

Eric Porter

From: Fahmy Attar <FahmyA@lcaqmd.net>
Sent: Wednesday, September 1, 2021 8:40 AM
To: Eric Porter
Subject: Re: Request for 2nd review - file no. UP 20-22, WeGrow

Hello Eric,

Refer to condition 1: Odors can travel well over a mile, so odor impacts without mitigation are expected to be significant. Odor mitigation should be recommended given that the site is very close to the community park and residential areas.

Refer to Condition 8: Dust impacts are expected to be significant without paving the access roads. Extreme droughts makes it difficult to prevent dust, so roads with high traffic should be paved to prevent dust impacts on nearby community park and residential areas.

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

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

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

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

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

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

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

7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for

ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.

8. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best Regards,

Fahmy Attar | Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
O 707-263-7000 | M 707-533-3469 | FahmyA@LCAQMD.net

On Aug 16, 2021, at 8:55 AM, Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Hi all,

On 3-16-2020, I sent out a Request for Review for file no. UP 20-22,' WeGrow LLC'. This is a controversial project located near Hidden Valley Lake development.

The Planning Commission's decision to approve this application was appealed to the Board of Supervisors, who remanded the application back to staff to revise the CEQA documents due to a change that had occurred in the scope of the project.

Staff is revising the CEQA documents. Your comments may be the same as your comments from March 2020, but I want to give you the opportunity to resubmit any comments or concerns you might have. One of the primary changes is that the applicant is now proposing the removal of over 100 mature oak trees; the Tree Removal and Replacement Plan is too large to email; I can send it to you via 'file share' if you want it.

Yuliya, I will send you the water data separately.

Thanks,
Eric

<image003.png>

Eric J. Porter

Associate Planner

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37101

Fax: (707) 263-2225

Email: eric.porter@lakecountyca.gov

STAY CONNECTED:

<IMAGE004.PNG> <IMAGE005.PNG> <image006.gif> <IMAGE007.PNG>

<WeGrow Site Plans 3.21.21.pdf><UP 20-22 RFR 2021.doc>

County of Lake
Community Development Department
Planning Department
255 N. Forbes Street, Lakeport Ca 95453

WeGrow UP 20-22
August 26, 2021

Dear Mr. Porter,

Thank you for the opportunity to comment on the new proposal for WeGrow UP 20-22.

Redbud Audubon would like the Commission to deny this project as written. In reviewing the biological studies and proposal, we question many of the findings and have noticed numerous mistakes. Frankly, we question the veracity of these studies. Please note the new biological report contains definitions in the parcel report that departs from protocol used in California Environmental Analysis to describe plant communities.

WeGrow new proposal comments and questions:

The sighting of a Pacific-slope Flycatcher during the biologist's sight visit is a strong reason to call for an in-depth biological study. This sighting is very rare (0.1%) and seen in February makes it even more rare. There has been one other recorded sighting in Dec. 2015. The Emerald Triangle Associate report stated "a spring biological study would offer no different results." We strongly disagree and ask the Community Development Department to require a spring survey on the entire property. This area is nesting habitat for chaparral specific species like the Wrentit, California Thrasher and other species. This was not addressed in the study.

We also disagree strongly with the recent proposal statement that the center area, (where over 130 mature Blue Oak trees grow,) is the most suitable location on the property for the development of cannabis cultivation.

We also question the determination the oaks are "near the end of their lifespan." Oak trees of all species are known to live for decades, surviving fire and drought. While other oaks are resistant to drought, few of them combine all the mechanisms of conservation, tolerance and resiliency that are present in the Blue Oak. Consider "Modeling the Effectiveness of Tree Planting to Mitigate Habitat Loss in Blue Oak Woodlands" data that shows saplings planted have significant decreases in habitat suitability for acorn and cavity dependent species such as various woodpecker species, the western bluebird, and the western gray squirrel all animals seen in the initial study. <https://www.fs.fed.us/> Furthermore, consider the saplings canopy cover after 50 years is projected to range from 7 to 33 percent, with an average DBH ranging from 3.4 to 4.1 inches for a single blue oak.

We have other concerns with this projects report:

1. 1.1 Who were the "qualified professionals" that evaluated the new removal and replanting area? What was the actual on-site date of the second site visit? The first being February 2020 in the initial study. As asked previously, who is the individual that determined the Blue Oaks were at the end of their life span and how was this determination made? Blue Oaks can live to be 500 years old.

The definition used in the parcel description departs from protocol used in California Environmental Analysis to describe plant communities. 3.0 Parcel Description states:

- a. "Oak woodland - An oak woodland is a plant community with a tree canopy dominated by oaks (*Quercus* spp.). In terms of canopy closure, oak woodlands are intermediate between oak savanna, which is more open, and oak forest, which is more closed. Although the community is named for the dominance of oak trees, the understory vegetation is often diverse and includes many species of grasses, sedges, forbs, ferns, shrubs, and other plants." Perhaps they meant to say Blue Oak woodland whose primary species are Blue Oak, Interior Live Oak and Grey Pine, California Buckeye and Redbuds.
- b. "Bunchgrass grassland" – is this referring to native perennials that have large fibrous root systems going sometimes 15' into the soil? Also, what native California bunch grasses are present on this property? They should be named. We saw some *Stipa Pulchra* on neighboring properties, but if there are significant native bunch grasses in this area, it should be considered and mitigated. "Bunchgrass grassland," is an ambiguous term.
- c. "Chamise Chaparral" - Chaparral is a specific type of scrubland that includes Chamise, Manzanita, Yerba Santa, varieties of *Ceanothus*, and other native California shrubs.
- d. "Northern coastal scrub" and then it says "northern coyote brush scrub" – This sounds like the creators of this report are just throwing out every random term they know. Are we Northern Coastal Scrub? We are not "coastal." Again, Coyote Brush Scrub?
- e. "Central Coast riparian scrub" – We are not familiar with this term. Are they referring to willows that live in riparian areas?
- h. The next sentence says, "The property is primarily dominated by mature oak trees" (So maybe not what was mentioned in the first sentence? (50% mixed *Quercus-Pinus*)

Did they mean to type *Quercus Prinus*? What is *Quercus-Pinus*? *Quercus Prinus* is Chestnut Oak and not found in Lake County.

2. 390 oaks are proposed as mitigation for the Blue Oak loss. If approved We suggest more than the 390 be planted for the expected loss within the first year.

6.. Will each sapling and tree have a tree shelter for protection from deer that inhabit the area? And how will these be watered and monitored? For replanting of Oaks to be successful they must be watered on a regular basis for the first several years, they must be protected from deer and other mammals that browse them.

7. The Emerald Triangle Assoc. report regarding oak re-planting quotes Lake County code cultivation regulations: "shall be 5' tall (or taller) at the time of planting and shall be maintained for the life of the project" Yet Emerald Triangle Assoc. in 4.1 Proposed cultivation Area states that they will plant "90 5" tall Blue Oak immature trees" not 5 foot as mentioned earlier in the document. Which is it?

8. Section 4.3 states: "40 Blue Oaks will be planted along the driveway" – what will the size be and how will they be watered? And the 50 Blue Oaks behind the processing facility – what is the size and how will they be watered? The report does not state the establishment period must be seven years. Public

Resources Code Section 21083.4 applies to mitigation for the removal of oaks that are not commercial species, which are five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. Senate Bill 1334 (Kuehl), which brought the conversion of oak woodlands under California Environmental Quality Act (CEQA) states: The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted. This requirement should be clearly stated in the DEIR's discussion of mitigation.

9. Note the inconsistency of the wording: "any trees that die during the life of the project shall be immediately replaced." In another section, it states: "replanting success rate will be 85% over three years." Again, which is it?

10. Cultural/Archaeological Report: It was stated that "Dr. John Parker had walked land near this site in 2020." Has a visit of this actual site (especially in light of the entire new proposed site where the oaks are to be removed, new seedlings area and the 5 ft. oaks area) been completed and what was the date? What were the new findings? Is it an important site?

11. The new report mentions Dr. Parker did a "visit February 6th" - was it this year? (Report does not say). It is interesting to note that two neighbors' property does have cultural artifacts that were seen on our visits 6/10 & 8/22/2021.

12. Dr. Parker's report states "no evidence of prehistoric cultural activity was discovered during the inspection" and recommends that the proposed project "be approved" - were the new areas to be planted surveyed by Dr. Parker?

13. The report also says: "The cultivation and processing area included in the Cultural Study Area". This an incomplete sentence – what did the consultant mean?

14. Please note Section 5.1 states the access driveway...minimum will be 20 ft. wide with 14 ft. of unobstructed horizontal clearance and 15' of unobstructed vertical clearance. With the proposed planting of the 40 new Blue Oaks how much grading needs to be considered and will the clearance be the same with the long-term growing?

15. Seeding the site: We question the decision of seeding with Saturn Bearded Rye, a non-native cereal crop. Please note the following correspondences, the first is from Larner Seed Co. We inquired if Bearded Barley or the Golden State Native Grass Erosion Control mix was the best choice. *"November is a good time to sow seed. Like all seeds, native grass seeds require sufficient moisture to germinate and make early growth. They are vulnerable to drying out when young, but drought-tolerant when established. It will establish if it makes good 'seed-soil contact' so that it does not roll down the hill, (it might need jute netting) has consistent moisture, and little competition from weedy grasses. Hope this is helpful. Judith Lowry Larnerseeds www.larnerseeds.com 415-868-9407."* And more on the Bearded Barley from Keith Berns at greencoverseeds.com. We inquired what the Saturn Bearded Barley was and his reply. . . I am pretty sure it is *Hordeum vulgare*. . . Nothing will grow without some moisture but the barley will be decently drought tolerant. . . cereal rye will be the most drought hardy of all of the cereal plants. If you are broadcasting this then you would want to do 120-150 pounds per acre – 80 – 100 with a drill." Why are they planting Barley? It is a non-native annual grass that dries out.

With so many dubious statements and mistakes in this study and the current drought situation in the State and Lake County, we ask that the approval of this project be denied and that a full, Environmental Impact Report (EIR) created by a reliable and reputable company be completed.

Sincerely,

Roberta Lyons

Donna Mackiewicz

Redbud Audubon Society, Conservation Committee

Eric Porter

From: Fansler, Daniel@CHP <DFansler@chp.ca.gov>
Sent: Wednesday, October 6, 2021 3:25 PM
To: Eric Porter; state.clearinghouse@opr.ca.gov
Cc: CHP-10AAdesk; CHP-EIR
Subject: [EXTERNAL] RE: Environmental Document Review – SCH #2021020311 - Due to Lead Agency by

RE: UP 20-22 Addendum / SCH #2021020311

I have reviewed the proposal for the WeGrow project on Herrington Road, Middletown. I have several concerns regarding the traffic impact of this large-scale commercial project in a residential area. The proposed access of this project passes through two residential streets, Tinilyn Road and Jaclyn Drive. The transition from Tinilyn Road to Jaclyn Drive contains a blind corner and the intersection has no control devices. The lack of control devices, speed limit signs, nor center striping is concerning for residents who use these streets for walking and biking as there are no sidewalks or streetlights.

Another concern is egress during natural disasters, specifically wildland fires. The only evacuation route from this neighborhood is Spruce Grove Road. During prior evacuations, Spruce Grove Road has been extremely congested with stopped traffic due to Hidden Valley Lake and Jerusalem Grade residents. Adding 40-80 additional cars will impact evacuation times. Allowing a large-scale commercial cannabis business to operate in a quiet, upscale residential neighborhood will not be met without objection from neighboring residents, and will most likely increase the amount of calls for service to our local law enforcement.

Most concerning is the open felony case for stolen heavy equipment at the listed address. The preliminary report indicated that a subject, claiming to be the new owner of the property was contacted regarding the stolen equipment found on the property. This case is still under investigation and remains open. Further information can be found in the completed preliminary report, CHP Northern Division ISU case #F005-107-20. Respectfully,

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



Safety, Service, and Security

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From: CHP-EIR <EIR@chp.ca.gov>
Sent: Wednesday, September 15, 2021 5:39 PM
To: Dye, Arthur J@CHP <ADye@chp.ca.gov>
Cc: Dobson, Denise@CHP <DDobson@chp.ca.gov>; Fansler, Daniel@CHP <DFansler@chp.ca.gov>; CHP-10AAdesk <10AAdesk@chp.ca.gov>
Subject: Environmental Document Review – SCH # - Due to Lead Agency by

Good Afternoon,

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

[We Grow / Otchkova, UP 20-22 ADDENDUM](#)

Due to the project's geographical proximity to the Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If impact is determined, responses should be e-mailed directly to the Lead Agency with cc to SCH, respective Division, and Special Projects Section. Please additional information, please see General Order 41.2, Environmental Impact Documents.

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

Thank you,
Denise (Dee Dee) Dobson
Staff Services Manager I
California Highway Patrol
Special Projects Section
916-843-3375 (direct)
916-843-3370



California Wildlife Foundation/California Oaks, 201 University Avenue, H-43 Berkeley, CA 94710, (510) 763-0282

August 26, 2021

Eric Porter, Associate Planner
County of Lake
Community Development Department, Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, CA 95453

Transmitted via email: eric.porter@lakecountyca.gov

RE: Major Use Permit, UP 20-22, Initial Study, IS 20-25, Early Activation, EA 20-26, WeGrow LLC

Dear Mr. Porter:

The California Oaks program of California Wildlife Foundation (CWF/CO) works to conserve and perpetuate oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values. Redbud Audubon Society reached out about the proposed WeGrow LLC commercial cannabis cultivation project in Middletown. CWF/CO shares their concerns about impacts of the proposed project on 130 blue oaks and other plant and animal species, the inadequacy of the environmental analysis, and the inadequacy of the proposed mitigation. CWF/CO reviewed the Tree Removal and Revegetation Plan and offers comments, below, primarily about the proposed project's impacts on oaks and the oak mitigation plan.

Habitat Impacts: The statement in the Tree Removal and Revegetation Plan that the 130 blue oaks subject to removal are near the end of their lifespan is unsubstantiated and troublesome. Much of this plan is poorly written, including the text below, which is presented exactly as it appears in the plan:

Although the Oak stand could potentially provide habitat the trees are at the end of their lifespan trees are mature replanting will provide lasting habitat into the future decades. An additional location on the northern part of the parcel as being adequate as well if the tree removal is not accepted.

Mature oaks provide vital habitat. The Spring-Summer 2021 issue of [Oaks](#) details 33 federal and state endangered, threatened, candidate, and fully protected vertebrate species dependent upon oaks and 134 listed plant and 26 invertebrate species associated with oaks. Oak seedlings and saplings require decades before they are able to provide the habitat values that mature oaks do. The suggestion in the quoted text above that the project could potentially be located at a northern part of the parcel should be explored.

CWF/CO agrees with Redbud Audubon that the sighting of a Pacific-slope flycatcher during the biologist's sight visit is a strong reason to call for an in-depth biological study. Pacific-slope flycatcher is an oak-dependent species based on vertebrate data derived from the California Wildlife Habitat Relationship (CWHR) information system (<https://wildlife.ca.gov/Data/CWHR>), which California Department of Fish and Wildlife

(CDFW) provided to CWF/CO. The CWHR query focused on vertebrate species that utilize oak habitat for reproduction, cover, or feeding.

Mitigation: Audubon's letter pointed out inconsistencies in the size of proposed sapling and seedling material for mitigation. Additionally, the establishment period must be seven years, not three, as stated in section 4.4 Regeneration, or five years, as stated in 9.0 Vegetation Retention and Monitoring. Public Resources Code Section 21083.4 applies to mitigation for the removal of oaks that are not commercial species, which are five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. Senate Bill 1334 (Kuehl), which brought the conversion of oak woodlands under California Environmental Quality Act states: *The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted.*

Oaks and fire: CWF/CO urges the County of Lake to consider prohibiting the advancement of this project, as currently construed, in part because it would remove a tree genus that is fire resilient. The severity and frequency of fire in Lake County in recent years has greatly diminished the county's natural habitat. The County of Lake should act to keep its oaks standing.

Sincerely,



Janet Cobb
Executive Officer
California Wildlife Foundation
jcobb@californiawildlifefoundation.org



Angela Moskow
Manager
California Oaks Coalition
amoskow@californiaoaks.org

cc: Donna Mackiewicz, Redbud Audubon Society, donnamackiewicz@gmail.com

Eric Porter

From: John Everett
Sent: Monday, August 16, 2021 1:41 PM
To: Eric Porter
Subject: RE: Request for 2nd review - file no. UP 20-22, WeGrow

Eric,
I obviously do not have any comment regarding the change in scope removal of over 100 oak trees... Except to say that we have oak mitigation with our Public Works Projects at times, and usually are requested to replant three new trees for every oak tree over 6" trunk diameter at chest height by CDFW permits.

I would like to ask you to have the applicant construct a commercial driveway at his driveway's connection to Tinilyn Road. The all-weather road surface they will be installing on-site should be extended the couple of hundred yards to the above driveway. This review was shortly before I started reviewing them, and I believe comments missed the above.\

John Everett PE
Associate Civil Engineer
County of Lake
255 N. Forbes St., Room 309
Lakeport, CA 95453
(707) 263-2719

From: Eric Porter
Sent: Monday, August 16, 2021 8:55 AM
To: Steven Hajik <Steven.Hajik@lakecountyca.gov>; Fahmy Attar <FahmyA@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Ray Kehoe <Ray.Kehoe@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; John Everett <John.Everett@lakecountyca.gov>; Craig Wetherbee <Craig.Wetherbee@lakecountyca.gov>; Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Elizabeth Martinez <Elizabeth.Martinez@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>; David Boesch <dboesch@managementpartners.com>; vbrandon95457@gmail.com; Roberta Lyons <roberta.lyons@att.net>
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Staff is revising the CEQA documents. Your comments may be the same as your comments from March 2020, but I want to give you the opportunity to resubmit any comments or concerns you might have. One of the primary changes is that

the applicant is now proposing the removal of over 100 mature oak trees; the Tree Removal and Replacement Plan is too large to email; I can send it to you via 'file share' if you want it.

Yuliya, I will send you the water data separately.

Thanks,
Eric



Eric J. Porter

Associate Planner

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37101

Fax: (707) 263-2225

Email: eric.porter@lakecountyca.gov

STAY CONNECTED:



Eric Porter

From: John Everett
Sent: Monday, October 4, 2021 9:08 AM
To: Eric Porter
Cc: Jim Hale; Chris Prather
Subject: RE: Request for 2nd review - file no. UP 20-22, WeGrow

Eric,
My primary concern is the state of the first 250' of Herrington Road. The applicant is making improvements to the access roads within their property, but the last 250' of the applicant's driveway (from Jaclyn Road south) are dedicated as public ROW aka. Herrington Road. This 250' needs to be improved along with the rest of the driveway. There will be commercial vehicles using this currently "dirt" road. At the very least we need to bring Herrington Road (as it intersects Jaclyn Drive) up to commercial driveway standards. I would like to have our Street Superintendent take a look at this and to hear his thoughts on this matter.

John Everett PE
Associate Civil Engineer
County of Lake
255 N. Forbes St., Room 309
Lakeport, CA 95453
(707) 263-2719

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Thanks,
Eric



Eric J. Porter

Associate Planner

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37101

Fax: (707) 263-2225

Email: eric.porter@lakecountyca.gov

STAY CONNECTED:



- ☒ County Clerk
☒ Interested Parties

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

Project Title: WeGrow Farms; Use Permit UP 20-22 and Initial Study ADDENDUM IS 20-25

Project Location: 16750 Herrington Road, Middletown, CA (cultivation site)

APN No's.: 013-060-40 (cultivation site); 013-014-03 and 11 (clustering sites)

Project Description: The applicant, We Grow / Zarina Otchkova, is requesting approval of a Major Use Permit for fifteen (15) A-Type 3B medium mixed light commercial cannabis cultivation licenses and one A-Type 13 'self distribution' license. The cultivation would occur in 34 greenhouses. Lake County Zoning Ordinance, Article 27, subsection (at) in part regulates cannabis cultivation in Lake County. The 309+ acre property is large enough to support these cannabis licenses; 20 acres per license is required. The applicant is not within an exclusion overlay district, and has provided an engineered cumulative Water Analysis, as well as two well reports. The applicant is proposing the removal of 130 blue oak trees and has provided a Tree Removal and Replacement Plan showing a 3:1 replacement ratio for the trees to be removed. The applicant is pre-enrolled with the Regional Water Board. The applicant must meet all applicable local, state and federal requirements for cannabis cultivation.

The public review period for the respective proposed Mitigated Negative Declaration based on Initial Study IS 20-25 ADDENDUM will begin on September 3, 2021 and end on October 6, 2021. You are encouraged to submit written comments regarding the proposed Mitigated Negative Declaration. You may do so by submitting written comments to the Planning Division prior to the end of the review period. Copies of the application, environmental documents, and all reference documents associated with the project are available for review through the **Community Development Department, Planning Division; telephone (707) 263-2221**. Written comments may be submitted to the Planning Division or via email to eric.porter@lakecountyca.gov.

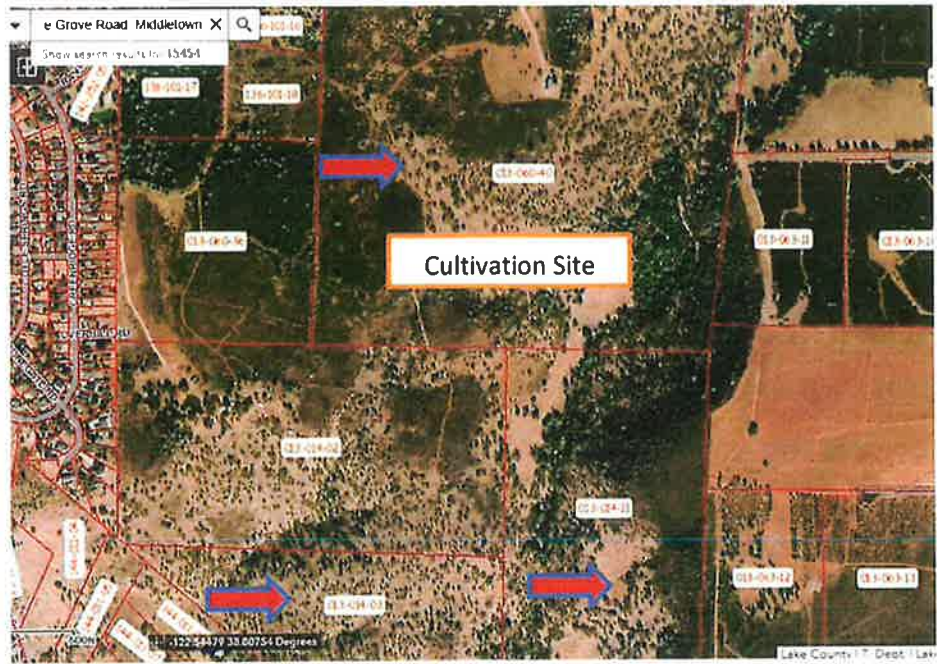
Received

SEP 01 2021

Environmental Health

See attached Comments

Elena Rubin 10/7/21





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

Received

SR0603714

AUG 19 2021

Environmental Health

DISTRIBUTION DATE: March 16, 2020
REDISTRIBUTION DATE: August 16, 2021

REQUEST FOR REVIEW FOR SUFFICIENCY

<input checked="" type="checkbox"/> AG. COMMISSIONER	<input type="checkbox"/> FIRE PROTECTION DIST:	<input checked="" type="checkbox"/> CA DEPT FISH & WDLF
<input checked="" type="checkbox"/> AIR QUALITY MGMT	<input type="checkbox"/> Kelseyville	<input type="checkbox"/> CALTRANS
<input checked="" type="checkbox"/> ASSESSOR	<input type="checkbox"/> Lake County	<input type="checkbox"/> STATE LANDS COMM.
<input checked="" type="checkbox"/> BUILDING DIVISION	<input type="checkbox"/> Lake Pillsbury (no contact info)	<input type="checkbox"/> CRWQCB
<input checked="" type="checkbox"/> DPW - ROADS	<input type="checkbox"/> Lakeport County	<input type="checkbox"/> STATE DEPT. OF HEALTH
<input checked="" type="checkbox"/> ENVIRON HEALTH	<input type="checkbox"/> Northshore	<input type="checkbox"/> CALCANNABIS
<input type="checkbox"/> LAKEBED MANAGEMENT	<input checked="" type="checkbox"/> South Lake County	<input type="checkbox"/> NW INFO CENTER
<input type="checkbox"/> PUBLIC SERVICES	<input checked="" type="checkbox"/> CalFire	<input type="checkbox"/> SIERRA CLUB
<input checked="" type="checkbox"/> SHERIFF	<input type="checkbox"/> GRADING	<input type="checkbox"/> FARM BUREAU
<input checked="" type="checkbox"/> SPECIAL DISTRICTS	<input type="checkbox"/> PG&E	<input type="checkbox"/> ARMY CORPS
<input checked="" type="checkbox"/> SURVEYOR	<input type="checkbox"/> HOA	<input type="checkbox"/> BLM
<input checked="" type="checkbox"/> TAX COLLECTOR	<input type="checkbox"/> WATER CO	<input type="checkbox"/> NRCS (USDA)
<input type="checkbox"/> WASTE DISPOSAL	<input type="checkbox"/> OTHER	<input type="checkbox"/> US FISH & WILDLIFE SVC
<input checked="" type="checkbox"/> WATER RESOURCES		<input type="checkbox"/> US FOREST SERVICE

FROM: Eric Porter, Associate Planner
REQUEST: Major Use Permit, UP 20-22, Initial Study, IS 20-25, Early Activation, EA 20-26
OWNER/APPLICANT: WeGrow LLC / Zarina Otchkova
APN: 013-060-40 (cultivation site), 013-014-11 and 013-014-03
LOCATION: 16750 Herrington Road, 17610 Sandy Road, and 19678 Stinson Road, Middletown
ZONING: Lot 40: (split zoned) "RL - WW" and "RR - WW" - Rural Lands - Waterway and Rural Residential - Waterway
Lots 3 and 11: "RL - WW" - Rural Lands - Waterway
GENERAL PLAN: Rural Lands and Resource Conservation
HAZARDS: SRA High Fire area
NATURAL RESOURCES: Year-round and seasonal streams
SUPERVISOR DIST: 1

PROPOSAL: The applicant is requesting approval of a Major Use Permit for commercial cannabis cultivation. According to the applicant's application packet, the applicant is proposing the following: **Please refer to attached Site Plans for further information.** Scope of Project changed after original RFR was sent out: applicant is now proposing removal of approximately 100 oak trees with replacements

- (15) A-Type 3B "Mixed-Light" Licenses
- (1) Type 13 Self-Transport Distribution License
- 329,705 s.f. of commercial cannabis canopy area
- 395,405 s.f. of cultivation area
- Project is proposed with 2 additional contiguous parcels, APNs 013-014-03 & 013-014-11 in order to allow collocation/clustering of permits
- Primary cultivation parcel is APN 013-060-40
- (30) 90' x 425' 120' greenhouses
- ~~(1) 90' x 112' greenhouse~~
- (4) 90' x 125' immature plant greenhouses
- (4) 50' x 100' processing facilities buildings
- (1) 200 s.f. storage shed
- ~~(4) 2,500~~ (20) 5,000-gallon water storage tanks (one steel or fiber glass for fire suppression)

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

ACCESS: Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.

Please advise us if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than 3/31/2020 August 30, 2021. Please email your comments to Eric Porter at eric.porter@lakecountycal.gov or mail them to the address listed in the letterhead above.

COMMENTS:

NAME

Pina Rubio

DATE

8/20/21

cc:

1

Supervisory District (RFR Only)

County Administration



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

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: March 12, 2021

TO: Eric Porter, Associate Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: Use Permit UP 20-22; IS 20-25 Notice of Intent
Commercial Cannabis

APN: 013-060-40, 013-014-11, 013-014-03 16750 Herrington Rd

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

Also see attached review memorandum dated April 15, 2020. Since that review period, the applicant has applied for 5 well permits for agricultural wells and those permits were approved and issued on March 11, 2021.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration.



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1090
FAX 707/263-4395

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Public Health Officer

Jasjit Kang
Environmental Health Director

Promoting an Optimal State of Wellness in Lake County

Memorandum

DATE: April 15, 2020
TO: Community Development Department
FROM: Kelli Hanlon, Environmental Health Division
RE: UP 20-22; IS 20-25; EA 20-26
APN: 013-060-40; 013-014-11 and 013-014-03

013-060-40:

A site evaluation will need to be completed in the area of the proposed project to determine if the soil is suitable for an On-site Wastewater Treatment System (OWTS). The applicant must apply for an OWTS permit before Environmental Health can sign-off an approval for any building permit applications, unless portable toilets are proposed. Please show existing septic permit #13051 for the SPD on the plot plan.

013-014-11 and 013-014-03:

The Environmental Health Division has no concerns at this time if the project is completed according to the plans submitted.

All:

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



COUNTY OF LAKE
HEALTH SERVICES
prevent promote protect

Tina Rubin

From: Eric Porter
Sent: Wednesday, September 1, 2021 9:46 AM
To: Steven Hajik; Fahmy Attar; Jack Smalley; John Everett; Scott DeLeon; Yuliya Osetrova; Lori Baca; Tina Rubin; Wink, Mike@CALFIRE; Roberta Lyons; vbrandon95457@gmail.com; Carol Huchingson; Susan Parker; David Boesch; Max C. Hilken; ROBERTSON, JESSE GRAHAM@DOT; Kevin Ponce; Stoner, Kyle@Wildlife
Cc: Eric Porter
Subject: Notice of Intent (CEQA documents) - WeGrow, file no. UP 20-22, ADDENDUM
Attachments: UP 20-22 IS 2 FINAL.docx; NOI Otchkova 2.pdf

SCH#: 2021020311

Originally sent to State Clearinghouse on Feb. 17, 2021

Greetings all,

This is a commercial cannabis project that has received approximately 100 emails and letters in opposition for various reasons. The original CEQA documents were sent to the State Clearinghouse on Feb. 17, 2021. The applicant then changed site plans that were ultimately sent to the Planning Commission. The Board of Supervisors realized that two different site plans were reviewed (the CEQA site plan was old), and rejected the project for revision by staff and resubmittal to the Clearinghouse.

The applicant then submitted a 2nd and 3rd Bio Study, a comprehensive and cumulative Water Analysis, new well tests, and other documents that were updated. I can send those documents to you upon request; they are too large to email.

The comment period for this revision ends on October 6, 2021, so please send any request for additional information to me on or before that date.

Take care,



Eric J. Porter

Associate Planner

Department of Community Development
255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 37101

Fax: (707) 263-2225

Email: eric.porter@lakecountyca.gov

STAY CONNECTED:



Middletown Area Town Hall (M A T H)

P.O. Box 5, Middletown CA 95461 ~ Email: mathtownhall@gmail.com

October 6, 2021

To: Eric Porter eric.porter@lakecountyca.gov
County of Lake, Community Development Department, Planning Division

Re: Request for Review

Project Title: WeGrow Farms: ADDENDUM IS 20-25, UP 20-22 SCH# 2021020311

Project Location: 16750 Herrington Road, Middletown, CA (cultivation site)

APN No's.: 013-060-40 (cultivation site); 013-014-03 and 11 (clustering sites)

To Whom It May Concern:

I am writing on behalf of the Middletown Area Town Hall. As a municipal advisory committee, the attending community membership discussed and considered the above cannabis project at our regular meeting on September 9, 2021. We voted to approve or oppose the project RFR and submit a letter to the County expressing the body's vote.

Of the members present on Zoom we were able to count 39 votes in opposition to the project. There were no votes in favor of the project, and 5 abstentions.

The reasons for our opposition are:

- We believe the project is not an inappropriate land use and the project is not in conformation with the Middletown Area Plan.
- We are concerned that the water use for the project will be excessive and jeopardize the groundwater availability for the area. We are concerned that fertilizers or other chemicals will affect the ground water.
- In the area of the project, the electric power infrastructure is already stressed and this project will jeopardize the ability of the grid to supply power to the area's residents.
- We oppose the current easements through residential areas to access the project. The roads were neither designed nor maintained for the amount of traffic anticipated by this project.

- We oppose the proposed removal of 130 blue oak trees on the property. As an area that has already been ravished by wildfire, remaining trees are a valuable eco-system component and habitat for wildlife that cannot be replaced by replanting saplings.
- We believe there to be errors on the biological assessment regarding plants regarding and animals and most significantly the number of bird species in the area that will be impacted. The number of species is far greater than the report indicates, and some are rare species and oak tree dependent per the Redwood Audubon Society.
- Neighboring residents are concerned the project will negatively impact their quality of life and home values. Specifically mentioned were concerns about noise, odors, dust, chemicals that the project will emit, and significant traffic increases in quiet residential area.
- We are concerned that the applicant's previous illegal activities on the property indicate a risk to the area's residents: CHP Northern ISU Case # F0005-107-20
- The tax revenues from this project are very likely to decline as the cannabis market is currently flooded with product.
- We are concerned that the approval of this project will set a precedent that will make it more difficult to protect our community against such projects in the future.

As residents of the unincorporated areas in south county, the Middletown Area Town Hall provides a forum for issues that directly affect our community. The applicants for this project were offered an opportunity to speak to our membership and address the concerns of their neighbors. They did not attend the meeting.

Thank you for your consideration,

Rosemary Córdova
Chairperson, Board of Directors
Middletown Area Town Hall

Eric Porter

From: Newell, Justin <J2NF@pge.com>
Sent: Monday, October 4, 2021 3:11 PM
To: Lake County Planning Consultants; Eric Porter
Cc: Azarmi, Andrew S.; Worger, Thomas R.; we grow; Kerrian Marriott
Subject: RE: [EXTERNAL] Re: PG&E follow up - WeGrow

Hello All,

Thank you for providing that information. Unfortunately, at this time there is not enough information to assess whether we can upgrade this property or not. In order to establish if our service planning department can upgrade you in any capacity, you will need to start the application process via our online portal if you have not already at <https://www.pge.com/cco/>.

Please be prepared with the following information:

What size panel are they requesting? We need this to be both panel size, phase and voltage they are requesting.

Complete breakdown of equipment and kw usage for each piece

Depending on the panel size will determine what type of transformer we will install.... If it's a padmount transformer, we need a location and where the meter panel is in distance from the transformer.

You will have to work very closely with our service planning department in order to establish the future power use and any upgrade on your property. I will not be able to give you a determination myself due to the lack of information.

Thank you,

Justin Newell | Land Agent | Land Rights Records
Pacific Gas and Electric Company
916-594-4068



**Pacific Gas and
Electric Company.**

From: Lake County Planning Consultants <lakecountyplanningconsultants@gmail.com>
Sent: Friday, October 1, 2021 1:35 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Cc: Azarmi, Andrew S. <andrew.azarmi@dentons.com>; Worger, Thomas R. <thomas.worger@dentons.com>; we grow <WegrowLLC@yahoo.com>; Kerrian Marriott <Kerrian.Marriott@lakecountyca.gov>; Newell, Justin <J2NF@pge.com>
Subject: Re: [EXTERNAL] Re: PG&E follow up - WeGrow

*******CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.*******

Hi Eric,

We understand the situation and want to thank you for continuously working with us throughout this process. Please find the attached document which outlines the topic of power for this project as clearly as possible. If you could please confirm receipt that would be greatly appreciated. Also if you have any questions or concerns following the review of the document, do not hesitate to contact us. We truly want to make this project as clear as possible and want to make

sure every department is confident in its completeness. We appreciate the review and hope to continue with the tentative PC hearing date of October 28th.

Thank you,
Sufyan

On Thu, Sep 30, 2021 at 8:40 AM Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Good morning all,

I took your situation (re: power) to the Planning Staff Meeting yesterday to get some direction – the only issue is the timing of the public hearing with what could be a very big loose end pertaining to the adequacy of power to the 34 greenhouses and 4 drying buildings.

The direction I was given from our new Planning Director (via Zoom) was to ask the WeGrow Team for a written solution to the problem; this needs to be provided to me / us by no later than end-of-day tomorrow, and needs to have a very definitive solution to the power situation.

I will need to pull WeGrow from the Oct. 28th hearing docket if I do not receive this written statement; it would end up going to hearing in November, so the delay potentially would be limited to one month. I would prefer to send it in October, but the power issue must be resolved first.

Thanks again for your patience – I'm trying to successfully get this one through the process.

Eric Porter

From: Lake County Planning Consultants [mailto:lakecountyplanningconsultants@gmail.com]

Sent: Wednesday, September 29, 2021 1:01 PM

To: Eric Porter <Eric.Porter@lakecountyca.gov>; justin.newell@pge.com

Cc: Azarmi, Andrew S. <andrew.azarmi@dentons.com>; we grow <WegrowLLC@yahoo.com>; Kerrian Marriott <Kerrian.Marriott@lakecountyca.gov>

Subject: Re: [EXTERNAL] Re: PG&E follow up - WeGrow

Thank you Eric.

Justin, I know Eric had mentioned that you would have something possibly by the end of the week regarding this project so we do not want to overstep and will wait for that information. I am sure the project proposal has already been discussed but if you have any questions please let us know. As we have outlined, the project is proposing upgrades to the current PG&E connection. It was previously mentioned to us that the connection upgrades are possible but will come down to timing and costs that only the applicant will be responsible for. We are aware of that and do intend to move forward with those upgrades following the use permit's approval. With that said the project is proposing mixed-light cultivation and can utilize direct sunlight to cultivate while the upgrades are in progress. Thank you for your time and we look forward to hearing from you soon.

Best,

Sufyan

On Wed, Sep 29, 2021 at 12:45 PM Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Sufyan,

I spoke with Justin Newell @ PG&E. We want to communicate by email re: any power discussions, and both of us want to be 'in the loop' on emails related to power for WeGrow, so please copy both of us on any power-related messages.

I've included Justin on this reply to you so you have his email address.

Thanks,

Eric

From: Lake County Planning Consultants [mailto:lakecountyplanningconsultants@gmail.com]

Sent: Wednesday, September 29, 2021 12:32 PM

To: Eric Porter <Eric.Porter@lakecountyca.gov>

Cc: Azarmi, Andrew S. <andrew.azarmi@dentons.com>; we grow <WegrowLLC@yahoo.com>; Kerrian Marriott <Kerrian.Marriott@lakecountyca.gov>

Subject: [EXTERNAL] Re: PG&E follow up - WeGrow

Hi Eric,

Thank you for the update. We definitely understand the situation and do want to make sure that we are presenting the project as clearly as possible. We just want to make sure that while speaking about the topic of power, that we outline the mixed-light cultivation license does not require the maximum energy (25 watts per square foot) and cultivation can still occur while the upgrades from PG&E are in process.

Also, I was wondering if there is a way I could be put in contact with the new PG&E contact Justin Newell? Back in August, you gave me Ivan Castro's number who was the PG&E point of contact at the time. While speaking with Ivan he discussed the project and how the project would be able to apply for the upgrades following the use permit approval. However, if Ivan is no longer the point of contact I would like to discuss the project with Justin.

Thank you,

Sufyan

On Wed, Sep 29, 2021 at 12:11 PM Eric Porter <Eric.Porter@lakecountyca.gov> wrote:

Andrew / Sufyan,

I got a call this morning from Justin Newell, engineer for PG&E. He's working on the 'WeGrow' power situation. I had a concerned neighbor express concerns about the power situation (yesterday) that was unsolicited.

Mr. Newell indicated that he would have something back to me possibly by the end of the week. I need to resolve the power situation prior to the hearing. I may need to postpone the hearing until November – the worst thing I could do would be to take this item to hearing with any loose ends.

I apologize if I sound wishy-washy on whether to move it forward. This particular file we need to be very careful with – there is too much opposition to risk a premature hearing on it.

I'll discuss the situation with my higher-ups and see what they recommend from a hearing date standpoint.



August 18, 2021

Eric Porter
Lake County
255 N. Forbes St.
Lakeport, CA 95453

Ref: Gas and Electric Transmission and Distribution

Dear Eric,

Thank you for submitting Major Use Permit, UP 20-22, Initial Study, IS 20-25, Early Activation, EA 20-26 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



Attachment 2 – Electric Facilities

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

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



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

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

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

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

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

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

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



Lake County Planning Consultants <lakecountyplanningconsultants@gmail.com>

Public Records Request

Von Morshed <Von.Morshed@lakecountycalifornia.gov>

Wed, May 20, 2020 at 10:44 AM

To: Lake County Planning Consultants <lakecountyplanningconsultants@gmail.com>

Hello Sofyan,

I just spoke with Laura Najd who works in our civil division and who would know of any civil action on the property located at 16750 Harrington Road and she is unaware of any.

I hope this answers your question.

[Quoted text hidden]

Central Valley Regional Water Quality Control Board

6 October 2021

Eric Porter
Lake County Planning Department
255 North Forbes Street
Lakeport, CA 95453
eric.porter@lakecountycalifornia.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, WE GROW / OTCHKOVA, UP 20-22 ADDENDUM PROJECT, SCH#2021020311, LAKE COUNTY

Pursuant to the State Clearinghouse's 1 September 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the We Grow / Otchkova, UP 20-22 Addendum Project, located in Lake County.

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

I. Regulatory Setting

Basin Plan

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

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

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

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

II. Permitting Requirements

Cannabis General Order

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

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

<https://public2.waterboards.ca.gov/CGO>

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

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: centralvalleysacramento@waterboards.ca.gov or (916) 464-3291. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: CannabisReg@waterboards.ca.gov or (916) 319-9427.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/