

Brian Hall, PE
PO Box 956
Lakeport, CA 95453

December 10, 2024

County of Lake
Community Development Department
255 N. Forbes St #330
Lakeport, CA 95453

RE: UP 21-07 Little High Valley Commercial Cannabis Cultivation Project

The Little High Valley commercial cannabis cultivation project major use permit application and CEQA documentation contains errors and omissions, does not provide permissions from all easement owners for cannabis operations, commercial road/driveway use, road/driveway improvements and utility access. The application and CEQA documents also omits an 8 acre clearing phase on the project parcel and does not provide accurate project specific environmental information for federal, state and local agency review.

Since this project involves the site planning, project planning and design of new buildings, structures, roads, grading, utilities, drainage, water supplies, irrigation systems, fire suppression systems and septic systems, all information and specifications provided by consultants for these items must be provided by licensed civil engineers and/or architects (BPC 5500.1,5536,6731,6787). It is the responsibility of a licensed design professional of record to provide this information on behalf of the applicant.

EASEMENTS

The project application and site plans fail to demonstrate that the applicant has permission from all of the affected easement owners to use their access easements for cannabis operations. On October 29, 2024, the California court of appeal (JCCrandall v. County of Santa Barbara) decided that a use permit applicant for a cannabis cultivation project must have permission from easement landowners to use their properties for cannabis operations (BPC 26051.5(a)(2)) since it is a violation of federal law. Based on this recent decision, the acquisition of permissions from affected easement owners should be considered a critical first step in the process of obtaining a use permit for this project.

The project application and site plans also fail to establish that all of the existing easements are for commercial use, meet County of Lake and Calfire 4290 commercial road and driveway standards and that the applicant has permission to improve the easements to County of Lake and Calfire 4290 commercial road and driveway standards.

Although the easement holder is responsible for maintaining existing easements, they do not have the right to modify or improve an easement unless allowances for the improvements are clearly stated in the easement documents. For example, a 10' wide residential prescriptive easement through a neighbor's property cannot be improved to a 20' wide commercial driveway with utilities to County of Lake, Calfire and PG&E standards without the landowners consent. Any unauthorized road or driveway construction on private property without the owner's permission violates building codes, trespassing laws, and the use permit conditions of approval which would subject the use permit to revocation.

CALFIRE

California Code of Regulations Title 14 Section 1270.03 requires that all roads and driveways must meet Calfire 4290 standards for all new use permit applications, building permits and road construction. This project has all three conditions. Therefore, Calfire 4290 standards are required for access from County roads to the building and fire tank. Note that the processing building is not an agricultural building since it is to be occupied by people and therefore requires a building permit. This building will be occupied by people, has a septic system, electrical, mechanical and parking areas. Pages 27 and 28 of the initial study incorrectly state that the building will not be used for human occupancy and that no structures will require a building permit. This is false.

Certification of Calfire 4290 compliance should be more than a "thumbs up" by County staff during a site visit. If County staff is going to certify that all of the access roads from a County road to the project are Calfire 4290 compliant then they should also provide a signed statement by the individual that inspects and verifies this compliance. If the use permit is approved and any portion of the access roads and driveways are subsequently found to be out of compliance with Calfire 4290, then the project violates item A.2 of the Conditions of Approval and the use permit must be revoked. In addition, the liability of Calfire's inability to access a fire on the project site or along the access easements will likely fall on the citizens of Lake County if it is later determined that the county falsely stated 4290 compliance.

Although the initial study lists the water storage fire tank at 5,000 gallons, the site plans show a 10,000 gallon fire tank. Since the proposed fire tank exceeds 5,000 gallons, it also requires a building permit (2022 California Building Code Section 105). In addition, since water storage fire tanks are used to supply fire trucks during a fire, continuous Calfire 4290 road and driveway access to the tank is critical.

PG&E

The project application includes PG&E power interconnection but does not detail where and how that will happen. The applicant has not provided evidence of a deeded easement through the Henderson property and PG&E will only install power lines through deeded easements. PG&E power lines have specific requirements for access, clearance and wildfire safety. The use permit application process due diligence requires

the applicant to identify road and utility line requirements, provide evidence of consent from easement owners to implement these requirements and detail the requirements on the project site plans so that the easement owners are aware of the proposed construction. This has not happened. It is not acceptable to “reserve” a PG&E power line interconnection for this project without easement owner permissions or without the consideration of the environmental and safety risks in the current CEQA process.

Additionally, PG&E has access, clearance and wildfire safety requirements for their lines which have not been considered in the CEQA process. This is critical since the lines will be traveling approximately a half of a mile from an oak/grass environment over a hill of dense brush in close proximity to nearby homes. Combined with insufficient road and driveway Calfire access, this presents a serious threat to the local residents.

INCOMPLETE CEQA DOCUMENTATION

The original site plans by Lake County Planning Consultants dated January 19, 2021 clearly shows that the site was covered in brush and trees during the initial planning phase of this project. Time lapse aerial imagery from Google Earth shows that 8 acres of clearing occurred between August 2020 and April 2021. However, the current site plans do not show this previously cleared area of brush and trees and does not show the proposed removal of the new vegetation (aprx 3 acres) at the canopy and building sites which has partially grown back and will have to be cleared again.

It also does not appear that the previous 8 acre clearing phase was permitted with grading plans, storm water pollution and prevention plans (SWPPP), erosion and sediment control plans or a previous CEQA review process and the environmental impact of the clearing/grading has not yet been determined. None of the CEQA documents mentions this phase of the project. Therefore, the various federal and state agencies such as the SWRCB and CDFW were not informed and did not have an opportunity to comment on potential impacts or provide guidance with respect to federal and state requirements.

The CEQA state clearinghouse summary description does not provide critical project specific information such as clearing quantities, grading quantities, runoff quantities and vegetation and tree removal. Instead, the summary simply states that various permits will be required for these activities, which is merely a general statement that applies to all projects regardless of size or circumstances. Federal and state agencies must have project specific information in order to determine if the project will have a significant environmental impact.

Hoop house and greenhouse runoff has not been addressed in the CEQA documents. Since the County of Lake allows hoop houses to be used after a use permit is issued without resubmitting CEQA documents, they must be considered in the initial CEQA documents as a potential use. Runoff from 2 acres of hoop houses has the potential to cause significant erosion and sedimentation problems on cleared sloped terrain. Total runoff from the hoop houses could be between 1,000 to 2,000 gallons per

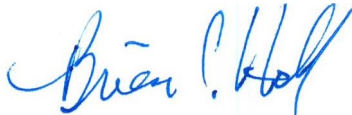
minute with concentrated runoff of 50 to 200 gallons per minute between the buildings depending on their orientation. Storm water pollution prevention, erosion control and sedimentation control from future hoop house runoff should be addressed in the CEQA documents.

CONDITIONS OF APPROVAL

This project as proposed will violate federal, state and local regulations and will therefore violate item A.2 of the MUP Conditions of Approval which states:

“This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.”

Sincerely,



Brian Hall, PE
Registered Civil Engineer 71161

Enclosures:

1. JCCRANDALL vs COUNTY OF SANTA BARBARA
2. Lake County Planning Consultants LHV Site Plan
3. Google Earth Historical Aerial Imagery
4. California Business and Professions Codes

Filed 10/29/24

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

JCCRANDALL, LLC,

Plaintiff and Appellant,

v.

COUNTY OF SANTA
BARBARA,

Defendant and Respondent.

2d Civ. No. B333201
(Super. Ct. No. 21CV04273)
(Santa Barbara County)

Many Californians have high expectations that cannabis is legal in California. This is a reasonable assumption because Civil Code section 1550.5 says it is.

We regret to inform that cannabis is illegal in California because federal law says so.

Here we consider cannabis as it applies to easements.

The county grants a conditional use permit (CUP) for the cultivation of cannabis. To issue a CUP, the county's land use code requires a finding that the streets and highways are adequate for the proposed use. A private easement over a neighbor's land is the only access to the land subject to the CUP. The owner of the servient tenement objects to the use of his land

to transport cannabis. The servient owner petitions for a writ of administrative mandate challenging the county's grant of the CUP. The trial court denies the petition. We reverse because under federal law cannabis is illegal in California and everywhere else in the United States. The servient tenant's objection on this ground is sufficient to defeat the CUP. That the possession and cultivation of cannabis has the imprimatur of legality in California is beside the point.¹

FACTS

Santa Rita Holdings, Inc. (Santa Rita) applied to the County of Santa Barbara (County) for a CUP to cultivate cannabis. The cultivation would occur on 2.54 acres owned by Kim Hughes, as trustee of the Hughes Land Holding Trust (Hughes). Hughes consented to the cannabis cultivation. The cultivation project (Project) site is zoned for agriculture.

Under the County's Land Use and Development Code (LUDC), a CUP is necessary for cannabis cultivation. The issuance of a CUP requires that the County find streets and highways are adequate for the proposed use. An easement for ingress and egress across land owned by JCCrandall, LLC (JCCrandall) serves the Hughes parcel. The easement is the only access to the Hughes parcel. The easement was created by deed in 1998.

The easement is approximately one-half mile long. The road that runs over the easement is unpaved and approximately 12 feet wide. The County's fire department and public works department determined that the road was adequate to serve the Project.

¹ JCCrandall, LLC's request for judicial notice filed September 6, 2024, is denied.

Over JCCrandall's objection, the County granted the CUP. The County's Board of Supervisors denied JCCrandall's appeal, also finding the road adequate to serve the Project.

Petition for Writ of Administrative Mandate

JCCrandall petitioned for a writ of administrative mandate, challenging the County's determination that the easement provides adequate access to the Project. JCCrandall claimed: 1) the use of the easement for cannabis activities is prohibited by the terms of the easement deed and federal law, 2) state law requires JCCrandall's consent for cannabis activities on its land and JCCrandall refuses to consent, and 3) the road violates County standards for private roads.

The trial court denied the petition. The court determined that the County's decision did not involve a fundamental vested right. Thus the substantial evidence standard, and not the independent judgment standard, applies. The court found the County's decision was supported by substantial evidence.

DISCUSSION

I. Trial Court's Standard of Review

Under Code of Civil Procedure section 1094.5 there are alternative standards for the trial court's review of an administrative decision. If the administrative decision involves or affects a "fundamental vested right," the trial court exercises its independent judgment on the evidence. (*HPT IHG-2 Properties Trust v. City of Anaheim* (2015) 243 Cal.App.4th 188, 198.) Where no fundamental vested right is involved, the trial court's review is limited to determining whether the administrative decision is supported by substantial evidence. (*Ibid.*)

Whether a claimed right is vested and fundamental is decided on a case-by-case basis. (*McCarthy v. California Tahoe Regional Planning Agency* (1982) 129 Cal.App.3d 222, 229.) A vested right is a right that is a preexisting right or a right already possessed. (*Id.* at pp. 229-230.)

Here JCCrandall is claiming the right to exclude an unauthorized person — a cannabis grower — from its property. Inherent in the right of ownership is the right to exclude others. (*LT-WR, L.L.C. v. California Coastal Com.* (2007) 152 Cal.App.4th 770, 806.) The right to exclude others is the essence of the right of property ownership. The right existed prior to any administrative decision. It is a fundamental vested right. (See also *301 Ocean Ave. Corp. v. Santa Monica Rent Control Bd.* (1991) 228 Cal.App.3d 1548 [the right to control the use of one's property is a fundamental vested right].) The trial court erred in applying the substantial evidence standard of review. The court's independent judgment is the proper standard.

The County's reliance on *Bakman v. Department of Transportation* (1979) 99 Cal.App.3d 665 (*Bakman*) is misplaced. In *Bakman*, homeowners objected to a permit allowing an airport expansion. None of the homeowners complained that the permit required a physical invasion of their properties. The Court of Appeal held that the permit did not involve a fundamental vested right, and substantial evidence was the proper standard of review. (*Id.* at pp. 689-690.)

Bakman is easily distinguished. JCCrandall is not simply an owner of property in the vicinity of the Project. Here the CUP is premised on Santa Rita's right to physically use JCCrandall's property.

II. Easement's Use to Transport Cannabis

It is often said that cannabis is legal in California. The statement is not true. Under federal law cannabis is illegal in every state and territory of the United States. (See Controlled Substances Act, 21 U.S.C. § 801 et seq.; 21 U.S.C. § 812 (c)(10); *City of Garden Grove v. Superior Court* (2007) 157 Cal.App.4th 355, 377.) Article VI, Paragraph 2 of the United States Constitution, known as the Supremacy Clause, provides in part, “The Constitution, and the Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

(a) Civil Code Section 1550.5, subdivision (b)

In finding that the easement provides adequate access for the Project, the County relied on Civil Code section 1550.5, subdivision (b) which provides in part:

“Notwithstanding any law, including, but not limited to, . . . federal law, commercial activity relating to medicinal cannabis or adult-use cannabis conducted in compliance with California law and any applicable local standards, requirements, and regulations shall be deemed to be all of the following:

“(1) A lawful object of a contract.

“(2) Not contrary to, an express provision of law, any policy of express law, or good morals.

“(3) Not against public policy.”

The subdivision defies the Supremacy Clause. No matter how much California voters and the Legislature might try, cannabis cultivation and transportation are illegal in California as long as it remains illegal under federal law.

We need not decide whether Civil Code section 1550.5, subdivision (b) is valid as between contracting parties who voluntarily agree to enter into the cannabis business. That is not the case here. The CUP is premised on JCCrandall being forced to allow its property to be used in cannabis transportation.

JCCrandall relies on Business and Professions Code section 26051.5, subdivision (a)(2). An applicant for a state license to conduct commercial cannabis activity must, “Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner’s agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.” (Bus. & Prof. Code, § 26051.5, subd. (a)(2).)

JCCrandall argues the statute requires its consent to use its land for commercial cannabis activity. The County claims the statute applies only between landlord and tenant.

It is true the statute refers to the “tenant applicant.” But the statute also refers to consent of the “landowner,” a category broader than the tenant applicant’s landlord. JCCrandall certainly qualifies as a landowner. Technical language aside, the statute evinces a policy that landowners should not be forced to allow their properties to be used for commercial cannabis activities but must affirmatively consent. In light of this policy, we interpret Business and Professions Code section 26051.5, subdivision (a)(2) as requiring permission for commercial cannabis activities from all landowners where land is so used, including the owners of servient tenants over which cannabis is transported.

(b) Scope of Easement

Business and Professions Code section 26051.5, subdivision (a)(2) aside, JCCrandall cannot be forced to allow his property to be used to transport cannabis, because such use exceeds the scope of uses allowed under the easement.

It is undisputed that in 1998, when the easement was created, cannabis was illegal under both California and federal law. It is also undisputed that from the time the easement was created it has been used for legal agricultural purposes.

For as long as an easement is enjoyed, its mode and manner of use shall remain substantially the same as it was at the time the easement was created. (*Whalen v. Ruiz* (1953) 40 Cal.2d 294, 302.) The County argues the easement was used for agricultural purposes. But there is a vast difference between legal and illegal agricultural purposes.

Nor does the County point to any evidence that at the time the easement was created the parties intended that it would be used for an illegal purpose. Had the parties so intended, the easement would have been unenforceable. (See *Baccouche v. Blankenship* (2007) 154 Cal.App.4th 1551, 1557 [assuming that like a contract for an illegal purpose, an easement for an illegal purpose is void].)

The scope of the easement does not include the illegal transport of cannabis. Civil Code section 1550.5, subdivision (b) cannot expand the scope of the easement to allow such use. A statute that authorizes the permanent physical invasion of the land of another is void as violating the Takings Clause of the Fifth Amendment to the United States Constitution. (*Loretto v. Teleprompter Manhattan Catv Corp.* (1982) 458 U.S. 419, 426)

(c) County Codes

The County tries to distance itself from the dispute by claiming the use of a private easement is a matter between the dominant and servient landowners, and not the business of the County.

But the County's LUDC requires that to grant a CUP the County must find: "Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use." (LUDC § 35.82.060, subd. (E)(1)(d).)

It is undisputed that the easement is the only means of access to and from the proposed use. The proposed use is the cultivation and transportation of cannabis. If the easement is not available for the proposed use, then the streets and highways cannot be deemed adequate.

DISPOSITION

The judgment is reversed. Costs are awarded to appellant.
CERTIFIED FOR PUBLICATION.

GILBERT, P. J.

We concur:

YEGAN, J.

BALTODANO, J.

Jed Beebe, Judge

Superior Court County of Santa Barbara

Elkins Kalt Weintraub Reuben Gartside, Ernest Guadiana,
Jackson D. McNeill, for Plaintiff and Appellant.

Rachel Van Mullem, County Counsel, Callie Patton Kim,
Deputy Counsel, for Defendant and Respondent.



- A: 2 Acres of Outdoor Canopy Space
- B: 50' x 70' Processing Building
- C: 2,500 Gallon Watertank
- D: Well Location
- 100' Property Line Setback
- Property Line
- - - - - Fence
- - - - - 100' Watercourse Top of Bank Setback
- - - - - Watercourse Top of Bank
- [Hatched Box] 20' wide private access driveway, 801' in length, 0-1% grade, graveled to a 75,000 lbs capacity, with a 60' by 20' hammerhead turnaround at the terminus.



Little High Valley
17870 Little High Road, Lower Lake, CA 95457
APNs: 012-061-03

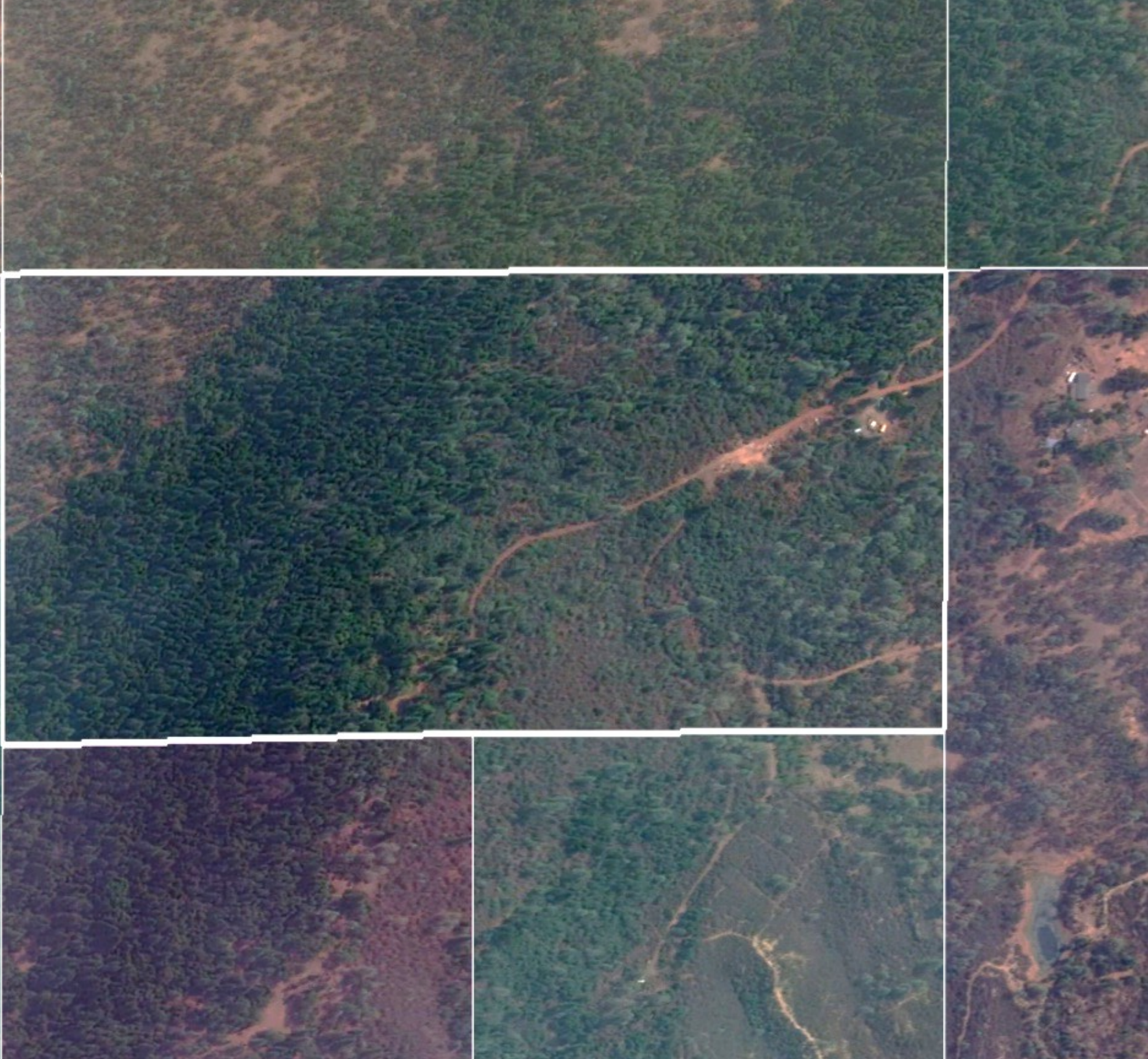
Scale
[]
100 ft.

01/19/21

Existing
and
Proposed
Conditions

Sheet 1 of 6

AUG 2020



APR 2021



MAY 2023



State of California

BUSINESS AND PROFESSIONS CODE

Section 5500.1

5500.1. (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

(b) Architects' professional services may include any or all of the following:

- (1) Investigation, evaluation, consultation, and advice.
 - (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
 - (3) Coordination of the work of technical and special consultants.
 - (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
 - (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
 - (6) Contract administration.
 - (7) Construction observation.
- (c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

(Amended by Stats. 1996, Ch. 184, Sec. 1. Effective January 1, 1997.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 5536

5536. (a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that the person is an architect, is qualified to engage in the practice of architecture, or is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend “State of California” or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.

(Amended by Stats. 2019, Ch. 376, Sec. 6. (SB 608) Effective January 1, 2020.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6731

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, grading, framed and homogeneous structures, buildings, or bridges:

- (a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.
- (b) The supervision of the construction of engineering structures.
- (c) The investigation of the laws, phenomena and forces of nature.
- (d) Appraisals or valuations.
- (e) The preparation or submission of designs, plans and specifications and engineering reports.
- (f) Coordination of the work of professional, technical, or special consultants.
- (g) Creation, preparation, or modification of electronic or computerized data in the performance of the activities described in subdivisions (a) through (f).

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein.

Civil engineers registered prior to January 1, 1982, shall be authorized to practice all land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3.

(Amended by Stats. 1990, Ch. 1226, Sec. 1.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 6787

6787. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to this chapter without legal authorization.

(b) Presents or attempts to file as the person's own the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate of licensure.

(c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate of licensure.

(d) Impersonates or uses the seal, signature, or license number of a licensed professional engineer or uses a false license number.

(e) Uses an expired, suspended, surrendered, or revoked license.

(f) Represents themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.

(g) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

(h) Uses the title, or any combination of that title, of "professional engineer," "licensed engineer," "registered engineer," or the branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or "engineer-in-training," or makes use of any abbreviation of that title that might lead to the belief that the person is a licensed engineer, is authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an engineer-in-training, without being licensed, authorized, or certified as required by this chapter.

(i) Uses the title "consulting engineer" without being licensed as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session.

(j) Violates any provision of this chapter.

(Amended by Stats. 2022, Ch. 302, Sec. 4. (SB 1120) Effective January 1, 2023.)

State of California

BUSINESS AND PROFESSIONS CODE

Section 26051.5

26051.5. (a) An applicant for a state license issued pursuant to this division to conduct commercial cannabis activity, as defined in Section 26001, shall do all of the following:

(1) Except as provided in subparagraph (G), require that each owner, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state and federal arrests, and also information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(A) Notwithstanding any other law, the department may obtain criminal history information from the Department of Justice and the Federal Bureau of Investigation for an applicant or its owners, as defined in paragraphs (1) to (3), inclusive, of subdivision (ap) of Section 26001, for any state license, as described in Section 26050, under this division pursuant to subdivision (u) of Section 11105 of the Penal Code.

(B) When received, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history records check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the licensing authority.

(C) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(D) The department shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(E) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(F) Notwithstanding any other law, a licensing authority may request and receive from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation. A local or state agency may provide those records to a licensing authority upon request.

(G) If an owner has previously submitted fingerprint images and related information required by the Department of Justice pursuant to this paragraph in connection with a valid state license issued by a licensing authority, both of the following apply:

(i) The owner shall not be required to submit additional fingerprint images and related information pursuant to this paragraph in connection with a subsequent application for a state license.

(ii) The department shall not consider the owner's criminal history information obtained from the fingerprint images and related information that were previously submitted pursuant to this paragraph when considering whether to issue a subsequent state license.

(2) Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.

(3) Provide evidence that the proposed location is in compliance with subdivision (b) of Section 26054.

(4) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(5) (A) (i) For an applicant with 20 or more employees, or an applicant with 10 or more employees that submits an application on or after July 1, 2024, provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement. On and after July 1, 2024, the department shall not renew a license for a licensee with 10 or more employees unless the licensee provides a statement that the licensee has already entered into and will abide by the terms of a labor peace agreement.

(ii) For an applicant with 10 or more employees but less than 20 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 20th employee, or on or before July 1, 2024, whichever is earlier.

(iii) For an applicant with less than 10 employees that has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 10th employee, or on or before July 1, 2024, whichever is later.

(iv) Nothing in this paragraph shall be construed to limit the authority of the department to revoke or suspend a license for a violation of this paragraph.

(B) Compliance with the terms of an applicable labor peace agreement is a condition of licensure. A licensee seeking renewal of any license shall attest to the department that it remains in compliance with the terms of any applicable labor peace agreement.

(C) Any labor organization, or any current or former employee of the relevant licensee, may report to the department that a licensee has failed to provide a truthful attestation of compliance with subparagraph (B).

(i) The reporting party shall provide documentation, in a form and manner required by the department, to substantiate their allegation before the department considers it. The department shall collaborate with such agencies as it deems relevant to evaluate the report.

(ii) If the department substantiates the validity of a report made pursuant to this subparagraph, the department may suspend, revoke, place on probation with terms and conditions, or otherwise discipline the license and fine the licensee.

(D) (i) Any labor organization, or any current or former employee of the relevant licensee, may file a complaint with the Agricultural Labor Relations Board that an organization with which a licensee has entered into a labor peace agreement is not a bona fide labor organization.

(ii) The Agricultural Labor Relations Board shall consider all relevant evidence provided or obtained in rendering a decision on whether the entity is a bona fide labor organization and issue a report with its findings no later than 90 days from receiving the complaint.

(iii) If the Agricultural Labor Relations Board determines that the entity is not a bona fide labor organization, the labor peace agreement shall be null and void. The department shall promptly notify all licensees that have signed labor peace agreements with the entity that the entity was found not to be a bona fide labor organization and offer those licensees a reasonable time period, not to exceed 180 days, to enter into a labor peace agreement with a bona fide labor organization. Failure to enter into a labor peace agreement with a bona fide labor organization after that reasonable time period shall be a violation of this section.

(E) For the purposes of this paragraph, all of the following shall apply:

(i) "Employee" does not include a supervisor.

(ii) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for employees.

(iii) "Supervisor" means an individual having authority, in the interest of the applicant, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(6) Provide the applicant's valid seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(7) Provide any other information required by the department.

(8) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part

3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(9) Pay all applicable fees required for licensure by the department.

(10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(11) (A) Provide a statement, upon initial application and application for renewal, that the applicant employs, or will employ within one year of receiving or renewing a license, one supervisor and one employee who have successfully completed a Division of Occupational Safety and Health 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course. This paragraph shall not be construed to alter or amend existing requirements for employers to provide occupational safety and health training to employees.

(B) An applicant with only one employee shall not be subject to subparagraph (A).

(C) For purposes of this paragraph “employee” has the same meaning as provided in subparagraph (B) of paragraph (5) and “supervisor” has the same meaning as provided in subparagraph (C) of paragraph (5).

(b) An applicant shall also include in the application a detailed description of the applicant’s operating procedures for all of the following, as required by the department:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

(6) Security protocols.

(7) For applicants seeking licensure to cultivate, the source or sources of water the applicant will use for cultivation, as provided in subdivisions (a) to (c), inclusive, of Section 26060.1. For purposes of this paragraph, “cultivation” as used in Section 26060.1 shall have the same meaning as defined in Section 26001. The department shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this paragraph.

(c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the department. For purposes of this subdivision,

“persons with a financial interest” does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.

(Amended by Stats. 2024, Ch. 997, Sec. 5. (AB 179) Effective September 30, 2024. Superseded on January 1, 2025; see amendment by Stats 2024, Ch. 997.)

From: [CALFIRE PRA Records Center](#)
To: mdm@sonic.net
Subject: [Records Center] Public Records Request :: R015870-101124
Date: Thursday, October 24, 2024 1:55:06 PM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of October 11, 2024, Reference # R015870-101124

Dear Mark McDonald,

CAL FIRE received a California Public Records Act (CPRA) request from you on October 11, 2024. Your request mentioned:

“I would like the incident report from May 5, 2021 concerning 17870 Little High Valley Road in Lower Lake, CA”

CAL FIRE has reviewed its files and has determined there are no responsive documents to your request.

We recommend that you contact your local county fire department or other local responsibility area responder for potential records.

If you have any questions or need additional information, you can manage your request through the CAL FIRE PRA Records Center.

Sincerely,
Shilo Wilson
Public Records Act Coordinator
Sacramento - HQ - Legal Office

To monitor the progress or update this request please log into the [CAL FIRE PRA Records Center](#)



From: Wink.Mike@CALFIRE
To: Mark.McDonald
Subject: RE: 17870 little High Valley Rd.
Date: Thursday, July 4, 2024 1:49:29 PM

Greetings Mark and thank you for the reminder. All is well here. They got a handle on that fire in Lower Lake very fast. I will keep thin in mind. Have a great summer. Mike

-----Original Message-----

From: Mark McDonald <mdm@sonic.net>
Sent: Wednesday, July 3, 2024 4:19 PM
To: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Subject: 17870 little High Valley Rd.

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

Mike,

I've talked to you before, but I own 17870 Little High Valley Rd., which is 80 acres. And I know there's a fire in lower Lake so I just want to let you know that if you need to get up there we've got 20,000 gallons of water and all you have to do is turn on the well and it'll drain all of the tanks. Those tanks are up at the top of the hill. the key to my gate . After you go in the gate if you just drive a few hundred feet on the road you'll see the well in the middle of the meadow. All of the tanks are full if you need some water b be a source for you. There are no structures on the property Joanie Henderson lives right below us and we would definitely Want her to have whatever water she needs.

Thank you and good luck this season. Give me a call on my cell if you need any more information.

Sent from my iPhone

Mark McDonald

mdm@sonic.net

<https://url.us.m.mimecastprotect.com/s/EMY7CNkRm4UNVkmYc4hBIyN9uM?domain=inlandproperties.com/>

3350 Fulton Road, PO Box 44

Fulton, Ca 95439

(707)545-3220 fax (707)545-3222

Cell (707)799-8202

From: [Trey Sherrell](#)
To: [Mark McDonald](#)
Cc: [Mary Claybon](#)
Subject: Re: [EXTERNAL] Re: Well Information for 17750 Little High Valley Road (APN: 012-056-12)
Date: Thursday, November 14, 2024 8:28:45 AM
Attachments: [Letter_012-056-12_Lake_final.pdf](#)
[Gmail - Well Completion Report Request for 17750 Little High Valley Road, Lower Lake.pdf](#)

Good morning Mary,

The Department of Water Resources finally got back to me with the results of a record search for a Well Completion Report for the well located at 17750 Little High Valley Road. Unfortunately, they were unable to locate a report for that well. Please see the attached letter. The DWR letter includes a typical disclaimer stating that "If incomplete or inaccurate information is submitted on the request form, DWR cannot say with certainty that we do not have the record." Therefore, I have attached a PDF of all of my correspondence with the DWR regarding this Well Completion Report Request, to show that I provided as much information as I could obtain regarding the well at 17750 Little High Valley Road. Please let me know if the owner of 17750 Little High Valley Road ever provides you with any information regarding the well on her property, and I will follow-up with the DWR again with whatever information is provided.

Thank You and Have a Great Day,
Trey

On Thu, Nov 7, 2024 at 3:33 PM Mark McDonald <mdm@sonic.net> wrote:

Thank you, Mary. See you tomorrow.

Sent from my iPhone

Mark McDonald

mdm@sonic.net

<http://www.inlandproperties.com>

3350 Fulton Road, PO Box 44

Fulton, Ca 95439

(707)545-3220 fax (707)545-3222

Cell (707)799-8202

From: Mark McDonald <mdm@sonic.net>

Sent: Thursday, November 7, 2024 3:26 PM

To: Mary Claybon <Mary.Claybon@lakecountyca.gov>

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION OFFICE
2440 MAIN STREET
RED BLUFF, CA 96080-2356



November 13, 2024

Mr. Roy "Trey" Sherrell
2255 Siena Avenue
Redding, California 96001

Dear Mr. Sherrell:

This letter is in response to your request for a Well Completion Report (WCR) received on October 14, 2024, for Lake County assessor's parcel number 012-056-12.

The Department of Water Resources (DWR) has performed a search of our records and are unable to locate a WCR that corresponds with the information you provided on the attached request. **Please note the history of ownership, specifically the property owners name at time of drilling, is necessary for us to perform a complete search of our records. If incomplete or inaccurate information is submitted on the request form, DWR cannot say with certainty that we do not have the record.**

If you have any questions or need additional information, you may contact me at (530) 529-7368.

Sincerely,

A handwritten signature in blue ink, appearing to read 'April Scholzen'.

April Scholzen
Water Resources Engineering Associate (Specialist)
Department of Water Resources

Attachment

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

2440 Main Street
Red Bluff, CA 96080
(530)-529-7300
(530) 529-7322 (Fax)
NRO_WCR@water.ca.gov

NORTH CENTRAL REGION

3500 Industrial Blvd.
West Sacramento, CA 95691
(916) 376-9662
(916) 376-9676 (Fax)
NCRO_WCR@water.ca.gov

SOUTH CENTRAL REGION

691 N. Laverne Ave Suite 104
Fresno, CA 93727
(559) 552-4450
(916) 744-5009 (Fax)
SCRO_WCR@water.ca.gov

SOUTHERN REGION

770 Fairmont Avenue
Glendale, CA 91203
(818) 549-2307
(818) 543-4604 (Fax)
SRO_WCR@water.ca.gov

GENERAL PUBLIC WELL COMPLETION REPORT REQUEST FORM

California Water Code Section 13752 allows for the release of copies of well completion reports to governmental agencies and to the public. This form is intended for requests from non-government entities. Please contact the appropriate DWR regional office for more details.

Type of Request: ☐ Cannabis Cultivation Permit Application ☐ Real Estate Agent Request
☐ Consultant Request ☐ Private Well Owner Request
☐ General Public/Other *If Other, Please Specify: _____

For Each Property Request (Please Print):

Well Address: _____ City: _____ Zip Code: _____

APN: _____ County: _____

Driller: _____ Year Drilled: _____

Depth of Well: _____ Casing Diameter: _____

Owner at Time of Drilling: _____

Project Name (If Applicable): _____

Additional Information related to your search request (Maps, Coordinates, TRS, etc.):

Requestor's Contact Information (Please print):

Name: _____ Company: _____

Address: _____ Phone: _____

City: _____ Fax: _____

State: _____ Date: _____

Zip Code: _____

Email: _____

FOR DWR USE ONLY

Date Received: _____

TRS: _____

Date Responded: _____

Initials: _____ Date: _____

Date Mailed: _____

Cc: Trey Sherrell <calcannabisconsultants@gmail.com>

Subject: Re: [EXTERNAL] Re: Well Information for 17750 Little High Valley Road (APN: 012-056-12)

Mary,

That all sounds good. Myself, Trey, and Travis will meet with you tomorrow.

Mark McDonald
INLAND PROPERTIES
DRE #01071370
mdm@sonic.net
<http://www.inlandproperties.com>
P.O Box 44, 3350 Fulton Road, Fulton, CA 95439
707.545.3220 fax 707.545.3222
~~Cell 707.799.8202~~

On 2024-11-07 14:23, Mary Claybon wrote:

Hi Trey and Mark,

Commissioner Hess has notified the department that he will not be in attendance tomorrow for the site visit or for the hearing on November 14. The site visit is still scheduled to be conducted with two neighbors RSVPing. I will be taking updated photos of the roadway improvements that have been completed since the last hearing and facilitating a discussion between applicant, consultant, and neighbors.

Please review the attached Public Comment that has been received since the last hearing. Joanie Henderson has not responded to requests for information on her well from the department and has not responded to the proposal of a monitoring test for her well in conjunction with a well performance test at the project site to determine connectivity although it has been offered. She has provided an affidavit for home school which does not meet the definition of a school, as defined, by the Lake County Zoning Ordinance. Odell Landers has concerns he would like to discuss. Martin Gifford appreciates meeting Travis Lisenbee and also appreciates the roadwork that has been completed and no longer stands in strict opposition of the project but has water concerns.

I look forward to seeing you tomorrow at noon. We will be in a white County of Lake vehicle and be meeting at the turnout on Spruce Grove Rd as



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone: (707) 263-2221 FAX: (707) 263-2221

Mireya G. Turner

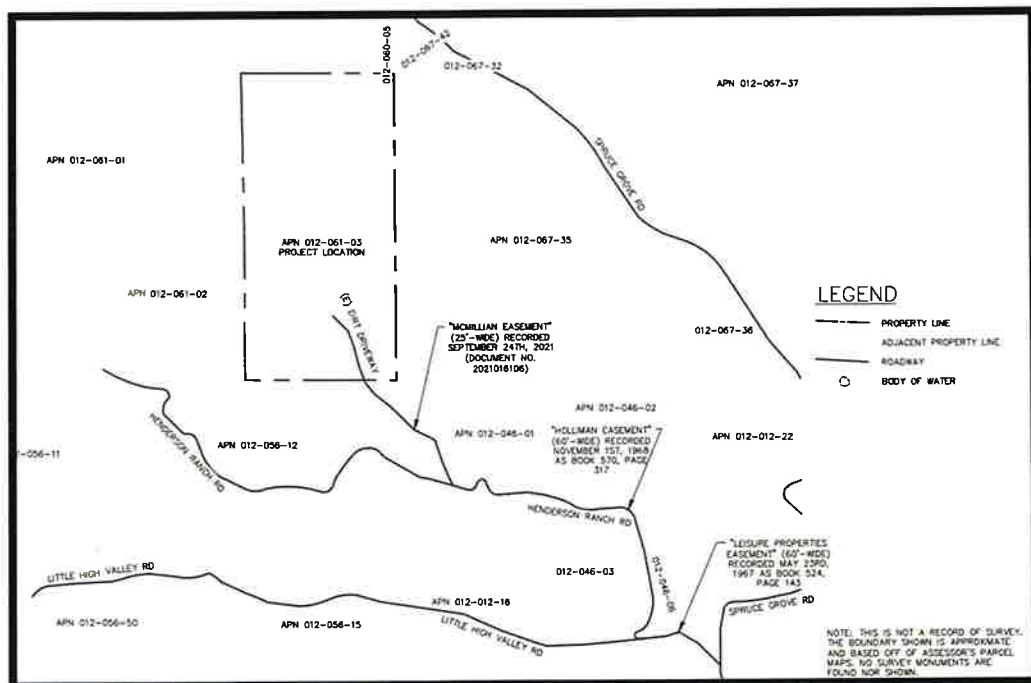
Director

October 25, 2024

Hello,

The Planning Division will be conducting a site visit with the project applicant, project consultant, District 1 Planning Commissioner, and neighbors of the pending project identified as (UP 21-07) Little High Valley located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03). The date is scheduled for Friday, November 8 at 12:00 p.m. The Planning Commission hearing for this project has been continued to December 12, 2024, at 9:05 a.m.

The applicant is proposing two (2) A – Type 3 “Medium Outdoor” commercial cannabis cultivation license consisting of 87,120 sf of canopy area one within 90,620 sf cultivation area, and one (1) Type 13 “Self-Distribution: Transport Only” license, and a 3,500-sf building (50’x70’x14’) for processing, drying, and storage of cannabis. Please contact the Planning Division at Mary.Claybon@lakecountycal.gov or (707) 263-2221 for more information.



Thank you,

Mary Claybon

Mary Claybon
Senior Planner

cc: John Hess, District 1 Planning Commissioner

From: [M Gifford](#)
To: [Mary Claybon](#)
Cc: [Rex McMillian](#)
Subject: [EXTERNAL] Marty-LittleHV
Date: Tuesday, November 12, 2024 8:41:04 AM

Dear Mary,

At this time the Giffords are not able to support the proposed industrial grow on Little High Valley rd. We need to support agriculture such as cattle. Water use is of major concern. Over the last few years we have seen a increase in new residents and growth in the neighborhood..wich seems crowded now...the roadways and water just don't support such additional industry. We are also concerned about a increase in criminal activity over the coming years (if such a industry as cannabis is added to this already embattled..once rural neighborhood)..

Respectfully
Martin Gifford

From: [Becky Mcmillian](#)
To: [Mary Claybon](#)
Cc: [Rebecca McMillian](#)
Subject: [EXTERNAL] Pending Project (UP 21-07)
Date: Monday, November 11, 2024 8:39:05 AM

Hello Mary,

Thanks for the update regarding the site visit for Project UP 21-07. I am one of the landowners that have the easement across my land.

Let me give you some background:

- **My family came to Lake County on a wagon train from Missouri in 1856.** Matthew and Annette Snow came on the wagon train and established the ranch in Little High Valley in the same year.
- We have continuously farmed and ranched this property in Little High Valley for **5 generations** as the Little High Valley Ranch
- Little High Valley Ranch is now almost completely ringed by both legal **and illegal** pot growers
- The damage done to my property, my livestock and my ranch house by these legal and illegal pot grows has been extensive
- The original ranch house was burned to the ground by an illegal pot grower neighbor some years ago
- We have not received any support or mitigation from the county for the damage that continues to be done
- I can no longer get insurance on my property, partly because of the situation with so many pot farms adjacent to my land
- I had hoped to hand the Little High Valey Ranch to my children when I am gone to continue into the 6th generation.

When the adjacent property in question was purchased, the buyer assumed that they could have an easement **that did not exist** and bulldozed a road from the existing easement up the hill to their new property. When we realized what they had done we objected but it was too late as the trees had been cut down, the ground disturbed and the road was complete. The new property owner then asked to purchase the easement on the route he had already bulldozed. He assured us at the time that he wanted to build his retirement home on the property **and would NOT be trying to start a pot farm**. Based on that assurance we sold him an easement along the road he had already bulldozed. Now several years later we discover that he was not honest with us about his intentions for the property. Before we sold him an easement, we spoke to staff at the Lake County planning commission and were assured that no pot farms would be permitted if they required an easement across another person's land.

Please do not allow this permit to be approved. If the existing residents of the county have no influence with their county planning commission on what is to be allowed that is extremely

disappointing. I unfortunately cannot attend the meetings due to my work requirements, but I want you to know that I strongly object to allowing further degradation of my ranch and my neighbors properties by approving this permit.

Thank you for your consideration.

Sincerely,
Rebecca McMillian

Becky McMillian
Sr Director, THV Aortic Field Operations
Edwards Lifesciences
One Edwards Way
Irvine, CA 92614
Pacific Time Zone
Phone: +1 949-466-7257
becky_mcmillian@edwards.com

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply and delete the message. To the extent contractual confidentiality obligations exist, this message and all information transmitted with it are designated "Confidential".

From: [Bill Landers](#)
To: [Mary Claybon](#)
Subject: [EXTERNAL] Pot grow
Date: Monday, October 28, 2024 8:49:52 AM

Hi Mary, this is Odell landers at 18490 little high vly rd, glad to hear yur gonna visit this area, but just to let ya know that the road is not the only issue we have here and I'm sure you know that. Hopefully we get a chance to talk to you and anybody else that comes by, I'll be waiting for you, thanks for yur time

Odell landers
[Sent from Yahoo Mail for iPhone](#)

From: [M Gifford](#)
To: [Mary Claybon](#)
Subject: [EXTERNAL] Re: Dear Andrew, I am Martin Gifford, a disabled veteran, and caregiver to Bev Gifford; (91 gold star widow to my father Frank Q Gifford), here at 18477 Snow rd, Lower Lake, Ca. I would like to express my full support to the McMillians who a...
Date: Tuesday, November 5, 2024 9:48:08 AM

Dear Mary,

Just a quick follow up regarding the proposed grow at 17870 Little High Valley rd. My mother Beverly and I discussed this in detail..I have also spoken with Travis; a local Lake co resident and citizen who will be the landowner and overseeing the operation. (The roadwork is much appreciated)..aside from some water use concerns; the Giffords at 18477 Little High Valley Rd. no longer stand in strict opposition to this project.

Respectfully
Martin Gifford

On Mon, Oct 7, 2024, 09:44 M Gifford <deathrange3@gmail.com> wrote:

Dear Mary Claybon,
my mother Beverly and I are still in opposition to the proposed major use permit at 17870 Little High Valley rd Lower Lake.. The narrow roadways and well water cannot support such industrial grows in this neighborhood. In addition; Mark McDonald has contacted me several times as I was walking on Little High Valley rd in the past asking about our water and asking about the McMillian ranch water. I told him the water would be a issue for a industrial grow and chose not to answer.. Mark indicated he was just fixing up that property as a residence at the time. I was polite but told him we didn't support a grow here.

Respectfully

Martin Gifford 707-676-0036

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

From: **M Gifford** <deathrange3@gmail.com>

Date: Thu, Sep 7, 2023, 16:17

Subject: Dear Andrew, I am Martin Gifford, a disabled veteran, and caregiver to Bev Gifford; (91 gold star widow to my father Frank Q Gifford), here at 18477 Snow rd, Lower Lake, Ca. I would like to express my full support to the McMillians who are also in strong opposition to the cannabis grow at 17870 Little High Valley rd. for the aforementioned reasons. Please feel free to contact me if you have any further questions. Martin. Fwd: Commercial Cannabis Permit for APN 012-061-03

To: <Andrew.Amelung@lakecountycalifornia.gov>

Cc: Rex McMillian <RexMcMillian@mac.com>

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

From: **Rex McMillian** <rexmcmillian@mac.com>

Date: Thu, Sep 7, 2023, 11:53

Subject: Fwd: Commercial Cannabis Permit for APN 012-061-03

To: M Gifford <deathrange3@gmail.com>

From: [Joanie Henderson](#)
To: [Mary Claybon](#)
Subject: Re: [EXTERNAL] Fwd: New Private School Affidavit for - Henderson Home School
Date: Monday, November 4, 2024 10:04:28 AM

Hi Mary,

Please leave my affidavit in. I think it does matter that I have a homeschool.

Thank you!

Joanie

Sent from my iPhone

On Oct 23, 2024, at 9:25 AM, Mary Claybon <Mary.Claybon@lakecountyca.gov> wrote:

Hello Joanie,

I have provided this information to the Principal Planner, Michelle Irace who has advised that while you do have an affidavit of homeschool, homeschool is not recognized as school by definition in the Lake County Code as well as the affidavit language that states, "It does not indicate approval, recognition, or endorsement by the state and shall not be interpreted to mean that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California Department of Education, or any division or bureau of the Department, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course." Would you like me to add this to the record or would you prefer to redact due to the language on the affidavit **"Please Note:** This email contains secure information, such as your confirmation code and links to access your Affidavit. **Please do not share this information."** Please advise your preferred course of action.

I have reached out to the applicant and project consultant requesting availability in the upcoming weeks to schedule a site visit with the neighbors of Little High Valley and Planning Commissioner Hess. Have you had any further though on the pump test and well monitoring to determine if your water supply is connected to the same water source? I want to be sure all options are available to you.

Thank you,
Mary Claybon

<image001.png>

Mary Claybon, MSML
Associate Planner
Community Development Department
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221
Fax: (707) 263-2225
Email: Mary.Claybon@lakecountyca.gov

CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

From: Joanie Henderson <joansie197@yahoo.com>
Sent: Monday, October 21, 2024 10:16 AM
To: Mary Claybon <Mary.Claybon@lakecountyca.gov>
Subject: [EXTERNAL] Fwd: New Private School Affidavit for - Henderson Home School

Hi Mary,

As requested, here is my home school affidavit for this school year. We have been homeschooling for multiple years.

Please let me know when you have the site visit scheduled for the commissioners to come and see the driveway leading to the proposed grow.

Thank you!
Joanie Henderson

Begin forwarded message:

From: PSA Administrator <privateschools@cde.ca.gov>
Date: September 13, 2024 at 4:27:18 AM PDT
To: joansie197@yahoo.com
Subject: New Private School Affidavit for - Henderson Home School

Dear Joanie Henderson,

This e-mail is an automated response; please do not reply to this message.

Thank you for filing your Private School Affidavit!

This message is to acknowledge that your school, Henderson Home School, has filed the 2024-25 Private School Affidavit. Filing the Private School Affidavit signifies that your school has complied with the Affidavit filing requirements per California *Education Code* Section 33190. It does not indicate approval, recognition, or endorsement by the state and shall not be interpreted to mean that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California Department of Education, or any division or bureau of the Department, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course.

Please Note: This email contains secure information, such as your confirmation code and links to access your Affidavit. **Please do not share this information.**

A summary of your filing is below.

Affidavit Confirmation Code: 240913042714129-9OZE
Date Filed: 09/13/2024
Filed By: Joanie Henderson

This completes the affidavit filing process. Please note that there is no process by which the California Department of Education approves your affidavit. Upon receipt of this email, no further action is required.

You may view and print your Affidavit by visiting the [Private School Affidavit: Completed Affidavit](#) web page.

You can make changes to your Affidavit by visiting the [Private School Affidavit: Edit](#) web page.

Note: The link to edit your Affidavit is only valid for a onetime edit. For future edits, visit the [Retrieve Current Year Affidavit](#) web page.

Should you have questions about the contents of this message, please contact Private School Data staff by phone at 916-319-0317 or by e-mail at privateschools@cde.ca.gov.

Thank you,

Private School Data Administration
CBEDS/CDS Support Office
California Department of Education

From: [Mary Claybon](#)
To: ["joansie197@yahoo.com"](mailto:joansie197@yahoo.com)
Cc: [Michelle Irace](#)
Subject: FW: [EXTERNAL] Well Information for 17750 Little High Valley Road (APN: 012-056-12)
Date: Thursday, October 17, 2024 12:46:00 PM
Attachments: [NearbyWellsInventory.pdf](#)
[EnviroHealth Well Inquiry.pdf](#)
[09 - Branch Road Easement.pdf](#)

Hello Joanie Henderson,

Attached you will find the public information that is available from Environmental Health for wells inventory that was utilized by Realm Engineering in preparation of the Hydrological Analysis for (UP 21-07) Little High Valley. It is at your discretion as to whether you wish to share this information with the Community Development Department. The purpose of this request is for Realm Engineering to analyze hydrologic connectivity, as to whether the water supply would be impacted by the commercial cannabis cultivation project UP 21-07. The applicant's consultant, Trey Sherrell is providing the option of a pump test and well monitoring, at cost of the applicant, to determine if your water supply is connected to that of UP 21-07 and if there would be a direct impact on your well, as stated in his email to the department below.

Furthermore, I will be reaching out to the neighbors on the mailing list and Planning Commissioner John Hess, District 1 to schedule a site visit to this location. The date and time is to be determined. Please advise if this is something you would like to participate in.

Thank you,
Mary Claybon

From: Trey Sherrell <calcannabisconsultants@gmail.com>
Sent: Monday, October 14, 2024 11:08 AM
To: Mary Claybon <Mary.Claybon@lakecountycalifornia.gov>
Cc: Mark McDonald <mdm@sonic.net>
Subject: [EXTERNAL] Well Information for 17750 Little High Valley Road (APN: 012-056-12)

Hello Mary,

I hope you had a great weekend. Immediately following the continued Little High Valley Planning Commission Hearing (UP 21-07), I tried to talk to the owner of the residence/property at 17750 Little High Valley Road, to obtain additional information regarding the well on her property so that we could further evaluate potential impacts from the proposed cultivation operation. However, she informed me that she did not wish to speak to me since I represent the applicant (which I completely understand).

When preparing Little High Valley's Hydrology Report, Realm Engineering obtained Well Completion Reports from groundwater wells within approximately 1 mile of the Project Well, via the Department of Water Resources' Well Completion Report Map Application (please see the Nearby Wells Inventory from Little High Valley's Hydrology Report, attached). Some of the older Well Completion Reports provided vague location information, so Realm Engineering sent the Lake County

Environmental Health Department the attached inquiry requesting additional information from neighboring parcels within the immediate vicinity of the Project Parcel (please see the attached EnviroHealth Well Inquiry PDF). Environmental Health only had record of a septic permit issued in 1985 for APN 012-056-12.

I am following up with the Department of Water Resources now to see if they are able to locate any other records for a groundwater well on APN 012-056-12. It is my understanding that you have or will be requesting information for the groundwater well on APN 012-056-12 from the owner of the residence/property at 17750 Little High Valley Road. Will you please provide me with whatever information is provided to you. Particularly, it would be really great to know exactly where the well is located, how deep it was drilled, and the screen interval.

Finally, the best way to determine hydrologic connectivity (and potential impacts) between the Project Well and the well on APN 012-056-12, would be to conduct a pump test of the Project Well while monitoring the water level in the neighboring well. Would it be possible to have you ask the owner of the residence/property at 17750 Little High Valley Road if she would allow us to perform such a test? A licensed and reputable groundwater professional would perform the test and monitoring, the applicant would bear all costs associated with the test, and the test would be performed whenever it is most convenient for the owner/residents of 17750 Little High Valley Road.

Thank You and Have a Great Day,

Trey

Section	APN	Well Number	Year Drilled	Permit Number	Total Well Depth	Screen Interval (feet)	Aquifer Material	Additional Location Info (when APN is NA)
12N06W19	012-067-35	NA	2021	WE-5518	180	140-180	Sandstone & Gravel	
12N06W19	012-067-23	177974	1980	NA	275	215-275	Shale & Sandstone	
12N06W19	012-067-29	0951453	2014	WE-3046	100	60-100	Shale	
12N06W19	012-067-40	008021	2020	WE-5335	140	40-140	NA	
12N06W19	NA	20701	1977	NA	100	40-100	Sandstone	2 Miles E of Hwy 29 on Spruce Grove Road
12N06W19	012-067-26	007871	2019	WE-5149	70	30-70	Soil, Gravel, & Shale	
12N06W19	012-067-29	141018	1981	NA	152	116-152	"Gray Rock"	
12N06W19	012-067-25	486016	1992	WE-712	174	54-174	Shale	
12N06W30	012-047-17	302018	1989	NA	138	95-138	Volcanic Rock & Sandstone	
12N06W30	NA	121731	1978	NA	Dry Hole			3 Miles NE of Spruce Grove Road
12N06W30	012-047-02	0313904	2016	WE-4699	180	120-180	Volcanic Rock	
12N06W30	012-047-09	486019	1992	WE-676	330	290-0330	Volcanic Rock	
12N06W30	012-046-01	0950528	2011	WE-2823	Dry Hole			
12N06W30	012-047-19	302016	1989	NA	170	130-170	NA	
12N06W30	012-056-51	134477	1978	NA	80	40-75	Sand & Rock	
12N06W30	012-056-50	134462	1978	NA	80	40-80	Brown Sand & Sandstone	
12N06W30	012-012-90	236856	1983	NA	200	160-200	Volcanic Rock & Ash	
12N06W30	012-012-73	824927	2003	WE-2260	240	40-140	Shale & Sandstone	
12N06W30	012-046-03	555477	1995	WE-1176	230	210-230	Volcanic Rock & Shale	
12N06W30	012-047-04	756186	2002	WE-2187	350	290-330	Basalt	
12N06W30	NA	121732	1978	NA	Dry Hole			3 Miles NE of Spruce Grove Road
12N06W30	012-046-06	228057	1979	NA	180	130-160	Volcanic Rock	
12N06W30	012-056-51	134478	1979	NA	160	40-150	Sand & Clay	
12N07W24	NA	56830	1972	NA	34	10-34	Gravel & Clay	S side of Spruce Grove Road
12N07W24	NA	83628	1979	NA	65	25-65	Gravel & Clay	Riata Road
12N07W24	NA	87402	1979	NA	43	10-43	Clay & Shale	Riata Road

Section	APN	Well Number	Year Drilled	Permit Number	Total Well Depth	Screen Interval (feet)	Aquifer Material	Additional Location Info (when APN is NA)
12N07W24	049-270-03	84618	1970	NA	Dry Hole			
12N07W24	049-142-03	83640	1979	NA	58	18-58	Gravel & Clay	
12N07W24	NA	12581	1971	NA	31	13-31	Gravel, Clay, & Sandstone	3 miles SE of Lower Lake
12N07W24	049-141-02	56311	1980	NA	57	22-57	Gravel & Clay	
12N07W24	NA	177904	1984	NA	140	100-140	Shale & Sandstone	1/4 Mile South of Spruce Grove Road
12N07W24	NA	56433	1979	NA	50	30-50	Gravel & Clay	Riata Road
12N07W24	NA	11462	1977	NA	57	35-45	Gravel & Clay	Riata Road
12N07W24	012-061-01	1080459	2007	WE-2566	260	40-120	Shale & Sandstone	
12N07W25	NA	122131	1976	NA	355	55-355	Volcanic Rock & Ash	6 miles SE of Lower Lake
12N07W25	NA	87464	1979	NA	Dry Hole			2 miles W of Siegler Springs Road
12N07W25	012-056-14	445183	1997	WE-1473	165	45-165	Shale & Sandstone	
12N07W25	012-056-14	713350	2000	NA	170	50-170	Shale & Sandstone	
12N07W25	049-191-08	110382	1977	NA	35	20-35	Volcanic Ash & Shale	
12N07W25	NA	184027	1986	NA	200	160-200	Volcanic Rock & Shale	Noble Ranch, 1 mile from Spruce Grove
12N07W25	NA	13654	1977	NA	205	100-200	Sandstone	6 miles SE of Lower Lake
12N07W25	NA	87997	1979	NA	50	15-50	Gravel, Clay, & Shale	Riata Road
12N07W25	012-050-23	713349	2000	NA	155	115-155	Shale & Sandstone	Riata Road

Tina Rubin

From: Jason Vine P.E. <jason@realm-engineering.com>
Sent: Thursday, January 13, 2022 11:29 AM
To: Lake County Environmental Health
Subject: [EXTERNAL] Lake County Environmental Health (Little High Valley)]

Hello,

My firm, Realm Engineering, has been hired to prepare a Hydrology Study for a proposed cannabis cultivation operation at 17870 Little High Valley Road near Lower Lake, CA (APN 012-061-03). Currently, we are trying to determine if there are permitted wells on the properties closest to my clients' water supply well. I used the California Department of Water Resources' Well Completion Report Map Application to obtain several well completion reports that could be associated with wells on the neighboring properties, but the reports are older and provide vague location information. Additionally, it appears that some of the APNs identified in the well completion reports have changed. Would you be able to provide me with information on the presence or absence of groundwater wells on the properties identified below? And if possible, site specific location information would be wonderful.

17910 Little High Valley Road, Lower Lake, CA - APN: 012-046-01
17750 Little High Valley Road, Lower Lake, CA - APN: 012-056-12
17760 Little High Valley Road, Lower Lake, CA - APN: 012-061-02
12999 Spruce Grove Road, Lower Lake, CA - APN: 012-067-35

Dry Hole 2011
septic permit
no info
well permit

Thank you sincerely for all your help with these Hydro Studies and various projects.

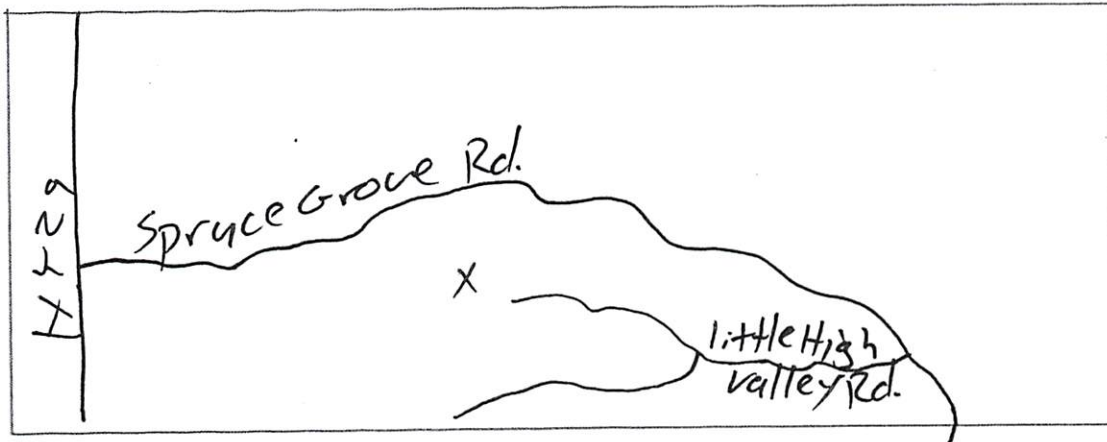
Jason Vine, P.E.
530.526.7493

REALM
Civil Engineering, Surveying and Land Planning
1767 Market Street, Suite C
Redding, CA 96001
<http://www.realm-engineering.com>

This email may contain CONFIDENTIAL information subject to non-disclosure and/or confidentiality agreement(s).

LOCATION MAP

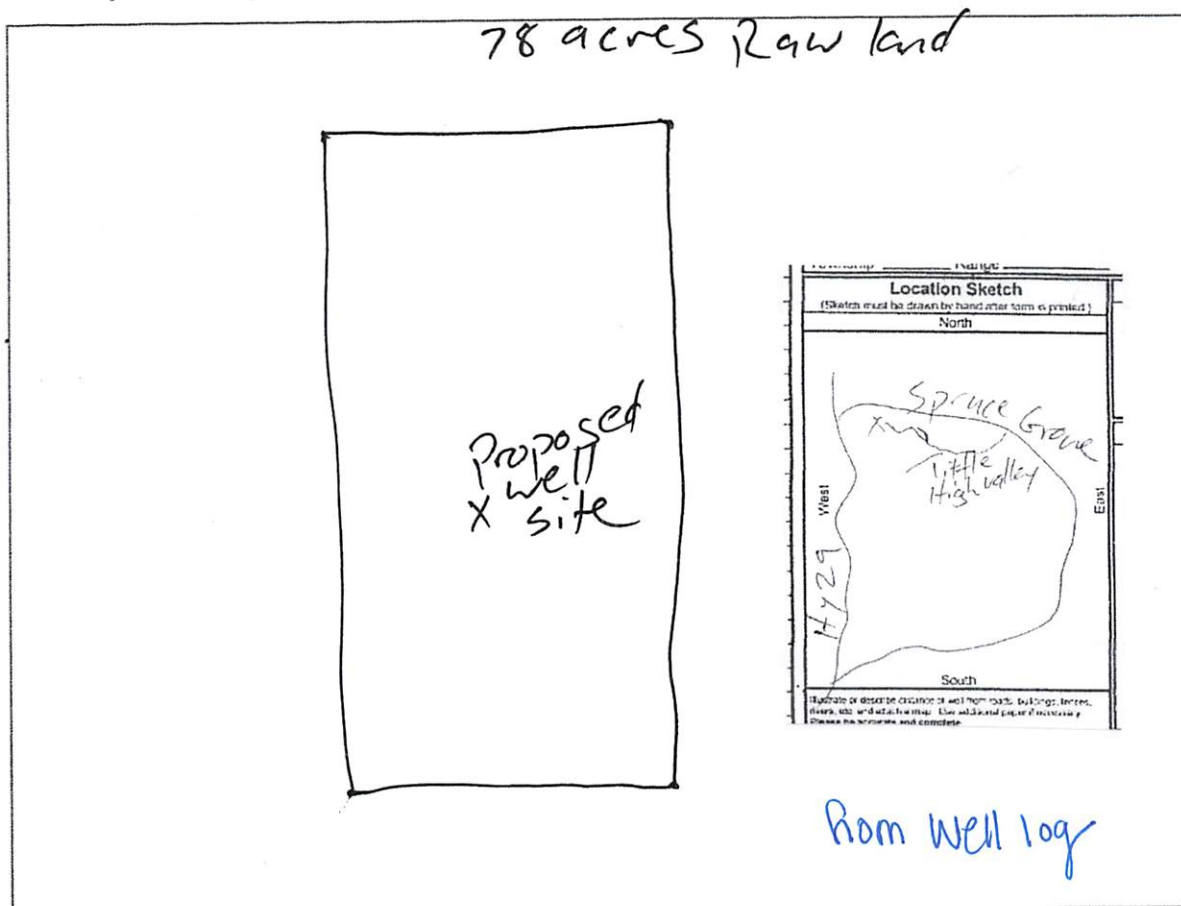
DIRECTIONS (Please include mile post markers, landmarks, nearest cross street, etc.):



DRAW TO SCALE ANY OF THE FOLLOWING WITHIN 200 FEET OF THE WELL.

1. Well/wells existing and proposed
2. Property lines
3. Easements or roads
4. All existing and proposed sewage disposal systems within 100 feet, adjacent parcels included.
5. Any facilities or piping designed to carry or hold sewage.
6. Any storage or mixing area which involves Hazardous materials
7. Any structures
8. North/South Arrow
9. Show road or street with name/reference point
10. Photo Map if available
11. <http://gispublic.co.lake.ca.us/flexviewer/index.html> - highlight and paste in internet search box

78 acres raw land



DRAWN TO THE SCALE OF _____

17910 Little high Valley Rd

012-046-01

Dry Hole

1113 0812 17910 Little high Valley Rd 012-046-01 Dry Hole RECEIVED MAR 21 2012 ENVIRONMENTAL HEALTH TOTAL DEPTH OF BORING <u>160</u> (Feet) TOTAL DEPTH OF COMPLETED WELL _____ (Feet)	LOCATION SKETCH NORTH WEST EAST SOUTH Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.	ACTIVITY (✓) ☒ NEW WELL MODIFICATION/REPAIR ____ Deepen ____ Other (Specify) _____ ____ DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG") USES (✓) WATER SUPPLY ☒ Domestic _____ Public ☒ Irrigation _____ Industrial MONITORING _____ TEST WELL _____ CATHODIC PROTECTION _____ HEAT EXCHANGE _____ DIRECT PUSH _____ INJECTION _____ VAPOR EXTRACTION _____ SPARGING _____ REMEDIATION _____ OTHER (SPECIFY) _____
	WATER LEVEL & YIELD OF COMPLETED WELL DEPTH TO FIRST WATER _____ (Ft.) BELOW SURFACE DEPTH OF STATIC WATER LEVEL _____ (Ft.) & DATE MEASURED _____ ESTIMATED YIELD * _____ (GPM) & TEST TYPE _____ TEST LENGTH _____ (Hrs.) TOTAL DRAWDOWN _____ (Ft.) * May not be representative of a well's long-term yield.	

COUNTY OF LAKE
DEPARTMENT OF PUBLIC HEALTH

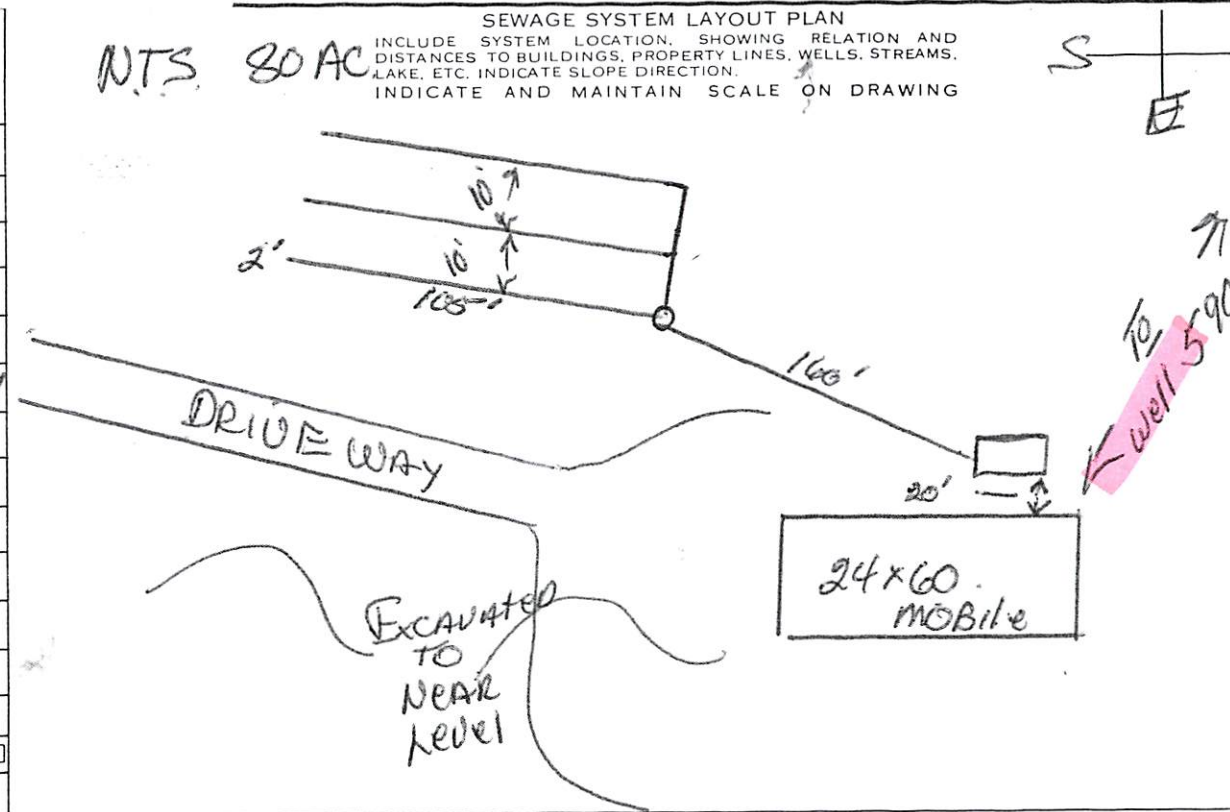
922 BEVINS COURT
LAKEPORT, CALIFORNIA 95453
Phone 707/263-2241

NOTE — ISSUANCE AND APPROVAL OF THIS PERMIT INDICATES APPROVAL OF DESIGN FACTORS AND CONSTRUCTION ONLY AND DOES NOT INDICATE OR IMPLY A GUARANTEE OF SUCCESSFUL OPERATION OF THE SEWAGE DISPOSAL SYSTEM.

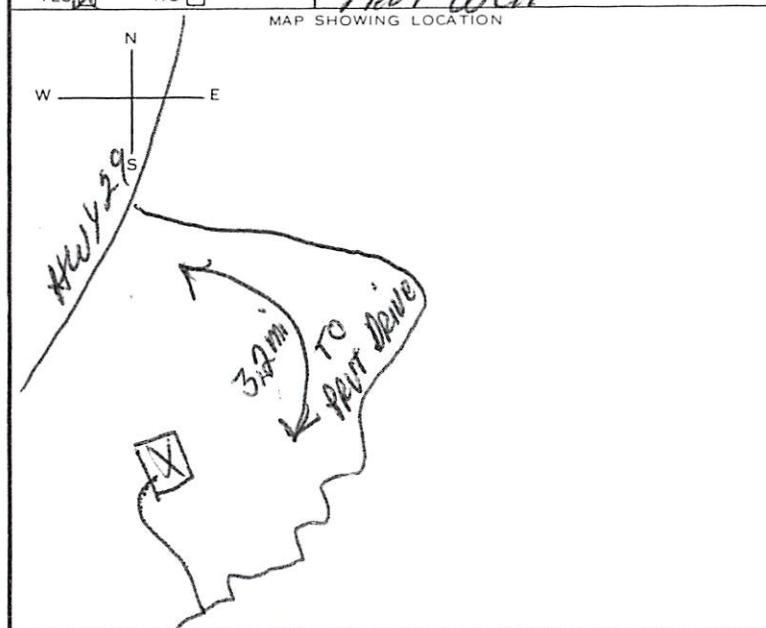
APPLICATION FOR SEWAGE DISPOSAL SYSTEM PERMIT

WHEN VALIDATED THIS IS YOUR PERMIT

APPLICANT: FILL IN BETWEEN HEAVY LINES ONLY			
PLEASE PRINT -			
CONTRACTOR	NAME	Fred Henningsen	
	MAILING ADDRESS	13277 Spruce Grove Rd.	
LEGAL OWNER	CITY	Lower Lake	TEL. NO.
	NAME	Kit R. Larsen	
JOB LOCATION	MAILING ADDRESS	7990 A Hwy 29	
	CITY	Kelseyville CA	TEL. NO. 8791380
JOB LOCATION	STREET OR ROAD & No.	13277 Spruce Grove Rd.	
	SUBDIVISION	—	LOT — BLK. —
	COMMUNITY	Lower Lake	
	NEAREST CROSS STREET		
JOB LOCATION	ASSESSORS PARCEL NO.	12-56-12	
	INSTALLATION WILL SERVE		
JOB LOCATION	SINGLE FAMILY DWELLING ☐	RESORT MOTEL ☐	MOBILE HOME ☒ OTHER ☐
	SPECIFY OTHER		
JOB LOCATION	NO. OF LIVING UNITS	1	NO. OF BEDROOMS 3
	NO. OF BATHROOMS	2	NO. OF KITCHENS 1 GARBAGE DISPOSAL YES ☒ NO ☐
JOB LOCATION	WATER ON LOT AT PRESENT	WATER SOURCE	
	YES ☒ NO ☐	Drill Well	



SOIL TYPE <i>Rocky - clay</i>	
TOPOGRAPHY & % SLOPE <i>4% H-11x</i>	
TANK CAPACITY <i>DAWSON</i> GALS	
TANK LENGTH <i>DAWSON</i> FT.	
COMP. 1 FT.	COMP. 2 FT.
WIDTH FT.	LIQUID DEPTH FT.
TOTAL INTERIOR DEPTH FT.	
ABSORPTION SYSTEM TYPE <i>STND 2' TRENCH</i>	
NO. LINES <i>3</i>	FINAL PERC. RATE <i>2" MIN</i>
TRENCH/DIT DEPTH <i>3'</i>	
PIT DIAMETER <i>1' Rock</i>	
TRENCH WIDTH <i>24</i> IN.	TRENCH LENGTH <i>31105</i> FT.
LOT SIZE FT. X FT.	
LOT AREA <i>80 ACRES</i> SQ. FT.	



In conformity with the provisions of Section 7031.5 of the Business and Professions Code and Section 3800 of the Labor Code of the State of California, applicant shall file with the HEALTH DEPT. the certificates, designated in (1) and (2) below and/or shall indicate item (3), (4), (5) or (6) whichever is applicable.

- (1) Certificate of Consent of Self-Insured issued by the Director of Industrial Relations.
(2) Certificate (or exact duplicate copy) of Workmen's Compensation Insurance issued by an admitted Insurer.
☐ (3) The cost of the work to be performed is \$100. or less, including materials and labor.
☐ (4) I certify that in the performance of the work for which this permit is issued that I shall not employ any person in any manner so as to become subject to the Workmen's Compensation Laws of California.
☒ (5) I certify that the applicant is licensed under the provisions of Chapter 9 (commencing at Section 7000) of division 3 of the Business and Professions Code, and said applicant's California State Contractor's License No. 322922 Class AKD is in full force and effect.
☐ (6) Applicant is exempt from (5) above under the applicable provisions of Section 7040 through 7053 of the Contractors' License Law.
(State basis for exemption _____).

I have verified or supplied the information here set forth, and the information is to my knowledge, accurate. Any work performed by me or my employees on the installation of this system will be in compliance with Lake County Ordinance No. 418 and with all applicable Rules and Regulations of the Lake County Health Officer. I have read and understand all portions of the application.

APPLICANTS SIGNATURE	DATE
<i>Bob L. Farnum</i>	6/6/85
APPLICANTS ADDRESS	
790-A Hwy 29	

RECEIPT NO. 611532		PERMIT NO. 6426-S	
DATE REC. 6-6-85	FEE 35	00	
BY D8	PENALTY		
DATE ISSUED 6-6-85			
BY D8	TOTAL FEE	35	00
APPLICATION APPROVED BY <i>Robert Smith</i>		DATE 6/6/85	
NOTES:			
CONSTRUCTION APP. BY:		DATE	

THIS PERMIT SHALL EXPIRE NINETY (90) DAYS FROM DATE OF ISSUANCE:

Mary Claybon

From: Mary Claybon
Sent: Friday, October 4, 2024 11:20 AM
To: 'Kaj Ahlmann'
Cc: Lake County Community Development - Cannabis
Subject: RE: 17870 Little High Road, Lower Lake

Hello Kaj,

Thank you for contacting the Community Development Department. Please see responses to your inquiries below.

- I assume everything is compliance with current regulations .

The project is complaint with the Lake County Zoning Ordinance, State Regulations, and Local Area Plan. Please see item 6d at [AGENDA \(legistar.com\)](https://legistar.com) for the project's environmental studies, Staff's report, and Conditions of Approval, and other documentation for the project.

- I don't think it should be approved unless the county has the resources to follow up on the project.

The Planning Division performs annual compliance monitoring site visits every growing season for compliance verification for the life of the project for every approved commercial cannabis project that is operational. The permittee is required to submit an annual performance report for the previous year's activities, pay the compliance monitoring fee as determined by the Master Fee Schedule (currently \$1,000) and attend a site visit with the Planning Division. If there are items for follow-up, the Planning Division provides a two-week window to remedy the action. If the action is not remedied, the project is referred to Code Enforcement or is brought forward with a revocation recommendation of the use permit to the Planning Commission based on the extent of the violation(s).

Please feel free to contact me if you have any further questions or comments. Have a great day Kaj!

Thank you,
Mary Claybon



Mary Claybon, MSML

Associate Planner

Community Development Department

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email: Mary.Claybon@lakecountyca.gov

CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

-----Original Message-----

From: Kaj Ahlmann <kahlmann@sixsigmaranch.com>

Sent: Friday, October 4, 2024 10:57 AM

To: Mary Claybon <Mary.Claybon@lakecountyca.gov>

Subject: [EXTERNAL] 17870 Little High Road, Lower Lake

Mary,

I have the notice of the hearing.

I have two comment

- I assume everything is compliance with current regulations .

- I don't think it should be approved unless the county has the resources to follow up on the project .

Kind regards

Kaj Ahlmann

Six Sigma Ranch and Winery

Sent from my iPhone

Mary Claybon

From: M Gifford <deathrange3@gmail.com>
Sent: Monday, October 7, 2024 9:44 AM
To: Mary Claybon
Cc: Rex McMillian
Subject: [EXTERNAL] Fwd: Dear Andrew, I am Martin Gifford, a disabled veteran, and caregiver to Bev Gifford; (91 gold star widow to my father Frank Q Gifford), here at 18477 Snow rd, Lower Lake, Ca. I would like to express my full support to the McMillians who ...
Attachments: Cannabis Permit for McDonald.docx; 20240930_112739.jpg

Dear Mary Claybon, my mother Beverly and I are still in opposition to the proposed major use permit at 17870 Little High Valley rd Lower Lake.. The narrow roadways and well water cannot support such industrial grows in this neighborhood. In addition; Mark McDonald has contacted me several times as I was walking on Little High Valley rd in the past asking about our water and asking about the McMillian ranch water. I told him the water would be a issue for a industrial grow and chose not to answer.. Mark indicated he was just fixing up that property as a residence at the time. I was polite but told him we didn't support a grow here.

Respectfully Martin Gifford 707-676-0036

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

From: M Gifford <deathrange3@gmail.com>
Date: Thu, Sep 7, 2023, 16:17
Subject: Dear Andrew, I am Martin Gifford, a disabled veteran, and caregiver to Bev Gifford; (91 gold star widow to my father Frank Q Gifford), here at 18477 Snow rd, Lower Lake, Ca. I would like to express my full support to the McMillians who are also in strong opposition to the cannabis grow at 17870 Little High Valley rd. for the aforementioned reasons. Please feel free to contact me if you have any further questions. Martin. Fwd: Commercial Cannabis Permit for APN 012-061-03
To: <Andrew.Amelung@lakecountyca.gov>
Cc: Rex McMillian <RexMcMillian@mac.com>

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

From: Rex McMillian <rexmcmillian@mac.com>
Date: Thu, Sep 7, 2023, 11:53
Subject: Fwd: Commercial Cannabis Permit for APN 012-061-03
To: M Gifford <deathrange3@gmail.com>

Begin forwarded message:

From: Rex McMillian <rexmcmillian@mac.com>
Subject: Commercial Cannabis Permit for APN 012-061-03
Date: September 7, 2023 at 11:49:48 AM PDT
To: Andrew.Amelung@lakecountyca.gov
Cc: Becky McMillian <rebeccaleamcmillian@me.com>

From: Rex & Rebecca McMillian
Little High Valley Ranch
APN'S 012-056-15; 012-012-16; 012-046-01

Subj: Cannabis Cultivation Project, Major Use Permit (UP 21-07); Initial Study (IS 21-07)

Date: September 7, 2023

Ref: County of Lake County "Notice of Intent To Adopt a Mitigated Negative Declaration"

Sir/ Ma'am

In reference to the request for comments regarding a "major use permit for Cannabis Cultivation" located at 17870 Little High Valley Road, Lower Lake, CA 95457, APN 012-061-03

We are STRONGLY OPPOSED to this petition for the following reasons:

1. **Poor Road Condition.** The road is in extremely poor condition. The road to the property in question is not owned by the County or the State. It is a private road served by easements. Neither the County or the State provide maintenance or upkeep on the road. Neither the County or State - from my understanding - will assume any responsibility in the future for the road. A commercial cannabis operation with frequent vehicle traffic that would need to utilize the road would add to the already poor condition of the road. I assume this traffic would include heavy truck vehicles that would quickly add to the demise of the road, especially during the wetter months of the year. We therefore oppose this project.
2. **Private Property and Easements.** The road to the property traverses multiple private properties via easements. I can see no good outcome of commercial traffic traversing through private property with the noise, dust, damage and safety issues that would be created. We therefore oppose this project.
3. **Water usage.** A commercial Cannabis operation will deplete ground water via the existing well on the property. This will most certainly have an impact on surrounding and established properties that depend on ground water. The summer of 2022 saw multiple water wells and springs dry up in the Little High Valley area. It would be disastrous to the parties that are currently dependent on ground water to lose their water to a new and thirsty cannabis operation. We currently have a requirement on our ranch for watering cattle and growing hay for feed. We lost several significant water sources due to the drought in the summer of 2022 that greatly impacted our ability to operate our ranch. We therefore strongly oppose the approval of a new, water intensive project that will most certainly impact the existing low water aquifer. We therefore oppose this project.
4. **Fire Danger and Public Safety.** We are opposed to project for the increased fire danger that it will impose. The commercial cannabis business will most assuredly require a heavy volume of vehicles that will traverse private properties that have been parched by Climate Change and the resultant drought. Running commercial vehicles through this extreme fire danger area adds a risk to both the current property owners of Little High Valley, but also by extension to the residents of Spruce Grove Road, Hidden Valley, Morgan Valley and Lower Lake. We therefore oppose this project.
5. **Crime Rate.** It can be surmised that a commercial cannabis operation will potentially add to an increased crime rate that impacts the surrounding property owners. Our property has been the subject of theft on multiple occasions. Approving the permit for a cannabis operation will most likely result in an

increase in traffic from crime prone entities that we would prefer not be in the area. We certainly understand that the Lake County Sheriff cannot be patrolling in that rural and remote area to assist in mitigating crime. Approving a permit for a cannabis operation without the guarantee of law enforcement patrolling is another reason we oppose this project. We therefore oppose this project.

Thank you for the opportunity to comment.

Rex & Rebecca McMillian
Little High Valley Ranch
18335 Snow Road, Lower Lake, CA
949 742 9683
RexMcMillian@Mac.com

From: [Joanie Henderson](#)
To: [Mary Claybon](#)
Cc: [Lake County Community Development](#); [Jim Wright](#); [Bill Landers](#); [Jesse Cude](#); [Brian Hall](#)
Subject: [EXTERNAL] UP 21-07 Little High Valley
Date: Sunday, March 16, 2025 6:35:21 PM
Attachments: [PastedGraphic-1.pdf](#)
[PastedGraphic-19.pdf](#)
[PastedGraphic-11.pdf](#)
[PastedGraphic-12.pdf](#)
[Agency Comment - CALFIRE EMAIL.pdf](#)
[Local Responsibility Area Fire Hazard Severity Zone.pdf](#)

To the Lake County Community Development Department:

I have attached the Calfire comments that were previously submitted by Mike Wink for this project. It states that "safe access" is required and lists the specific road/driveway requirements for determining "safe access".

Little High Valley road does not meet the requirements that Cal Fire stated this project must: "All private property roads / access used for this project shall meet minimum Fire Safe standards for emergency vehicle ingress and egress."

For example:

1. Little High Valley Road does not consist of "two 10 foot lanes of travel for a total of 20 feet of driveable surface not including the shoulders." The grow site is located at the very end of this dead end, mile long, narrow series of private easements established for residential use.
2. Little High Valley Road does not meet the requirement that, "All weather roadway surfaces shall be rated/engineered for 75,000 lb vehicles is the minimum (including bridges)."
3. Little High Valley Road does not have a surface that meets the requirement that, "All weather roadway surfaces do not ever have mud, standing or flowing water that vehicles have to travel through." Little High Valley Road frequently has water standing in puddles and flowing over the surface during rain-events. The surface tends to become quite muddy. In the summer dry months, the gravel surface breaks loose causing vehicle tires to spin and loose traction on the steep sections.
4. Little High Valley Road has long sections of its mile long length with slopes greater than the requirement. Little High Valley Road does not meet the standard of "Maximum roadway slope is 16%."

California Code of Regulations Title 14 Section 1270.03 requires that all roads and driveways must meet Calfire 4290 standards for all new use permit applications, building permits and road construction. This project has all three conditions and as such, Calfire 4290 standards are required. Calfire 4290 standards are required for access from County roads to the building site and the fire tank of the proposed grow site.

Compliance with Calfire 4290 does not constitute a "green light" by County staff during a site visit. If County staff will be certifying that all of the access roads from a County road to the project are Calfire 4290 compliant then a signed statement by the individual that inspects and verifies this compliance should be included in the record.

I am also attaching to this email, The Lake County Local Responsibility Area Fire Hazard Severity Zones map released by the State Fire Marshal January 22, 2025. Please note my entire neighborhood including the proposed grow site, are in the highest Fire Hazard Severity Zone. Needless to say, we take the fact that

Little High Valley Road is being subjected to commercial traffic it was never created to carry, very seriously.

I continue to request UP 21-07 proposed use permit be denied for failure to comply with the requirements.

Thank you!

Joanie Henderson
17750 Little High Valley Rd

Eric Porter

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Sunday, May 16, 2021 11:16 PM
To: Katherine Schaefer; Steven Hajik; Elizabeth Knight; Richard Ford; Jim Campbell; Ray Kehoe; Scott DeLeon; Kelli Hanlon; Gloria Gregore; Dennis Keithly; Lucas Bingham; Lori Baca; Gordon Haggitt; Greg Peters; Yuliya Osetrova; 500, chief@LKP; pbleuss@kelseyvillefire.com; Ciancio, Mike@NorthShore FPD; Fong, Gloria@CALFIRE; csmith@lakecountyfire.com; Ch700, Fd@yahoo; PGEPlanReview@pge.com; Stoner, Kyle@Wildlife; Wildlife R2 CEQA; Shupe, James D@DOT; Rightnar, Jacob@DOT; Rymer-Burnett, Saskia@DOT; Jackman, Rex A@DOT; lcfarmbureau@sbcglobal.net; roberta.lyons@att.net; Ponce, Kevin@CDFA; Fried, Janae@Waterboards; bhalstead@blm.gov; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov; jruygt@comcast.net; centralvalleysac@waterboards.ca.gov; SPKRegulatoryMailbox@usace.army.mil; Wildlife R2 CEQA; cline.tracy@lakecountyca.gov; csmith@lakecountyfire.com; roberta.lyons@att.net
Cc: Carol Huchingson; Michelle Scully; Susan Parker; vbrandon95457@gmail.com; Moke Simon
Subject: [EXTERNAL] Re: Request for Review UP 21-07 Little High Valley

From Cal Fire

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

A bridge shall not be less than 12 feet wide.

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

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

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

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

Maximum roadway slope is 16%.

Gate width is 14 foot minimum.

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

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

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

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

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

This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.

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

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

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

www.fire.ca.gov

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

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

Hazardous Materials Management (CUPA)

www.lakecountyca.gov

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

Hazardous Materials Management (CUPA)

www.lakecountyca.gov

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

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

Report of the Committee on - NFPA

www.nfpa.org

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

Report of the Committee on - NFPA

www.nfpa.org

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

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

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

www.fire.ca.gov

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

Eric Porter

From: Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>
Sent: Sunday, May 16, 2021 11:16 PM
To: Katherine Schaefer; Steven Hajik; Elizabeth Knight; Richard Ford; Jim Campbell; Ray Kehoe; Scott DeLeon; Kelli Hanlon; Gloria Gregore; Dennis Keithly; Lucas Bingham; Lori Baca; Gordon Haggitt; Greg Peters; Yuliya Osetrova; 500, chief@LKP; pbleuss@kelseyvillefire.com; Ciancio, Mike@NorthShore FPD; Fong, Gloria@CALFIRE; csmith@lakecountyfire.com; Ch700, Fd@yahoo; PGEPlanReview@pge.com; Stoner, Kyle@Wildlife; Wildlife R2 CEQA; Shupe, James D@DOT; Rightnar, Jacob@DOT; Rymer-Burnett, Saskia@DOT; Jackman, Rex A@DOT; lcfarmbureau@sbcglobal.net; roberta.lyons@att.net; Ponce, Kevin@CDFA; Fried, Janae@Waterboards; bhalstead@blm.gov; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov; jruygt@comcast.net; centralvalleysac@waterboards.ca.gov; SPKRegulatoryMailbox@usace.army.mil; Wildlife R2 CEQA; cline.tracy@lakecountyca.gov; csmith@lakecountyfire.com; roberta.lyons@att.net
Cc: Carol Huchingson; Michelle Scully; Susan Parker; vbrandon95457@gmail.com; Moke Simon
Subject: [EXTERNAL] Re: Request for Review UP 21-07 Little High Valley

From Cal Fire

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

A bridge shall not be less than 12 feet wide.

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

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

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

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

Maximum roadway slope is 16%.

Gate width is 14 foot minimum.

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

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

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

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

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

This property will meet the criteria to be, or will be a CERS / CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around structures. In summary, any structure or location that stores hazardous, flammable or dangerous items shall establish and maintain 300 feet of defensible space / fuels reduction around its radius.

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

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

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

www.fire.ca.gov

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

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

Hazardous Materials Management (CUPA)

www.lakecountyca.gov

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

Hazardous Materials Management (CUPA)

www.lakecountyca.gov

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

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

Report of the Committee on - NFPA

www.nfpa.org

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

Report of the Committee on - NFPA

www.nfpa.org

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

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

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

www.fire.ca.gov

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

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

Hazardous Materials Management (CUPA)

www.lakecountycalifornia.gov

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

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

Report of the Committee on - NFPA

www.nfpa.org

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

From: Katherine Schaefer <Katherine.Schaefer@lakecountycalifornia.gov>

Sent: Friday, May 7, 2021 4:09 PM

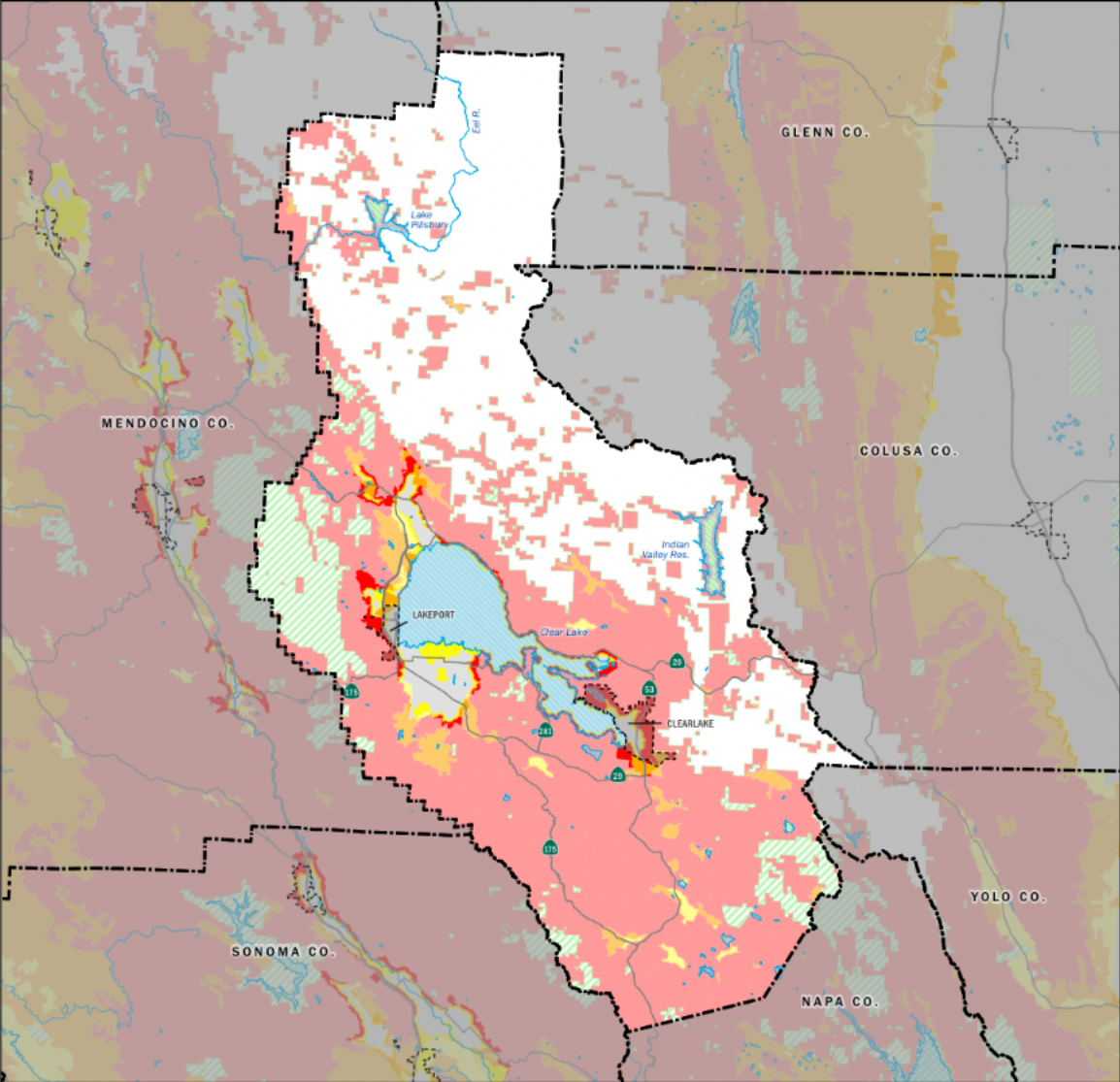
To: Steven Hajik <Steven.Hajik@lakecountycalifornia.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Richard Ford <Richard.Ford@lakecountycalifornia.gov>; Jim Campbell <Jim.Campbell@lakecountycalifornia.gov>; Ray Kehoe <Ray.Kehoe@lakecountycalifornia.gov>; Scott DeLeon <Scott.DeLeon@lakecountycalifornia.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountycalifornia.gov>; Gloria Gregore <Gloria.Gregore@lakecountycalifornia.gov>; Dennis Keithly <Dennis.Keithly@lakecountycalifornia.gov>; Lucas Bingham <Lucas.Bingham@lakecountycalifornia.gov>; Lori Baca <Lori.Baca@lakecountycalifornia.gov>; Gordon Haggitt <Gordon.Haggitt@lakecountycalifornia.gov>; Greg Peters <Greg.Peters@lakecountycalifornia.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountycalifornia.gov>; 500, chief@LKP <chief500@lakeportfire.com>; pbleuss@kelseyvillefire.com <pbleuss@kelseyvillefire.com>; Ciancio, Mike@NorthShore FPD <chief800@northshorefpd.com>; Fong, Gloria@CALFIRE <Gloria.Fong@fire.ca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; csmith@lakecountycaliforniafire.com <csmith@lakecountycaliforniafire.com>; Ch700, Fd@yahoo <fdchf700@yahoo.com>; PGEPlanReview@pge.com <PGEPlanReview@pge.com>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Shupe, James D@DOT <james.shupe@dot.ca.gov>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>; Rymer-Burnett, Saskia@DOT <Saskia.Rymer-Burnett@dot.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; lcfarmbureau@sbcglobal.net <lcfarmbureau@sbcglobal.net>; roberta.lyons@att.net <roberta.lyons@att.net>; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>; Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>; bhalstead@blm.gov <bhalstead@blm.gov>; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov <cdfa.CalCannabis_Local_Verification@cdfa.ca.gov>; jruygt@comcast.net <jruygt@comcast.net>; centralvalleysac@waterboards.ca.gov <centralvalleysac@waterboards.ca.gov>; SPKRegulatoryMailbox@usace.army.mil <SPKRegulatoryMailbox@usace.army.mil>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; cline.tracy@lakecountycalifornia.gov <cline.tracy@lakecountycalifornia.gov>; Csmith@lakecountycaliforniafire.com <Csmith@lakecountycaliforniafire.com>; roberta.lyons@att.net <roberta.lyons@att.net>

Cc: Carol Huchingson <Carol.Huchingson@lakecountycalifornia.gov>; Michelle Scully <Michelle.Scully@lakecountycalifornia.gov>;



Local Responsibility Area Fire Hazard Severity Zones

As Identified by the
State Fire Marshal
January 22, 2025



Fire Hazard Severity Zones (FHSZ) in Local Responsibility Area (LRA), as Identified by the State Fire Marshal

Very High High Moderate

Fire Hazard Severity Zones in State Responsibility Area (SRA), Effective April 1, 2024

Very High High Moderate



Projection: NAD 83 California Teale Albers
Scale: 1:442,000 at 11" x 17"

- Incorporated City
- Unzoned LRA
- Waterbody
- Federal Responsibility Area (FRA)

Government Code section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent

statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather,

and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Gavin Newsom, Governor, State of California
Wade Crowfoot, Secretary for Natural Resources, CA Natural Resources Agency
Joe Tyler, Director/Fire Chief, CA Department of Forestry and Fire Protection
Daniel Berlant, State Fire Marshal, CA Department of Forestry and Fire Protection

Data Sources:
CAL FIRE Fire Hazard Severity Zones (FHSZSRA23_3, FHSZLRA_25_1)
CAL FIRE State Responsibility Areas (SRA25_1)
City and County boundaries as of 10/22/24 (CA Board of Equalization)

Brian Hall, PE
PO Box 956
Lakeport, CA 95453

March 20, 2025

County of Lake
Community Development Department
255 N. Forbes St #330
Lakeport, CA 95453

RE: UP 21-07 Little High Valley Commercial Cannabis Cultivation Project

The Little High Valley CCC Project as proposed demonstrates significant state and local regulatory violations as well as significant errors and omissions. Since the Conditions of Approval require that all federal, state and local regulations are to be enforced, this project will be subject to revocation immediately upon approval.

Major Use Permit Conditions of Approval Item A.3:

"This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency."

Violations include:

1. Non-conformance with Business and Professions Code (BPC) 26051.5 (2):
 - a. Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.
 - b. Based on the California Appeals Court Division 6 decision filed 10/29/24 JCCRANDALL v. COUNTY OF SANTA BARBARA, easement owners must provide written permission to use their property for cannabis use.

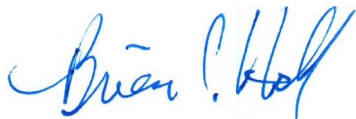
2. Non-conformance with Lake County Zoning Article 27 (p.27-118)
 - a. Access Standards:
 - (1) *Any site where a cannabis related activity is permitted shall have access to a public road or a **recorded easement** that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.*
 - (3) *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.*
3. Non-conformance with State Calfire 4290 regulations for safe emergency access from Spruce Grove Road to the project parcel. This has been required for projects since the Calfire 4290 regulations were signed into law in 1991.
 - a. Calfire 4290 Safe Access regulations applies to:
 - i. New Uses:
 1. Commercial Cannabis Cultivation Major Use Permits
 - ii. New Building Permits:
 1. Processing building – This is not an AG exempt building since it will be occupied by employees and is served by an OWTS and electrical utilities.
 2. Fire suppression tank
 3. Electrical utility
 - a. PG&E will not provide electrical service without a building permit.
 4. Onsite Wastewater Treatment System (OWTS)
 - iii. New Road Construction:
 1. Road widening and drainage improvements along Little High Valley Road.
 2. New road construction from the entrance gate to the processing building.
 3. Parking area
 - b. This commercial project must be accessed by a commercial road constructed to commercial road standards.
 - i. The current access road does not have two 10 ft lanes
 - ii. The road width is less than 20 ft.
 1. Based on 52 width measurements taken by Joanie Henderson at aprx 100 ft intervals from Spruce Grove Road to the project parcel, the road width averages 14 ft and is only 9 ft wide at mile 0.3.
 - iii. Road slope exceeds 16% for aprx 1,000 ft between mile 0.6 and 0.8 and is as high as 34%.

- iv. Road surfaces have not been rated/engineered for 75,000 lb vehicles.
 - c. Recent road construction was not based on permitted engineered plans or grading plans. Unpermitted road construction without plans, details, specifications and inspections cannot be assumed to be rated to 75,000 lbs.
 - d. *Calfire 4290 SRA Fire Safe Regulations:*
 - 1. *Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.*
 - 2. *All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.*
4. Non-conformance with County of Lake Grading Ordinance.
 - a. 8 acres of unpermitted grading (clearing) based on:
 - i. Google Earth historical imagery (2020 to current)
 - ii. No grading permit.
 - b. Unpermitted road construction and improvements
 - c. To date, there is no evidence that any of the clearing, grading and road construction done was based on any plans or permits.
 5. Non-conformance with the California Environmental Quality Act (CEQA).
 - a. The CEQA Initial Study did not address the impacts of the 8 acre grading phase of this project as the original site plans for this project clearly show that the land was undisturbed prior to the planning phase of the project. The initial study must address past, present and future phases of the project.
 6. Non-conformance with National Pollutant Discharge Elimination System (NPDES) for 8 acres of unpermitted grading and road construction in 2020 during the planning phase of this project.
 - a. The applicant did not apply for, or obtain coverage under the Construction General Permit required for disturbing more than one acre of land as required by NPDES.

- b. The applicant did not prepare or implement a Storm Water Pollution and Prevention Plan (SWPPP) for the 8 acre clearing phase.
- 7. Non-conformance with LC Ordinance 3106
 - a. The Hydrology report does not consider the impact of the LHV CCC onsite well to the Henderson residence well which is within the radius of influence and therefore could be impacted in at least two ways:
 - i. Drawdown - The LHV CCC onsite well could potentially lower the surface water level of the Henderson well and therefore reduce the amount of drawdown available to this well.
 - ii. Capacity – Although the actual size and capacity of the aquifer is not known, this project will result in a tremendous increase in demand which should be considered since neighbors have stated that their wells have gone dry in the past. At 12,300 gallons per day, the LHV CCC project will increase demand within the radius of influence by aprx 4,100% ($12,300/300 = 4,100\%$). This is the equivalent to adding 41 homes within the radius of influence.

This project violates numerous federal, state and local regulations and will result in significant public safety and environmental risks particularly with the increased risk of wildfires without safe access for emergency vehicles. I recommend that this project be denied.

Sincerely,



Brian Hall, PE
Registered Civil Engineer 71161

LITTLE HIGH VALLEY
COMMERCIAL CANNABIS
CULTIVATION
PROJECT

NO RECORDED EASEMENT EXISTS
NO AUTHORIZATION FOR ROAD IMPROVEMENTS BY OWNER
NO AUTHORIZATION FOR COMMERCIAL USE BY OWNER
NO WRITTEN PERMISSION GIVEN FOR COMMERCIAL
CANNABIS USE BY OWNER

SPRUCE GROVE ROAD
COUNTY MAINTAINED
PAVED ROAD

HENDERSON
RESIDENCE

0.9 M

0.8 M

ROAD SLOPE EXCEEDS 16%
FOR APRX 1000 FT
MAX SLOPE: 34%
MIN SLOPE: 18%

0.7 M

0.6 M

0.5 M

0.4 M

50 FT INNER RADIUS

LITTLE HIGH
VALLEY ROAD
DIRT ROAD

RESIDENCE

9 FT ROAD WIDTH

0.3 M

RESIDENCE

0.2 M

41 FT INNER RADIUS

0.1 M

LARGE BOULDER
LIMITS ROAD WIDTH

LITTLE HIGH
VALLEY ROAD
DIRT ROAD

SPRUCE GROVE ROAD
COUNTY MAINTAINED
PAVED ROAD

NOTES:

1. AVERAGE ROAD WIDTH IS 14 FT.

LITTLE HIGH VALLEY ROAD



- A: 2 Acres of Outdoor Canopy Space
- B: 50' x 70' Processing Building
- C: 2,500 Gallon Watertrank
- D: Well Location
- 100' Property Line Setback
- Property Line
- Fence
- 100' Watercourse Top of Bank Setback
- Watercourse Top of Bank
- 20' wide private access driveway, 80' in length, 0-1% grade, gravelled to a 75,000 lbs capacity, with a 60' by 20' hammerhead turnaround at the terminus.



Little High Valley
17870 Little High Road, Lower Lake, CA 95457
APNs: 012-061-03

Scale
100 ft.

01/19/21

Existing
and
Proposed
Conditions

Sheet 1 of 6

AUG 2020



APR 2021

