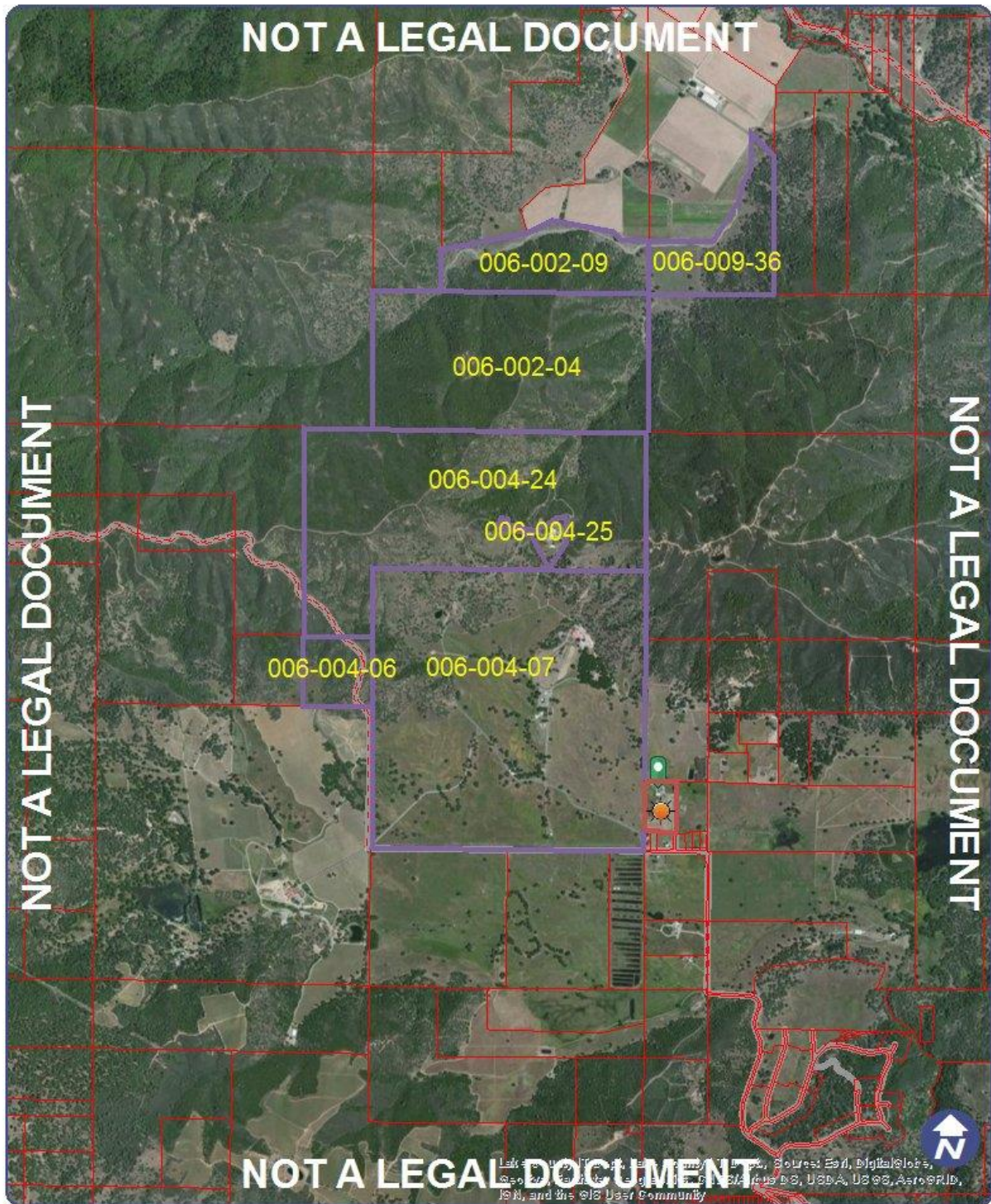
(a) The Lake County Planning Commission) may only approve or conditionally approve a major use permit if all the following findings are made:

1. *That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the 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.*
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.*

We understand that the County recognizes the tax revenue and economic development benefits from approval of cannabis cultivation projects. The County must also value the neighborhood concerns associated with these cultivation projects and not sacrifice personal space or the ability to enjoy one's property in favor of a tax return. Additionally, I do not feel an objection to early activation should incur any costs to myself associated with an appeal until such issues can be mitigated. Thank you for the opportunity to comment.

Don and Margie Van Pelt

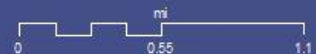
707-272-2850



Lake County, CA

High Valley Road 80 Acres

Web AppBuilder for ArcGIS



All parcel boundaries are approximate. Discrepancies in acreage, shape and location are common.
This map is not the legal survey document to be used in any legal determination. Consult your deed for a legal parcel description.

Print Date: 5/15/2021

October 1, 2020

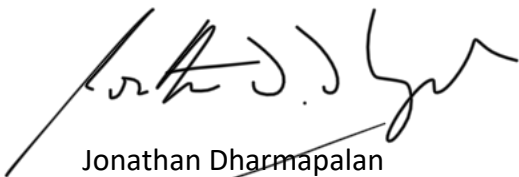
Steven Hajik
Agricultural Commissioner
Lake County Department of Food and Agriculture
883 Lakeport Blvd.
Lakeport, CA 95453

No Objection Letter – Cannabis Cultivation

Dear Sir,

I am writing to you on the behest of Mr. Richard Derum who has requested that a letter be sent to you. Our family owns Monte Cristo Vineyards located in the High Valley AVA (American Viticultural Area) in Clear Lake Oaks California. We developed the vineyards over 20 years ago and have farmed several varieties of wine grapes on the property since. We wish to express that we have no objections to the legal cultivation of cannabis in the area or in the surrounding vicinity of our vineyards in compliance with prevailing Lake County ordinances. Please feel free to be in contact with me if you have any questions.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jonathan Dharmapalan', written over a horizontal line.

Jonathan Dharmapalan
Monte Cristo Vineyards
11250 Ceritto Drive
Clearlake Oaks, CA 95423
Phone: 510-599-5246



Steven Hajik <Steven.Hajik@lakecountyca.gov>

to me ▼

Tue, Oct 27, 2020, 3:33 PM



Redo—Too many errors in the first reply.

I am not going to oppose the proposed project located at 11650 High Valley Road, operated by Eli Hagoel and ADE Mutual.

Steve Hajik

Lake County Agricultural Commissioner & Sealer

Friday September 18, 2020

Noel Stehly, Owner

Stehly Farms Organics

12630 Santa Catalina Road

Valley Center, CA, 92082

To Whom It May Concern:

I have known Avi Pollack since 2011 when Pollack Trading and Pollack USA purchased the 207 acre farm adjacent to Stehly Farms Organics in Valley Center. Avi Pollack has been practicing agriculture in San Diego since this time and has always been a knowledgeable and valuable member of the community.

Avi Pollack is a shining example of a large-scale professional farmer, always in compliance, and engaged in the bureau's activities. He is a community leader and adversary for sound farming practices, and worthy of any commercial license that can be afforded to him.

In good faith,



Noel Stehly

Former President of San Diego Farm Bureau
Stehly Farms Organics
760-801-4902

From: Jerry Brassfield <jgbrassfield@gmail.com>

Date: October 4, 2020 at 2:01:55 PM PDT

To: Elli Hagoel <hagoel@me.com>

Subject: Re: Letter of support

Hi Elli,

Per our discussions, this email serves as a notice that I have no opposition to the legal cultivation of cannabis in High Valley following Lake County rules and regulations. I am the owner of Brassfield Estate Winery and Vineyards, located in the High Valley AVA. Our family bought property in High Valley in 1973 and planted grapes in 2000. Let me know if you need anything else regarding your project.

Regards

Jerry Brassfield

510-364-1568

Initial Study Commentary

UP 21-10 Sourz HVR

CHP Clear Lake Area

Thank you for your submittal, the State Clearinghouse (SCH) is in receipt of your comments.

Mikayla Vaba
State Clearinghouse
(916) 445-0613

From: Fansler, Daniel@CHP <DFansler@chp.ca.gov>
Date: Wednesday, June 9, 2021 at 2:01 PM
To: katherine.schaefers@lakecountyca.gov <katherine.schaefers@lakecountyca.gov>
Cc: CHP-10AAdesk <10AAdesk@chp.ca.gov>, Hutchings, Kara@CHP <Kara.Hutchings@chp.ca.gov>, OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>
Subject: RE: 063 – Environmental Document Review – SCH # 2021050225 -- Due to Lead Agency by 06/10/2021

To whom it may concern,

After driving to the location for this proposed commercial cannabis operation, I would argue there will be a potential impact to CHP operations and with traffic congestion in the small community of Clear Lake Oaks.

I'm no expert on cannabis operations but based on the attachments provided, this reads like a very large operation. The first three tenths of mile on High Valley Road from State Route 20 is narrow and partially within a residential area. The increase in potential commercial traffic and daily employee traffic traveling to a 3.5 million canopy feet commercial cannabis operation every day will have an impact on traffic flow on High Valley Road and when entering/ exiting State Route 20, especially in the narrow portions of the roadway. A significant increase in traffic will generate more traffic complaints and potentially more traffic collisions. I would imagine traffic congestion never experienced before by the small community of Clear Lake Oaks would occur. Respectfully,

Dan Fansler, Lieutenant
Commander
CHP Clear Lake Area (151)
[707-279-0103](tel:707-279-0103) (Office)
[707-279-2863](tel:707-279-2863) (Fax)
dfansler@chp.ca.gov

"I prefer to see the sunrise!"



Safety, Service, and Security

Disclaimer: This Message contains confidential information and it is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmissions can be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.

From: Hutchings, Kara@CHP <Kara.Hutchings@chp.ca.gov>
Sent: Friday, May 28, 2021 9:58 AM
To: Dye, Arthur J@CHP <ADye@chp.ca.gov>
Cc: Enciso, Blanca@CHP <Blanca.Enciso@chp.ca.gov>; Krul, Steven@CHP <SKrul@chp.ca.gov>; CHP-10AAdesk <10AAdesk@chp.ca.gov>; Fansler, Daniel@CHP <DFansler@chp.ca.gov>
Subject: 063 – Environmental Document Review – SCH # 2021050225 -- Due to Lead Agency by 06/10/2021

Special Projects Section (SPS) recently received the referenced Notice of Environmental Impact document from the State Clearinghouse (SCH) outlined in the following Web site:

<https://ceqanet.opr.ca.gov/2021050225>

Due to the project's geographical proximity to the Clear Lake Area, please use the attached checklist to assess its potential impact to local Area/Section operations and public safety. If impact is determined, responses should be e-mailed directly to **Lake County (Lead Agency)** with cc to SCH and myself.

CC to Division FYI only.

Please feel free to e-mail me if you have any questions.

Thank you!

Kara Hutchings

Associate Governmental Program Analyst
California Highway Patrol
Special Projects Section
916-843-3370

Department of Toxic Substances Unit

Ms. Schaefer,

Good afternoon. We received an Initial Study for the subject project. Lake County seems to have quite a few cannabis operations popping up and I have sent comment letters on a number of them. I thought this time I would reach out directly via email. Does Lake County take any steps to ensure that soils in which cannabis will be planted is not contaminated with pesticides or other contaminants? It's my understanding that CalCannabis requires a search of Envirostor, but I haven't been able to determine if any steps are taken for pesticides specifically.

Thank you.

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826
(916)255-3710
Gavin.McCreary@dtsc.ca.gov

Meeting: Planning Commission on 2021-07-08 9:00 AM -
Please see agenda for public participation information and
eComment submission on any agenda item.

Meeting Time: July 08, 2021 at 9:00am PDT

15 Comments Comments Open

Agenda Item

1 21-628 9:05 a.m. Public Hearing to consider approving Use Permit UP 21-10.
Applicant/Owner: Sourz HVR, Inc./Aviona LLC. Location: 11650 High Valley Road,
Clearlake Oaks, CA 95423, on property consisting of 1,639.96 acres. APNs: 006-004-07,
006-004-25, 006-004-24, 006-004-06, 006-002-04, 006-002-09, 006-009-36. (Katherine
Schaefer)

[Legislation Text Staff Report UP 21-10 Sourz HVR 7.1.21 ATTACHMENT 1 - VICINITY MAP](#)
[\(1\) ATTACHMENT 2 - PROPERTY MANAGEMENT PLAN \(1\) ATTACHMENT 3 - AGENCY AND](#)
[PUBLIC COMMENTARY \(1\) ATTACHMENT 4 - PROPOSED CONDITIONS OF APPROVAL](#)
[\(1\) ATTACHMENT 5 - SITE PLANS \(2\) ATTACHMENT 6 - BIOLOGICAL ASSESSMENT](#)
[\(1\) ATTACHMENT 7 - INITIAL STUDY \(1\)](#)

If you are a human, ignore this field

Select a Position: ☐ Oppose ☒ Neutral ☐ Support

		▲
		▼
◀		▶

1000 of 1000 characters remaining

[Submit Comment](#)

5 Public Comments

Maria Kann about 1 month ago

Oppose

My name is Maria Kann (Welsh) and I oppose the SourzHVR Use Permit 21-10. Something is not right here and the truth will come out. This project DOES NOT BELONG in a small, drought-stricken valley with a water-guzzling neighbor already established. Come visit! I've got weed and wine right next door! Maybe drive out High Valley Road with Code Enforcement up to the ridge and take a look at what they're doing with the back side of the property. They are already destroying Lake County's natural beauty and their Use Permit hasn't even been approved. These people don't live here and we don't know them. They are simply using our resources and selling us out. Or did my County officials sell us out to the Cartel? Greed and corruption are unbecoming. Please protect our home!

Attachments: [SourzHVR_Public_Comment_Statement.rtf](#) [HVR_Backside_Development.JPG](#) [G_Property_Owners_21-10.JPG](#)



[Sara Solomon](#) about 1 month ago

Support

Excellent project that would bring great benefits to the county while maintaining good organic farming practices. A talented and respectable team of professionals who would be a great addition to the community and have already demonstrated on multiple occasions good character and integrity. Congratulations to Lake county



[Kerrian Marriott](#) admin about 1 month ago

eComment entered on behalf of Don and Margie Van Pelt

Attachments: [UP_21-10_Van_Pelt.pdf](#)



[Petra Bergstrom](#) about 1 month ago

Oppose

Please read my letter. I am totally opposed to this major use permit being issues. In my attached letter are some of the concerns.

Attachments: [UP-19-41 and IS 19-60.pdf](#)



[Donna Mackiewicz](#) about 1 month ago

Neutral

Thank you for addressing the concerns: traffic, illegal dumping, groundwater and safety to the West Lake Elementary School in the email sent 7/6 at 10:30 a.m. to cddinfo@cityoflakeport.com. My questions and comments were above the 1000 characters here. Donna Mackiewicz