



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 3
9:15 AM
Jul 22, 2021

STAFF REPORT **ADDENDUM**

TO: Planning Commission

FROM: Community Development Department

Prepared by: KS

DATE: July 22, 2021

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

Supervisor District 3

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan
 3. Agency and Public Commentary
 4. **Proposed Conditions of Approval [UPDATED]**
 5. Site Plans
 6. Biological Assessment
 7. Initial Study (IS 21-10)
 8. **Cultural Resources Memorandum**
 9. **Traffic Memorandum**
 10. **Hydrology Memorandum**

I. ADDENDUM SUMMARY

File no. UP 21-10 went before the Planning Commission on July 8, 2021. The hearing was continued to July 22, 2021 to give the applicant an opportunity to provide the requested information in regards to biological resource floristic surveys, cultural resources, traffic, and hydrology, and CDFW/Lake County Grading Ordinance violations. Below is a brief summary of the applicant's response. Full information may be found in

Attachments 8-10.

a) Biological Resource Floristic Surveys (Please refer to *Attachment 6*)

Sequoia Ecological Consulting, Inc. performed the initial Biological survey on September 28th/ 29th 2020. Based on past agricultural practices, and the lack of suitable habitat present during the site visit, the biologists determined that special status plant species are not expected to occur within the area of potential impact. Figure 9 on pg. 28 of the Biological Assessment (Attachment 6) shows that the area of impact will occur in Agricultural habitat. When Agricultural land has been heavily impacted by practices such as disking, tilling, or farming, the potential for special status species to be present is low. Follow-up faunal surveys were performed, and mitigation measures had been correspondingly included in the environmental review and the Conditions of Approval, as was presented during the July 8th Planning Commission meeting.

b) Cultural Resources Survey Area (Please refer to *Attachment 8*)

The survey area included all areas in which cultivation and cultivation related activities would occur. No disturbance or project improvements occurred or are proposed for areas beyond the boundaries of the area surveyed. In other words, the survey area fully encompasses all areas that would be used by the proposed project. The survey areas also encompassed areas outside of locations proposed for disturbance. On July 15th, 2020 a letter was sent out to the Native American Heritage commission regarding the project, an associated records search was performed, and comment sought from any interested tribal parties. Furthermore, In December of 2020, as part of the cultural resources survey, all 11 tribes in Lake county were notified of the project per AB52 and no comments were received. Two subsequent notifications from the County to tribal representatives were made. No responses from these efforts were received.

The Cultural Resources evaluation did identify a previously located resource area. This site is outside of all areas proposed for cultivation and improvements and would not be disturbed as part of the project. In addition, there were isolated artifacts and historic features located, but these were not part of a larger deposit of cultural material. These feature also did not meet any of the criteria to be considered, "significant" historic resources as defined in the California Public Resources Code. The Cultural Resources Report provided the recommendations that were included as Mitigation Measure CR-1 and Mitigation Measure CR-2 to the Initial Study/Mitigated Negative Declaration (IS/MND) prepared. In addition, as part of the Staff Report for the project, a Condition of Approval (COA) was included that requires employee training. This COA reads as follows:

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 culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Mitigation measure CUL-2.

Through the incorporation of the listed mitigation and COA, impacts to unknown cultural resources were disclosed in the Initial Study/Mitigated Negative Declaration (IS/MND) for the project and would be less than significant. In addition, the applicant has not performed any work outside the previously surveyed 290 acres. Where some of the clearing of previous pastureland did occur outside the proposed cultivation area, these locations were within the 290-acre survey area. Lastly, all future work for the proposed drying/storage structures require verification of flagging and work area boundaries by County staff prior to any ground disturbance. These activities, along with the presence of identified cultural resource monitors and employee education, would ensure all future ground disturbance would be within the boundaries of the project as proposed, and that if any resources are located, they are properly treated in accordance with County policy and State law.

c) Traffic (Please refer to *Attachment 9*)

The proposed project would not result in an addition to the historic use of High Valley Road in terms of vehicle trips or safety hazards. As detailed in the Traffic Memorandum (Attachment 9), the proposed project would reduce the total volume of vehicles and reduce the overall VMT. This would have a corresponding effect of reducing the potential for vehicle collisions or other related hazards. Based off of CHP records, there have been no recorded vehicle accidents along High Valley Road from Highway 20 to the project site since June 1, 2019. Because the proposed project would further reduce vehicle trips along this segment in relation to the previous usage, the project would not result in any additional safety impacts along the roadway. The roadway includes signage indicating upcoming curves and turns with allowable speeds to help ensure safe operation of vehicles on the roadway. These conclusions are consistent with the information requested by the Planning Commission hearing on July 8, 2021. It is important to note, that while the above provides additional information to that previously presented in the IS/MND, these findings are consistent with the former conclusion of less than significant.

d) Hydrology (Please refer to *Attachment 10*)

- i. The Sourz High Valley Ranch site is underlain by two prolific aquifers: the Quaternary alluvium and the Holocene volcanics. The aquifers have a total thickness of approximately 140 feet.
- ii. The limits of the groundwater basin are constrained by topography and geology. As such, the potential effects of ground water withdrawal are not expected to propagate outside of the cumulative area of impact.
- iii. A groundwater evaluation performed for the High Valley area by EBA Engineering concluded that the aquifers have a combined storage capacity of approximately 27,799-acre feet.

- iv. Previous investigations have demonstrated that the groundwater recharge to the Valley to be approximately 2,321-acre feet.
- v. At one time up to six irrigation wells serviced the properties that constitute the Sourz Site. The historic wells had the capacity to produce groundwater in excess of the projected water use demands for the project. Thus, the aquifers have historically been able to sustain water use demands equal to or greater than the proposed demands for the Sourz project.
- vi. The current and future water use demands for the cumulative area of impact constitute approximately 1.4% of the available groundwater.
- vii. The proposed groundwater withdrawals associated with the project are approximately 353.86 acrefeet.
- viii. The existing and proposed groundwater withdrawals constitute approximately 2.6% of the available groundwater within the cumulative area of impact.
- ix. The proposed groundwater withdrawals do not exceed the amount of groundwater recharge available in any given year. As such, the proposed ground water use is reasonable.
- x. The multiple irrigation wells proposed for the project will minimize the localized effects of drawdown within the aquifer. The localized drawdown in the aquifer will be less than 4-inches.
- xi. The closest off-site well to the existing or proposed wells for the project is 580 feet.

e) CDFW/Lake County Grading Ordinance Violations and Remediation

For proof of Lake County Grading Ordinance violation correction, the Notice of Violation shall be addressed by submission of a grading permit application and payment of \$1600.40, payable to the County of Lake. For proof of CDFW violation correction, engineered and stamped plans showing needed alterations have been submitted to the Lake County Resource Planner. If alterations for these violation corrections trigger additional grading requirements with the County of Lake, (e.g. routing storm water runoff out and away from the cultivation area), these shall also be noted and addressed in both the engineered site plan and on the grading permit application. Any associated fees with the additional grading permit requirements shall also have been paid. As of the writing of this Memo (7/14/2021), Sourz HVR has:

Satisfied the following:

- i. Demonstrated implementation of erosion control measures via soil compaction, and insertion of straw waddle around the identified water courses

Pending requirements:

- i. Payment of fee (\$1600.40) and submission of grading application
- ii. Engineered and stamped plans showing alterations

The above pending requirements will be satisfied by the time of the Planning Commission hearing.

The Notice of Violation from the CDFW may lead to the development of the re-conveyance of runoff waters, which will likely trigger the need for a Lake County Grading Permit, which can be issued after UP 21-10 is approved. Due to the Lake County grading violations remediation prior to the Planning Commission hearing, the applicant no longer has outstanding violations with the County.

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

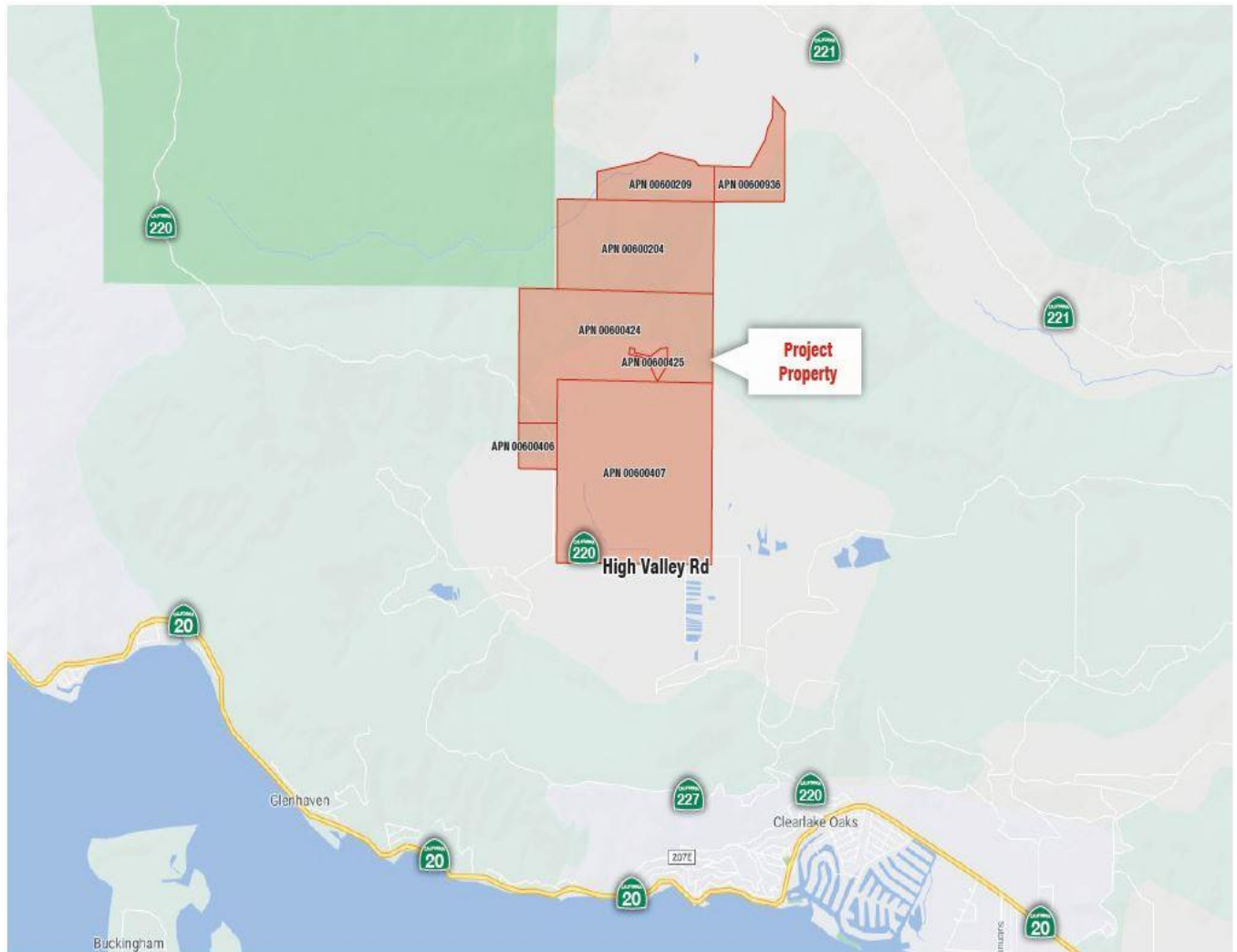
- “Mobile Home” 960 ft² building
- “Office Mobile Home” 1,280 ft² building
- “Caretakers Cottage” 800 ft² building
- “Pavilion/Conference Building” 13,096 ft² building
- “Garage Building” 1,440 ft² building
- “Barn” 2,045 ft² building
- “Gift Shop” 4,253 ft² building
- “Hangar” 3,000 ft² building

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.

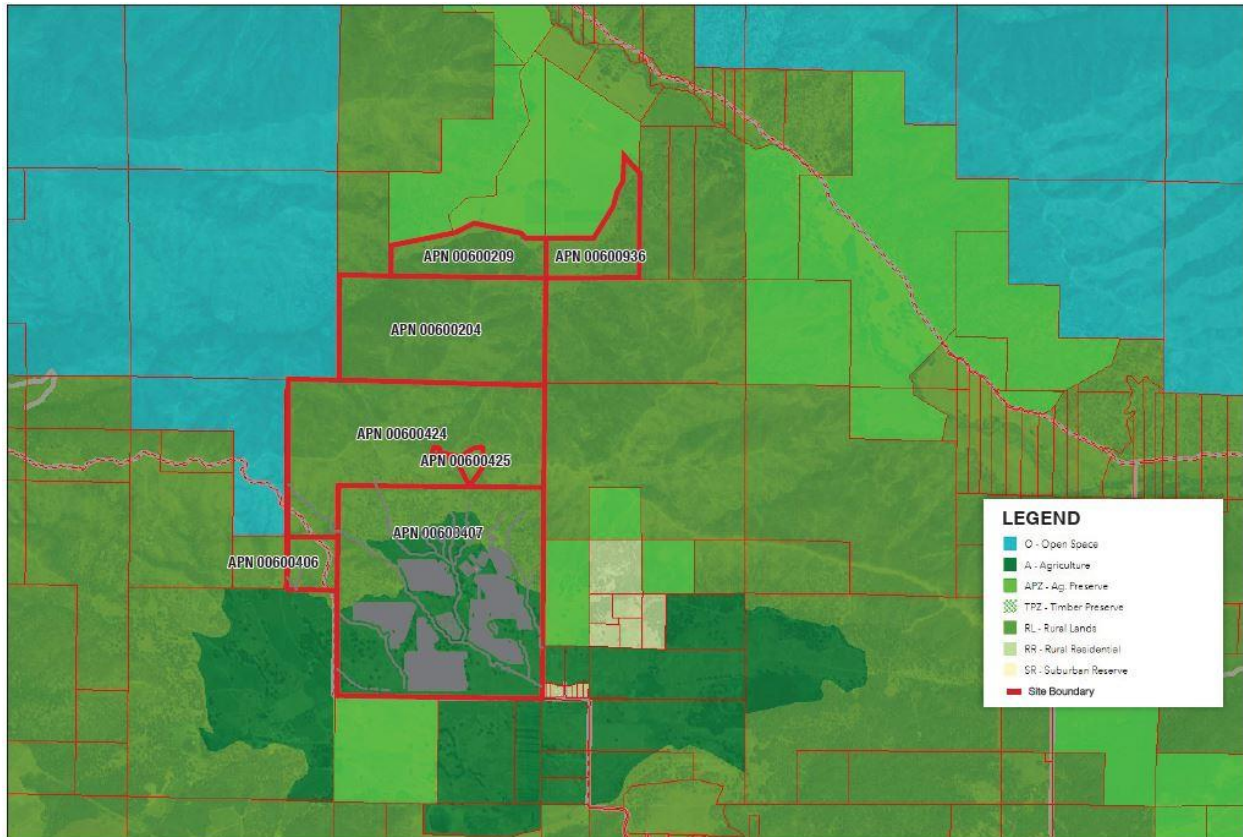
Soils: The soil over the majority of the proposed cultivation area is comprised of Wolfcreek loam (Type 247). Wolfcreek loam generally has 0-2% slopes, is well-drained with a slow runoff, and has moderately slow permeability. The soil consists of alluvium derived from mixed rock sources. A small portion 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 13 Distributor Transport Only, Self-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 13 Distributor Transport Only, Self-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 internment 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 (LCZO Section 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.
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 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, will not have a significant effect on the environment and therefore

a mitigated negative declaration shall be approved with the findings set forth in Staff Report dated July 22, 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 July 22, 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 22, 2021

Commission Members

**P John Hess, District I
P Everardo Chavez, District II
P Batsulwin Brown, District III
P Christina Price, District IV**

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 July 8, 2021 PC Hearing seconded by Comm. Hess.

4 Ayes, 0 Nays -- Motion Carried

9:05 a.m. CITIZEN'S INPUT – None

**9:07 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-11).
Applicant / Owner: Pasta Farms LLC. Proposed Project: Four phase development containing (11) A Type 3 (medium outdoor) commercial cannabis cultivation licenses within 113 hoop houses, and (1) A-Type 13 'self-distribution' license. Four (4) of the A-Type 3 licenses will convert to A-Type 3B (greenhouse) licenses within four years and will be inside four (4) 26,000 sq. ft. greenhouses. Location: 10750 and**

10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville, CA; APNs: 115-004-01, 05 and 08. Environmental Evaluation: Mitigated Negative Declaration (IS 20-11). (Eric Porter)

Nicole Johnson Deputy County Counsel stated prior to the current item being read that it was unfortunate that the item had been presented to the commission in the way that it had. The item could be continued based on how the commission viewed the application based on what information staff had provided. The commission had the option to refuse the item, thus no action would be needed. If the item was taken up, the commissioners had the option to continue as staff had recommended or ask staff what information needed to be provided or corrected and how the analyst in the report would change and how long the continuance would be to achieve that goal. Ms. Johnson stated that new information could lead to a more thorough environmental analysis.

Comm. Hess asked what the difference between rejecting the item versus a continuance of the item in terms of process.

Nicole Johnson responded to Comm. Hess, stating that if the item was not taken up it did not trigger any rules it would be as though the project had never been presented to the commissioners and the items once the concerns were addressed would be publicized to the public and be re-presented to the commissioners. If the item was not taken there were no areas of concerns.

Comm. Price asked how the commissioners felt about not taking up the item or continuing it.

Comm. Hess asked if the item had to be read.

Nicole Johnson stated that if the commissioners did not take the item it could just be rejected and there would be no deliberation and no discussion and staff would go back and address their concerns with the report as presented. The report for the item at hand states that findings cannot be made and if the commissioners accepted staff's assessment, they could not approve the application.

Comm. Chavez asked Mr. Porter if he would recommend the commissioners not take the item, giving staff more time to assess the findings needed.

Eric Porter stated that he could not give a recommendation and that the project could not be approved as it was. Mr. Porter stated that there was a water conflict that came to light too close to the hearing date which changed the recommendation of the project from approval to a continuation giving

staff the opportunity to do a very thorough review of the dispute of the water source. The item is recommended to be continued to a date uncertain as there is uncertainty as to what the process would be to resolve the water dispute. There had also been substantial public objection to the project.

Nicole Johnson stated to the commissioners that they could take staff's recommendation but ultimately the decision was theirs to either continue the item as staff had recommended, deny the application or not pick up the item at all. It was based on evidence provided and the commissioner's analysis and determination.

Comm. Hess asked if a continuance could result in triggering additional studies, by not taking the item up wouldn't that trigger additional studies?

Nicole Johnson stated that she was unable to speak to the actual substance of the item, however if the item was refused staff would have to reassess the item and provide the commissioners with an analysis that could be reviewed and interpreted allowing them to form a decision.

Comm. Chavez stated he was moving more towards refusing the item.

Comm. Price asked if Com. Chavez wanted to refuse the item and have staff complete an overhaul.

Further conversation continued between Legal Counsel and the Planning Commissioners regarding the item at hand and whether the item should be continued, refused or denied.

Item Refused

9:18 a.m. Public Hearing to consider a Parcel Map (PM 20-23) to divide a 406.69 acre property to create three new parcels. Applicant / Owner: Langtry Farms LP. Location: 21700 and 22000 Butts Canyon Road, Middletown, CA; APNs: 014-310-08, 014-320-06 and 014-330-08. (Eric Porter)

Nicole Johnson Deputy County Counsel asked if the item was a general plan amendment.

Eric Porter Associate Planner stated that it was not, it was a parcel map.

Eric Porter gave a verbal and visual presentation on the proposed project. The presentation included, general background on the project, the zoning map, aerial photo of site and vicinity, parcel map, conformance with lake county regulations, county code - chapter 17 compliance, CEQA analysis and its exemption, staff's recommendation and a request from applicant

for change in conditions C2 requesting the addition of unless conducted for agricultural purposes pursuant to Lake County air quality management district burn permit.

Comm. Hess asked if the proposed project was connected to the Guenoc properties.

Eric Porter stated that Comm. Hess was correct.

9:29 a.m. Public Comment –

John Webb representative for the applicant thanked staff and gave a brief detail of the proposed project.

Nicole Johnson requested that the Commissioner ask staff if the change in conditions would affect a CEQA analysis.

Comm. Brown asked if the mitigation measures had any impact on the CEQA analysis.

Eric Porter stated that nothing would change with the application. The applicants were allowed to burn vegetative waste (non-cannabis) with the required burn permit. Cond. of approval included dust control and vegetative waste.

Comm. Hess asked if burning had been done on the site previously.

Eric Porter stated that he assumed so.

Comm. Hess stated that he had seen smoke from the site prior and asked if it would be considered an existing use like previously disturbed.

John Webb stated that the applicant utilized the standard Lake County burn permit and had burned previously for many years and the applicant was requesting to continue.

Thomas Addams representative of applicant stated that applicant was requesting to continue doing what they had been doing in the past pursuant to existing ordinances.

9:35 a.m. Public Comment Closed

Comm. Hess Moved to Motion, Seconded by Comm. Price find on the basis of the environmental review undertaken by the Planning Division and no mitigation measures were added to the project, that the Parcel Map, PM 20-23 as applied for by Langtry Farms, LP on property located

at 21700 Butts Canyon Road, Middletown, APN 014-310-08; 21200 Butts Canyon Road, Middletown, APN 014-320-06; and 22300 Guenoc Valley Road, Middletown, APN 014-330-08 will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Categorical Exemption using CEQA section 15300.2(b) with the findings listed in the Staff Report dated July 22, 2021 and as amended today.

4 Ayes, 0 Nays – Motion Carried

Com. Hess Moved to Motion, Seconded by Comm. Price find that the Tentative Parcel Map, PM 20-23 as applied for by Langtry Farms, LP on property located at 21700 Butts Canyon Road, Middletown, APN 014-310-08; 21200 Butts Canyon Road, Middletown, APN 014-320-06; and 22300 Guenoc Valley Road, Middletown, APN 014-330-08 is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and the Lake County Zoning Ordinance, and upon that basis approve said map subject to the conditions and with the findings listed in the Staff Report dated July 22, 2021 and as amended today.

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.

9:38 a.m. Break

9:47 a.m. Continuation of Item from the July 8, 2021 Planning Commission Hearing. Public Hearing to consider approving Use Permit UP 21-10. Applicant/Owner: Sourz HVR, Inc./Aviona LLC. 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. 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)

Katherine Schaefer gave a verbal presentation on the proposed project. Referencing the staff report and the applicant's responses to the concerns brought forth in the July 8th hearing of Biological surveys, cultural resources, traffic, hydrology and a follow up to the CDFW violation.

Comm. Chavez asked if the proposal of the well 50 ft. from nursery was in the original application.

Comm. Brown stated he completed a site visit and viewed the proposed site.

10:03 a.m. Public Comment

Tom Armstrong member of Sourz gave a PowerPoint presentation, the presentation addressed the concerns that were discussed in the July 8th PC Meeting.

Traffic and Roads – Property Access points – Mitigation measures included, most employees living onsite, operational traffic consisting of passenger vehicles, roads to site are 4290 compliant, partial pavement of road and applicant had contacted the county regarding paying for road improvement, etc.

Distance from school – showed to be approximately two and a half miles away.

CDFW/Grading violation – New Lake and bed agreement was issued. Violation had been cleared

Localized Hydrology – Effect on neighboring wells, water conservation measures – showed diagram of the different aquifers in the high valley basin, diagram also showed due to well capacity, the applicants well should have no impact on the neighboring wells as it drew from a deeper aquifer. Mitigated measures also included the installation of driplines, tensiometers (measures the amount of water in the soil, which helps with over watering) and plastic mulch.

Cultural Resources - project reviewed and approved by Archeologist Dr. John Parker, all identified artifacts were found in wooded areas with trees, which were avoided, there was no tree removal.

Air Quality/Odor control/dust – odor reducing plants planted around the perimeter of the property, more than the required setback from neighbors. Compaction of soil as a dust mitigation measure along with the use of water trucks and a dust suppression treatment.

Biological Resources – Senior Biologist review found that no suitable habitat occurred on the proposed site.

Brad Stoneman Kimley Horn prepared the CEQA documentation. Spoke on traffic and a VMT analysis, which would typically be completed for projects greater than 110 trips, project is less but the study was still completed. Mr. Stoneman reiterated points made Mr. Armstrong regarding

the Grading Violations, the Lake and stream bed agreement and the conformation of the project.

Maria Conn neighbor voiced her concern with large cannabis corporations being allowed within residential communities. Supports cannabis community but is opposed to Non-residential Organizations moving in to the county to utilize the resources for financial gain, spoke on the CDFW violation and her concern that the project lacked the County's supervision. Spoke on violation of the EA permit. I.e. the project could not control to less than significant the odor as they could not control the wind, safety concerns, and water concerns. Requested a full and detailed environmental report be made completed, before an approval was given. Stated the hydrology report was padded with duplicated and outdated information for the appearance of a new review. Requested reports be completed from the county and not from the applicant.

Don Von Pelt Neighbor stated that the applicant's mitigation measures regarding dust were not enough, it was still dusty. Spoke on the number of employees proposed for the project and his believe that the applicant is misrepresenting the number of employees he will have. Mr. Von Pelt voiced his concern with odor.

Doug Logan neighbor voiced his concerns about the drought as it pertained to several districts implementing water reservation recommendations and his neighbors well, including his currently being dry.

Karen Mantele voiced her concern for the water supply, transparency with the reports and asked if there were new wells proposed for the project, how many wells total. Ms. Mantele voiced her concern for traffic and asked if the deeper well was currently existing or new. Ms. Mantele also asked if the CDFW had been cleared and who was the environmental scientist who signed off on the project. Was there a tribal consultation after AB52. Believes project should not be approved.

Richard Jones owns property in the area spoke on his concern with water, stating that the presentation did not include gallons being used but spoke on acreage. Mr. Jones stated that the crop being grown was not essential. Spoke on population of the oaks and the gallons utilized per day of drinking water stating that the long term effects were concerning with the current drought

John Mocknic Lake County Grown, supports project, spoke on the project being properly zoned and stated that it was the best location and the mitigation measures taken by the applicant were well thought through.

Richard Dhuram cultivator stated that it was one of the most comprehensive studies on a project he had seen, spoke well about the applicant. Stating the Importance of the project for the county and smaller farmers.

Mary Draper stated she had helped with the project and its transparency, spoke about the applicant and his willingness to communicate with his neighbors, states that applicant had also reached out to neighbors with dry wells and had personally brought them water. Believes that the applicants were being asked to do more than other projects she had been associated with. Spoke of Annje Dodd a representative for Cannicraft stating that she was hired by another cultivator to look into the project.

Elli Hagoel owner spoke on the steps taken to address the concerns of his neighbors, states he had support from some neighbors who choose not to speak due to fear of ramification, states that the location is zoned for the project.

Karen Mantele voiced questions regarding PSI seminars and how the traffic compared to the current project. Asked why the Initial Studies showed the removal of vegetation, although the applicant had stated that there would be none, which was contradictory. Ms. Mantele asked if the wetland had been surveyed, was the existing septic system sufficient and why the commissioners thought this was such a great project.

Annje Dodd addressed Ms. Draper's comments stating that she had not been hired to address the proposed project

Jason Sheasley with Kimley Horn & Associates representing the applicant spoke on irrigation with land use, stated that the applicant was aware of the viability of their project and that it hinged on them being good stewards of the ground water resource, spoke on the geology and hydrogeology of the High Valley region survey completed, referenced the water availability report completed by EBA engineering. Spoke of the water basin and the different aquifers in High Valley.

Paul Bernacchio neighbor to applicant at another location. Spoke well of the applicant. Stated that a project of this size needed someone like the applicant who would be stewards of the land and the water resources and would help elevate Lake County on a whole. Asked the commissioners to support the project.

Damien Ramirez supports project states that the applicants had presented a vigorously thought through plan and in a zoned area designated for agriculture.

Jennifer Smith stated that the project met the requirements mandated. Applicants had shown complete transparency throughout the process. Spoke of the positive impact the project would bring to the county as an agricultural crop in a designated agricultural area. Ms. Smith stated that she supported the project.

Brad Stone Responded to wetland question asked by Ms. Mantele stating that there were no wetlands within the area of impact. Mr. Stone stated that vehicle miles traveled in comparison to prior owners PSI seminars would be less. Mr. Stone also addressed the septic concern stating that there were a number of septic and leach fields on site and was adequate for the project.

Maria Conn stated that she did not understand why an environmental impact report was not completed for this project. Spoke of her grievance with the impact to the community as it related to noise and scenic views. Ms. Conn stated that her grievances were not with the applicant who had helped her fill her tank but was very concerned due to the size of the project and its water consumption.

Elli Hagoel Spoke on Ms. Conn concern regarding collapse of the valley. Mr. Hagoel stated that he was living his life in faith not in fear as fear would bring about no change and that community support was what was needed. Mr. Hagoel read a letter into the record from Lesly and Craig Small, neighbors to the project in support of the project and their acknowledgement of the relocation of the entry gate to the project and his willingness to mitigate concerns. Mr. Hagoel stated that the company had decided to reduce the number of cannabis plants and would utilize 40 acres to plant sunflowers thus increasing the buffer between the project site and his neighbors.

Doug Logan stated that the applicants had been amicable, the concern was the water usage.

Mary Draper recommended that consultants should state what projects they are representing prior to commenting, Ms. Draper referenced Ms. Mantele as such.

Karen Mantele stated she was a member of the public and that she was familiar with planning and her comments referenced her personal concerns.

Sara Faudi stated she had concerns with cultivation on a whole prior to longtime friend Mr. Hagoel explaining it to her. Ms. Faudi spoke on the public's views of the applicants being a corporation and referenced the historic battle with agriculture in respect to sharing resources and farms in close proximity. Referenced property owner rights and congratulated everyone for using facts versus emotions.

11:24 a.m. Public Comment Closed

Nicole Johnson Deputy County Counsel stated that should there be a tied vote it would be considered a denial. Option to continue if the vote could potentially be tied should be considered as there was no option to retract if that occurred.

Comm. Brown reiterated that he had conducted a site visit. He had questions regarding the hydrology report including the ground water recharge of the aquifers and had questions of the impact to all the aquifers.

Jason Sheasley stated that the applicants had a recharge drip irrigation system which was water conscious and allowed water to be applied directly to the land surface which slowly infiltrated the subsurface and recharged the first aquifer it came in contact with. Stating that benefits of applicants drawing water from the deeper aquifer was that it would recharge the smaller one.

Comm. Brown asked if the drought and the aquifer have an effect on the drought in the valley.

Jason Sheasley stated that the drought would have an impact, survey completed showed during normal seasonal fluctuations that an anticipated 5 to 10 ft. water level change. However due to the water being utilized for irrigation purposes vs being trucked off or for livestock and it being reapplied to the land service. Spoke of the 1976 drought that took approx. 4-5 years for ground water to come back to normal conditions. Stated that adjustments could be made for irrigation as necessary i.e. reducing crop sizes or possibly using reclaimed water as a mitigated measure versus using ground water.

Comm. Brown voiced his concern for traffic impacts and asked if a pilot cart would support the transport of products etc. versus a larger than half ton truck. Would it reduce the road use?

Comm. Chavez referenced a video that surfaced via YouTube depicting pipes from the neighboring AG site Brassfield Winery to the proposed project and asked why and what it was being used for?

Comm. Hess asked if the applicant had made any financial contributions to county for the maintenance of the roads. Comm. Hess commented that there was current sensitivity to water but the commissioners were not a policy making body, each application was taken on a case by case basis.

Comm. Price asked why the diversion of water from Brassfield, was there going to be trimming onsite and stated that 60 employees seemed rather small for the scope of the project.

Comm. Chavez asked how deep the well being utilized was. How far away was the cultural resource site in relation to where the applicant had disked and did the applicant know before diskings where the cultural sites were located?

Elli Hagoel stated that the new well would be over 350 ft. deep. Stated that Dr. Parker had informed them where the cultural sites were located.

Comm. Price asked how many wells were currently on-site and how many more were additions were being proposed.

Elli Hagoel stated they had three current wells, with a proposed additional two wells. Mr. Hagoel responded to Comm. Hess stating that they were in communications with Public Works and were committed to adding a 15 ft. culvert by the turn. Mr. Hagoel added that the diverted water from Brassfield was for cattle, 40 acres of sunflowers and could be utilized for fire suppression.

Tom Armstrong responded to the hydrology and drought question stating that the 2016 report was completed at a time of comparable drought with similar conditions to the current drought situation.

Comm. Brown reiterated his question regarding pilot cars and mitigating some of the road wear concerns.

Tom Armstrong stated that they would do whatever they could to make conditions better for the neighbors and road wear.

Scott Deleon Public Works Director confirmed that the applicant had been in contact with road superintendent Jim Hail to discuss improvements to the road. Mr. Deleon stated that with Board approval the applicant would pay a percentage from the cannabis tax to help with the upkeep and maintenance of the road.

Comm. Price asked was the diversion of water from the Brassfield vineyard apart of the original application?

Tom Armstrong stated that because the water was not being utilized for the proposed project it had no effect on CEQA so it was not considered in the initial study. It was also temporary, rented and above ground and was completed within county ordinances.

Katherine Schaeffers asked Scott Deleon Public Work Deputy to clarify what an encroachment permit was.

Scott Deleon stated that a trenching permit allowed the applicant to place a horizontal directional bore beneath the county road extending water lines to the adjacent property. An encroachment permit allows the applicants to do work on a county maintained road right of way. The permit allows for the installation not the use.

Comm. Price reiterated her question of trimming being completed on site or off site?

Tom Armstrong stated that multiple housing structure were onsite as the site was initially designed for a proposed hotel, which the employees would utilize.

Comm. Chavez stated that he felt his water concerns had been adequately addressed.

Comm. Price stated that she appreciated the visual presentation.

Comm. Hess commented that this was the most comprehensive and carefully crafted application he had seen.

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the 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, will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings set forth in Staff Report dated July 22, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Chavez 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 July 22, 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.

11:56 p.m. UNTIMED STAFF UPDATE

Office News

11:57 p.m. Adjournment

Meeting: Planning Commission on 2021-07-22 9:00 AM -
Please see agenda for public participation information and
eComment submission on any agenda item.

24 Comments Comments Open

3 21-684 9:15 A.M. Continuation of Item from the July 8, 2021 Planning Commission Hearing. Public Hearing to consider approving Use Permit UP 21-10. Applicant/Owner: Sourz HVR, Inc./Aviona LLC. 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. 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)

If you are a human, ignore this field.

[illegible]

Submit Comment

18 Public Comments



[Luis Roman](#) 20 days ago

Oppose

Cannabis and wineries are drying up our groundwater. This has to be stopped.



[Karl Johnson](#) 20 days ago

Oppose

Taken all the water from the water table.



[Michele Tobey](#) 20 days ago

Oppose

wells are going dry...i oppose!



[John Zimmerman](#) 20 days ago

Oppose

In the midst of what may become the worst drought since 1977, approving an enterprise that consumes twice as much water as a vineyard is irresponsible. Action should be deferred until water levels improve. I live in the Keys and am looking at our canals drying up.



[Rico Martinez](#) 20 days ago

Oppose

One commenter states not to let “one year of drought” affect progress. There has been more than one year of drought. 115 million gallons of water a year is almost 10 million gallons a month, far more than individual neighborhoods use. I have a neighbor who is increasing his pot farm exponentially. Believe me, “progress” is not being affected.

Clearlake, the actual lake levels, are dropping. Any new projects demanding that much water should not even be a thought, let alone considered under these drought conditions.

There are enough vineyards and enough pot farms. If you keep adding more, Clearlake will end up like Lake Mendocino.

One year of not allowing more pot farms or vineyards is not going to hurt progress. Allowing more of them will hurt everyone.



[Paul Bernacchio](#) 20 days ago

Support

I support this project. I have grown in Lake county for many years, own a licensed cannabis farm, and Elli is my neighbor at one of their farms. I can tell you from personal experience not everyone in our industry strives to go above and beyond like Elli and his crew does. They eagerly meet all requirements and run a very successful, clean, and efficient operation. This is not some mountain top cultivation site where water is being stolen from anywhere they can get it. They have worked with neighbors and the community to field complaints and are very flexible when it comes to adjustments. They are good actors in our community and deserve our support. The property they acquired has been a benefit to our county, there aren't many people purchasing and proposing uses on such a large parcel. We need to embrace this type of business here in Lake. Let's not allow one year's worth of drought affect the many years of benefits this farm and others like it will bring.

Regards,
Paul Bernacchio



Julie Barnett 20 days ago

Oppose

I oppose UP 21-10 !



Richard Knoll 21 days ago

Oppose

See attached letter from client 7-21-21.

Attachments: [7-21-21 Letter to PC re Sourz HVR.pdf](#)



Lake Co Resident 21 days ago

Oppose

I oppose this project for all the reasons that Comm Hess, Comm Brown and the residents brought up during the 7/8/21 hearing. The last water study is from 2006, dry wells, no full EIR, CHP concerns, CDFW violation, illegal grading, cultural resources site disturbed and increased traffic just to name a few. How can an applicant that has already broken the requirements be expected to comply in the future? Having 2 permits in the Lower Lake area (per applicants statement at last hearing) they should already know the requirements but yet refused to follow them.

Every permit going before the commission should be required to have a FULL EIR. These projects will have effects on the area long after the plants are gone. Most residents of Lake County are not completely opposed to cannabis and want to see it be a viable industry that is done in a viable way. The recklessness of approving permits without complete EIR's is not the way. Tax revenue is great but none of us can live without water.



[Suzanne Chandler](#) 21 days ago

Oppose

We are in a serious drought situation. It's a no brainer. DO NOT APPROVE!



[Katherine Moore](#) 21 days ago

Oppose

I oppose UP 21-10.



[Connie Johnson](#) 21 days ago

Oppose

Oppose for now. No new anything until water is atleast near full capacity levels for surface and ground water!



[Nikki PyeCarte](#) 21 days ago

Support

I approve.



[Eileen McSorley](#) 21 days ago

Oppose

We need our precious water resources for growing food and fighting wildland fires not for more weed and wine. We have plenty of the latter.



•

[Mickey Johnson](#) 21 days ago

Oppose

You keep letting these pot grows in. And no one will come to this county anymore !



•

[Maria Kann](#) 22 days ago

Oppose

This project is an environmental and ecological disaster!
It is absurd to think that a project of this scope and size will not impact the environment. We demand operations cease and desist immediately and an environmental impact report be performed. Deny Use Permit 21-10.

Attachments: [DJI_0352.JPG](#) [hv_before4.JPG](#) [DJI_0373.JPG](#)



•

[Tobie Edmonds](#) 23 days ago

Oppose

My name is Toby Edmonds retired Lake County arson task force chair. I am asking the Lake County Planning Commission to deny Sourzhvr use permit 21-10. This project has already done damage to High Valley. Water lost to the residence and will be devastating First

Community with one way in One Way Out by access. I have witnessed a semi stuck on High Valley Road because it was too long. If a fire had occurred at that time fire apparatus would not be able to gain access to high Valley. Please deny or investigate further use permit 21-10



[Michael Smith](#) 23 days ago

My name is Michael Smith and I oppose Sourzhvr use permit 21-10. Please deny this permit. The project is a burden on the property owners and takes away the water they need to survive. Not to mention the environmental destruction happening in High Valley. Demand and EIR for this project.

Katherine Schaefer

From: Candace Ponds <cponds10@yahoo.com>
Sent: Saturday, July 17, 2021 9:31 PM
To: Katherine Schaefer
Subject: [EXTERNAL] High Valley SOURZHVR

To: katherine Schafers, planning commission and
for the hearing on July 22nd, 2021 at 9am

I ask the planning department to deny the project up 21-10, ea 21-10 High Valley Sourzhvr.

This project is detrimental to the health, safety, morals, comfort and general welfare of property owners in High Valley.

JSTOR Daily Journal reports that growing cannabis plants emit volatile organic compounds that contribute to ground level ozone, or smog which is dangerous for humans to breath.

Classified by the state as an “agricultural” crop, cannabis can be grown and processed in Lake County on lots surrounded by rural residential properties -- with many undesirable but not really unexpected effects. Our neighborhood’s core concern is not the legalization of recreational marijuana, but rather the permitted size and proximity to residential neighborhoods of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks, bicycle, horseback riding on this once-safe street. The facility emits a constant rattle of machines as wells as commercial-scale diesel generators running all day and night, every day.

The stench: We will experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench will prevent us from opening our windows and doors or turning on our coolers to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted by the cannabis operations can trigger severe headaches, asthma episodes and other respiratory problems. We are greatly concerned about the effects of such chemicals on infants, children and people with weakened immune systems -- and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operation.

For months, the stench will force us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor projects) and play (patios, porches, outdoor dinners, swimming pools, etc.).

Water: Cannabis requires irrigation water. State law prohibits pumping groundwater for irrigating recreational marijuana unless the property has irrigation water rights. Nevertheless,

groundwater gets pumped for large-scale marijuana irrigation without such water rights, drawing down the local water table and affecting water levels in surrounding wells.

Physical safety: Cannabis may be classified as an agricultural crop, but the security concerns attached to it produce a cartel-like atmosphere with drones, security cameras and guards patrolling the valley. What the heck is this kind of facility doing in this area?

Intimidation: In addition to these impacts, which are likely to experience intimidation by neighbors of any large-scale marijuana operation, our neighborhood might be subject to intimidation, threatened violence, profanity and arrogant bullying.

While this may not be typical of large-scale marijuana operations, the current Wild West-like atmosphere of light state and local regulation and insufficient staffing in regulatory agencies invites exploitation by greedy opportunists.

Our neighborhood's cannabis presence has forced itself to the forefront of our everyday lives and introduced a persistent fear for our health, sanity and physical safety. Many neighbors are so distraught and intimidated that they are planning to move away, leaving behind invested time and resources, memories and plans, and their attachment to a place -- to their homes -- with the dimly perceived goal of somehow starting all over in a place like our street used to be.

Several actions could be taken at the county and state levels to limit the impacts of large-scale cannabis operations on adjacent neighborhoods.

Significantly reduce the permitted size of individual grows near residences.

Limit large-scale operations to sites distant from residences.

Significantly increase the required setback from property lines.

Reclassify cannabis as something other than an "agricultural" crop.

Enforce the water laws.

We believe that such measures could help protect residential neighborhoods from the impacts we've described, would minimize local water-supply issues arising from surreptitious pumping of groundwater especially in a historic drought, and would slow the influx of exploitative industrial-scale operations.

The county allowed this project to go beyond the scope of the EA permit and grade, disc, destroy the creek beds, force the animals to leave, destroy the artifacts, cause dust in which the valley residents suffered among other violations. The county did nothing even after receiving many complaints. We called when they had dozers going through the creek beds and you did nothing, we called about the dust and again you did nothing. The list goes on. How can we have any trust in this department or the applicant? We don't, and believe that you will allow them to do whatever they want. There are so many animals that called that place home and yet you think its ok to have fish and game and other departments out long after they destroyed the area to do a study. They graded right over their nest and everything. That land was never graded, irrigated, or planted, it had cows and horses grazing the pastures for over the last 40 years. The lady Randy who spoke at the last meeting in July 8th was in on the sale had her son disc the land to aid in the sale of the property. Prior to that it had only ever been mowed. This is not ok and should be stopped for what they have done. How in the heck is it ok

to pump water from a neighboring property (Brassfield Winery) to Sourzhvr to water their pot? Where is that in their staff report? Why is that ok?

They have broken the rules already, they are impacting the health and safety of the neighbors while breaking the rules and people are running out of water and we are in a historical drought.

We deserve a better life than this, you should be protecting our environment, health, and our safety.

Are any of you going to ensure that SOURZHVR follows their permit and who will ensure that you follow up on SOURZHVR?

The planning commission has the right to deny this project and should.

51.4 Findings required for approval:

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

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

This is detrimental to the health, safety, morals, comfort and general welfare of every single resident in this valley. It puts us all as risk.

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.

Thank you

Independent Water Use Analysis and High Valley Aquifer Impact Study –
Sourz HVR Major Use Permit [UP-21-10. Initial Study [IS21-10]

7-8-21

- Address the impacts of the HVR project on the High Valley Aquifer and all of the existing wells.
- A drawdown analysis should be done that includes monitoring of the surrounding wells and the recovery rate of the wells. Include the effects/impacts of any new wells.
- If water is to be sourced from offsite, this should be incorporated into the analysis.
- Address these impacts in the context of drought conditions. What do the existing well levels look like now? How much are they producing? Are some wells truly going dry? Is the aquifer level being depleted? Will the storage capacity of the aquifer potentially be reduced due to ground subsidence?
- Reference information in the Lake County Groundwater Management Plan, which states the usable capacity, is 900 acre-feet. Reference, historical information, and information from the State DWR.
- Indicate that the projected project demand is 352 acre-feet per year, almost 40% of the usable capacity. What mitigation measures will be implemented during drought years to limit overdraft?
- Any modeling that is conducted should include all model assumptions and how parameters were determined/estimated.
- The new report should be included in the CEQA Initial Study analysis of water impacts from the project.
- List the qualifications of the individuals doing the study.

Don and Margie Van Pelt
(707) 272-2850
1325 Valley Oak Dr.
Clearlake Oaks, CA. 95423

July 21, 2021

Lake County Planning Commission
Lake County Courthouse
255 North Forbes Street
Lakeport, California 95453

Re: Sourz HVR - Major Use Permit UP 21-10 and Initial Study IS 21-10

Dear Planning Commissioners:

Thank you again for the opportunity to comment on this project.

At the Planning Commission meeting on July 8th, the Sourz/HVR developer was asked to look at traffic, water availability and other issues, without a detailed scope of work or a requirement for an independent analysis. The applicant has used their planning and engineering consultant to prepare additional water and traffic documentation for the Planning Commission to review.

We again see technical reports and memorandums prepared by the project developer's consultant in a matter of a few days, submitted to the County, and then passed through to the Planning Commission. Has there been an independent peer review or analysis to determine the accuracy and validity of the facts, figures, and information being presented with regards to traffic generation and impacts, water availability and the impact of a new, large withdrawal of ground water from the High Valley Aquifer, especially during drought conditions?

The developer's consultant project team, while competent, is not independent, and has appeared to have prepared almost every document submitted to County staff and the Planning Commission including:

- The Use Permit application forms.
- The Project Description.
- The Property Management Plan.
- The Site Plans.
- The Traffic Memorandum
- The Hydrogeology and Water Technical Memorandums and reports.
- The CEQA Initial Study.
- The Staff Report to the Planning Commission.
- The Conditions of Approval.

Although apparently sanctioned by Lake County because of insufficient staffing, the fact that the applicant has prepared all of the above-mentioned documentation for the project calls into question the level of independent and fair analysis that the project has received. The neighbors, nearby residents and the general public have a right to expect a fair and equitable analysis of any project and to not have to rely upon information and planning details that have been largely prepared by the developer. How does this protect the public welfare as is required in Section 51.4 of the Lake County Zoning Ordinance? This Section of the Ordinance requires that findings be made that prove 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?

At this point many of the neighbors, residents, and property owners in the vicinity of this project are feeling let down and disappointed by the review process on this project. There is evidence presented that this project will create detrimental traffic, ground water, noise, odor, dust, water runoff, biological, and cultural resource impacts that will affect the health, safety, morals, comfort and general welfare of persons residing and working in the neighborhood, will be detrimental to property and improvements in the neighborhood, and to the general welfare of the County

In spite of the additional information prepared and submitted by the developer, there are still very serious concerns and issues with regard to the project:

Biology -

The Biological Report does not comply with County policy or California Department of Fish and Wildlife protocol for CEQA biological reports. There was never a protocol level floristic survey of the project or a report prepared. Almost all other cannabis cultivation project applications are subjected to this requirement, why wasn't this one?

Cultural Resources –

Do we know if there was any training provided to the operators of the grading and site preparation equipment, regarding how to spot any cultural or archaeological resources? There was no one on-site performing any kind of independent ground level or soil observations. Other projects are subjected to agreements with archeologists or local Native American Tribes to have on-site personnel in place during grading activities, to assure the public that cultural resources are being protected and preserved. There were no such observers on this project.

Grading -

It is known that the Sourz/HVR developer performed substantial illegal grading without any permits issued by the County, no oversight by any public entity, and violated Department of Fish and Wildlife regulations. Testimony was given at the July 8, 2021 Planning Commission public hearing regarding the illegal grading within various waterways and the issuance of some sort of violation by the California Department of Fish and Wildlife. Recent overflight photos of the site identify the extent of the illegal grading activities that have taken place on the subject property. This clearing, grubbing, and grading has been extensive and appears to have encroached within the various waterways and setback areas identified on the project site plans.



The photo above identifies some of the grading and clearing/grubbing areas that seems to violate the County Cannabis and Grading Ordinances. Why hasn't Lake County Community Development Department staff and Code Enforcement looked into this issue and prepared a report to the Planning Commission on the status. This seems to be a very serious issue that has not been documented by the County. Local residents and the County in general depend upon County staff to address these type of problems. Other projects in the county have been red tagged, shut down, and delayed for extensive periods as a result of illegal grading or not following cultural resource observation protocols, but this project has apparently been allowed to proceed, with a slap on the wrist.

Dust, Air Quality, and Odor -

The clearing, grubbing, and grading activities that have taken place on the Sourz HVR site has been extensive and much of that land is still open, uncovered, and dry. This condition creates dust when the wind picks up, and when vehicles and equipment are driven over these areas. This grading issue and the dust mitigation has not been adequately addressed by staff and once again leaves the Planning Commission somewhat in the dark about the true status of the project.

The very real, negative impact of the smell/odor (air quality) of 80 acres of outdoor maturing cannabis plants during the typical cultivation season could last for several months. Our family home/residence is located just to the east of the proposed grow site and downwind of the prevailing wind direction. We may be severely impacted by the smell of a 3.4 million square foot outdoor cannabis cultivation operation to the point of not being able to enjoy the peaceful outdoor environment of our place. It will likely also affect our indoor living space. The intense concentration of mature cannabis plants in a large-scale growing operation will result in an odor problem for neighbors, not yet experienced in the County. The odor impacts associated with a large-scale operation are serious. The County in the review of these proposed cannabis projects does not seem to have an answer (mitigation plan) for the cannabis cultivation odor problem, particularly the cumulative impact of large-scale grows on adjacent neighbors.

Ground Water Availability, Water Supply, Hydrogeology, Aquifer Capacity, and Evaluation of Drought Conditions -

A Revised Hydrogeology Technical Memorandum (Revised TM) for the Sourz High Valley Ranch Project dated July 14 was prepared by Kimley Horn the “applicant’s consultant”. What are the professional qualifications of the preparers? It appears that Jason Sheasley is a professional Geologist, licensed in Florida, not in California. Brad Stoneman is a Planner.

Was there an independent review of this report, by a qualified staff member of CDD or the County Department of Water Resources (DWR) or by an independent qualified hydrogeologist or other licensed specialist familiar with the region? If not, this should trouble the Planning Commission.

An independent licensed Water Resources Engineer has reviewed the Original and Revised TM. The annual water demand is 351.59 acre-feet per year. The Revised TM incorporates information, made available since the last Planning Commission meeting, from a Groundwater Availability Study prepared by EBA Engineering in 2016 for the High Valley Basin. However, this study was not included in the planning packet or appears to have been made available to the Planning Commission. The Revised TM states that the EBA Engineering Study was conducted on behalf of Brassfield Estates Winery, to the west of the proposed project. Kimley Horn makes statements from the EBA Study, without providing details of how those statements were determined. In addition, there is zero analysis regarding the impacts during a drought.

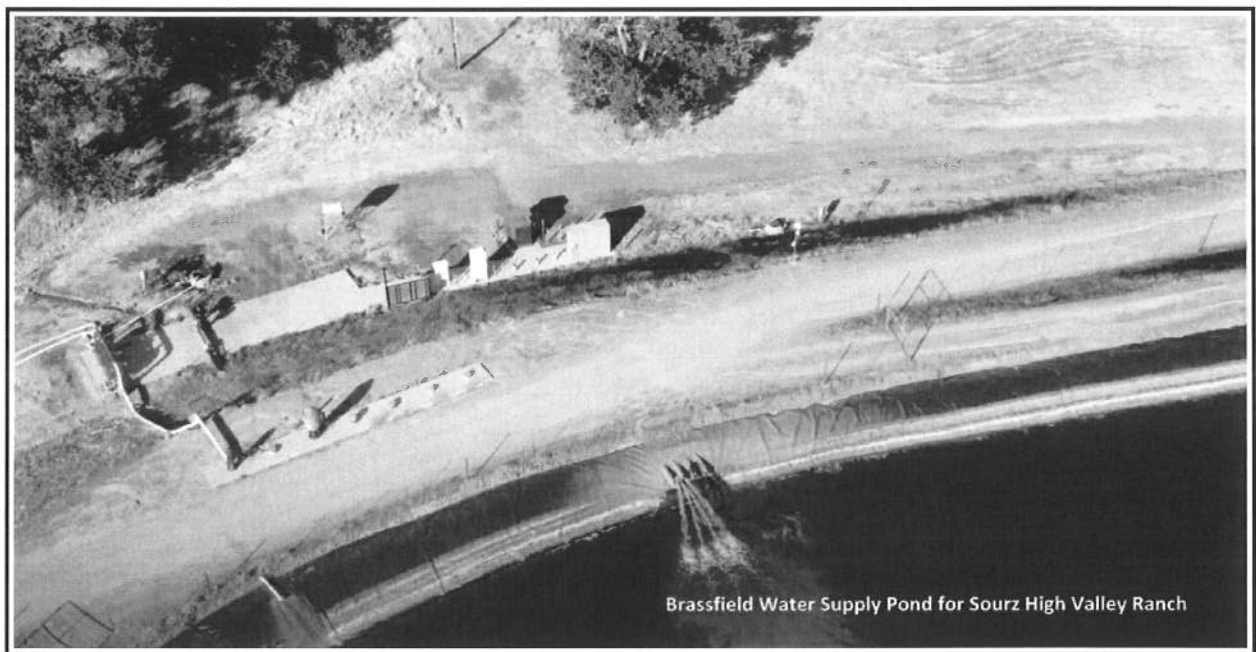
For example, Kimley Horn states the EBA Study estimated the storage capacity to be 27,799 acre-feet. How was the storage capacity determined? The State Department of Water Resources estimated a storage capacity of 9,000 acre-feet with a usable capacity of 900 acre-feet. Without the report, there is no way to evaluate how EBA estimated storage capacity was determined.

Another example relates to recharge. Kimley Horn states the EBA Study estimated groundwater recharge to be 2,321 acre-feet. Groundwater recharge is not the same from year to year. Does this recharge estimate represent an average year? What about during a drought, and multiple consecutive drought years? The Lake County Water Inventory Analysis the average annual rainfall near the site at Clearlake was reported as 27.5 inches, the minimum was reported as 8.26 inches. If the recharge estimate from the EBA Study represents an average year, then, not considering evaporation or evapotranspiration (which result in even less water getting to the aquifer) and using a direct proportion, the recharge during the dry year on a year with rainfall of 8.26 inches would be less than 697.14 acre-feet.

Another example relates to demand. Kimley Horn states the EBA Study estimated existing demand in High Valley Basin to be 378.70 acre-feet per year. If there is no recharge or if the recharge is a fraction of the average, as provided in the example above, during consecutive years of drought the aquifer may not be able to support the existing demand, let alone the existing demand plus the demand proposed by the cultivation. The existing demand plus the proposed cultivation demand is 730.29 acre-feet.

Kimley Horn states that there is an existing well with a yield of 200 gallons per minute (gpm) and that all the other wells are no longer functional and will be replaced. The Revised TM state that 2,040 gpm are needed to irrigate the 85 acres of cannabis and nursery and that additional wells will be installed to supply this water and that the new wells will have no impact on the surrounding wells in the High Valley Basin. Was the combined drawdown of 2,040 gpm conducted to determine the impact on surrounding wells looked at and addressed? 2,040 gpm is a lot of water to be extracted from the aquifer at once.

The fact that the project has been Early Activated to cultivate all acres, that require 2,040 gpm, without wells installed to provide that water or storage to provide the water is shocking. Especially during a drought. In addition, a recent drone overflight video shows that the cultivation site has been connected to an offsite pond that is south of High Valley Road. It is VERY obvious from the video that piping has been installed from this pond to the HVR cultivation areas. This pond is being filled from pumped groundwater. This pond and the well or wells filling the pond were NOT included in the applicants' water availability analysis or in the CEQA analysis. Further, this pond is not even located on one of the project parcels. In addition, grading has been done on the site to install water facilities, which is in direct violation of the Early Activation. How can this be allowed to continue?



Independent technical studies and a CEQA EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision, taking into account the full environmental consequences of a project.

The evaluation of the environmental effects of this proposed project must be reviewed in the light of what is reasonably feasible.

Studies should be conducted in such a way to demonstrate less than significant impact or mitigation measure that result in less than significant impacts and should summarize the main points of

disagreement among reports. The courts in looking at CEQA documents do not require perfection but requires adequacy, completeness, and a good faith effort at full disclosure.

The revised water memorandum is technically better than some other water reports submitted to the County. However, the memorandum does not address drought conditions, the existing state of the aquifer and what mitigation measures are needed during drought conditions. They state that the current demand is 378.7 AF and their demand is 353.9 AF, so they are almost doubling the demand. According to the study, there is sufficient storage capacity, but nothing about drought.

Traffic –

A Traffic Memorandum for the Sourz High Valley Ranch Project dated July 14 was prepared by Kimley Horn. Once again, it is important to point out that Kimley Horn is the “applicant’s consultant”. What are the qualifications of the preparer? Brad Stoneman prepared the Traffic Memorandum, he is a Planner. What are his qualifications as a Traffic Planner or Engineer? Again, was there an independent review of this report, by a qualified staff member of CDD or the County Public Works Department or by an independent qualified traffic expert?

The Traffic Memorandum compares the PSI Seminar traffic and proposed project traffic and states that the proposed project traffic would be similar to the previous PSI Seminar traffic. From interviews with other cultivators and processors, I am very skeptical regarding the proposed seasonal employee count and number of trips on High Valley Road. There should be a restriction or condition of approval to address potential increased traffic, above the amount stated in the Traffic Memorandum, to protect residents that use High Valley Road. If you give the project approval without a condition, there will be no control of this project in the future.

Even though there were seminars operated there before, the proposed number of employees for such a large project is very low.

Recommend conditions that the developer construct off site improvements to enhance geometric design, widen narrow sections, cut back slopes to improve roadway performance and safety.

Water Board Compliance -

The project self-certified with the State Water Board Cannabis General Order that it meets all setback requirements (see page 48 of the Revised Hydrology TM) and is low risk. This is not the case.

Summary and Conclusion -

In conclusion, as a neighbor directly impacted by this proposed cannabis cultivation project, it seems as if there has been a lack of independent, qualified, professional level analysis of the Sourz HVR cannabis cultivation project. We urge the Planning Commission to put a hold on the proposed project until such time that a fully independent, professionally prepared CEQA Environmental Impact Report is prepared addressing the significant traffic, ground water, noise, odor, dust, water runoff, biological, and cultural resource impacts that result from this project situated in the isolated High Valley area. We also request that the project be modified and reduced in scale so as to substantially reduce the potentially significant

impacts associated with its development and operations. We ask that the Planning Commission terminate the early activation and require all activities to cease on the site because of all of the violations that have occurred and until a decision is rendered on the Major Use Permit application.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Don & Margie Van Pelt". The signature is written in a cursive, flowing style.

Don and Margie Van Pelt - Neighbors

Katherine Schaefers

From: Donna Mackiewicz <donnammackiewicz@gmail.com>
Sent: Monday, July 19, 2021 5:09 AM
To: Katherine Schaefers
Subject: [EXTERNAL] Sourz HVP Please consider requesting an EIR for UP 21-10

Hello Ms. Schaefers,

Presenting plans before the Commission is a huge responsibility and we are thankful for your dedication, but please consider requesting an EIR for UP 21-10.

Please take it into consideration...

- Lake County should align itself with State Cannabis Permitting Regulations
- Water basin studies have not been done
- and - the violations discovered...

and here are a few more...

Extreme drought, water use with no ground water studies and neighbors wells going dry ("proposed drill" 7 has been dug)

Violations to County and US Fish & Wildlife Codes committed

Local tribes have not commented in on the protection of cultural artifacts uncovered
Nesting birds were not identified by the study that was done in the fall - not spring
when most birds are migrating and arriving in the county

A formal traffic study was called for when applicant consultant, in his recorded live answer, mentioned CalTrans calls for traffic studies when there are over 120 vehicles traveled per day

The applicant, himself, stated "200 employees", not the low numbers mentioned in the report, are "waiting patiently"

Water reports submitted were done before the project had been purchased by Mr. Hagoel

No mention of the air strip and its use in the report

No inventory or protection for the on-site wetland

Wildfire plan - responsible, large acre projects like Maha, submitted plans to protect and aid local fire districts. This applicant has the manpower and money to contribute to protect the land from fire, neighbors' drinking water protection, but has not been asked to

Please, consider a slow-down of the project - an EIR is needed.

Ask this applicant for due diligence and thorough accountability like we hold all applicants to.

Very sincerely,

Donna Mackiewicz, Lake County resident

Vice President and Conservation Committee, co-chair National Audubon's Lake County Chapter, Redbud Audubon

donnamackiewicz@gmail.com

405-227-6020

Sent from [Mail](#) for Windows 10

Katherine Schaefers

From: Maria Kann <mariackann@gmail.com>
Sent: Tuesday, July 20, 2021 10:18 PM
To: Katherine Schaefers
Subject: [EXTERNAL] Fwd: Lake County

----- Forwarded message -----

From: **HERMINA KANN** <hermiek@comcast.net>
Date: Tue, Jul 20, 2021 at 7:36 PM
Subject: Lake County
To: Maria Kann <mariackann@gmail.com>

To Katherine Schaefers and Lake County Planning Commission

I am asking you to look seriously at SourzNVR Use permit 21-10. Go to High Valley and see for yourself why this cannot be allowed in Lake County. We are in the worst drought conditions and have been for years with no end in sight. Wells have gone dry. Farms households and wildlife are at stake here. We cannot allow a cannabis grow of some 80 plus acres to rape the fragile water supply. In view of the wildfire threat we face, we cannot risk the increased traffic this operation will bring to our area with one narrow, dangerous road the ONLY way in and out of High Valley. A thorough and complete environmental impact study must be done. When you have seen the valley and studied the report I believe you will agree that this Permit 20-10 must be denied.

Thank you for your consideration of this matter. Thank you for serving on the Lake County Planning Commission and serving the needs, hopes and dreams of the people in Lake county.

Hermina Kann
McMinnville, Oregon

Katherine Schaefer

From: Elizabeth Larson <elaron@lakeconews.com>
Sent: Wednesday, July 21, 2021 1:43 PM
To: Katherine Schaefer
Subject: [EXTERNAL] Youtube video of SourzHVR cannabis project water line

Hi, Katherine,

Have you seen this video about the SourzHVR cannabis project?

https://www.youtube.com/watch?app=desktop&v=bhazVwh3TfE&fbclid=IwAR3_YWIXCLsAMSXBvW9aG6PSw-Ck9N04puuYvr_VWbusAL_mAsuU-Uzg5lk

It purports to show water being pumped from Brassfield to the High Valley Ranch property.

I've just seen it and am not sure of exactly what it shows, but am wondering if the Planning Commission will be informed of it.

Elizabeth

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Elizabeth Larson
Editor and publisher
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"For all that is secret will eventually be brought into the open, and everything that is concealed will be brought to light and made known to all." – Luke 8:17

"Strength is for service, not status. – Romans 15:1, The Message

"The wicked flee when no man pursueth: but the righteous are bold as a lion." – Proverbs 28:1

Katherine Schaefers

From: Leslie Small <dr.awkward00@gmail.com>
Sent: Thursday, July 22, 2021 8:09 AM
To: Katherine Schaefers
Subject: [EXTERNAL] Property on High Valley Road

To Whom it May Concern,

My name is Leslie Small and I live at 12000 High Valley Road in Clearlake Oaks. I was excited to have a new neighbor developing the property next to mine, being situated right next to them has given me a front row to see the progress. Initially it was a bumpy start, as anyone who's been around construction knows there is some noise disruption. Luckily, the owner Elli Hagoel has been extremely amicable, in both communication and willingness to assuage our concerns. Instead of using the gate next to our driveway he has rerouted all deliveries and vehicles to the gate further down the road making the noise disruption disappear. In addition, he has kept open communication about when any noise disruption will occur going forward, which is greatly appreciated. Elli has been nothing but a polite, considerate and courteous neighbor who I believe is working hard to develop the property and provide valuable jobs to those working for him.

Sincerely,

Leslie Small