



PLANNING COMMISSION MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, July 09, 2024

6:00 PM

The Planning Commission meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for Commission consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the Commission adequate time to review your comments, you must submit your written emailed comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the Planning Commission prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the Commission, staff or general public, or while attending the Planning Commission meeting and refuses to come to order at the direction of the Presiding Officer, shall be removed from the Council Chambers or the Zoom by the sergeant-at-arms or the City Clerk and may be barred from further attendance before the Commission during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer. The Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the Planning Commission less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/83081512997?pwd=Nrk0PBxEbn2oDu1WILSikKCX8bCJad.1>
Passcode: 676244

Or One tap mobile:

+16694449171,,83081512997# US

+17193594580,,83081512997# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 719 359 4580 or +1 720 707 2699 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592

Webinar ID: 830 8151 2997

International numbers available: <https://clearlakeca.zoom.us/j/kcWyfNX49b>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

D. PUBLIC COMMENT: *This is the time for any member of the public to address the Planning Commission on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Commission or staff to discuss issues brought forth under Public Comment.** The Commission cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

E. BUSINESS

1. Appointment of Planning Commission Chairperson/Vice Chairperson
Recommended Action: Appoint Chairperson/Vice Chairperson for 2024

F. PUBLIC HEARING

2. Consideration of amendments to previously approved planning entitlements for a Commercial Cannabis Operation located at 2160 Ogulin Canyon Road, Clearlake, CA 95422 further

described as Assessor Parcel Number 010-044-21
Recommended Action: Adopt Resolution PC 2024-01

3. Consideration of Conditional Use Permit (CUP 2024-01) and Categorical Exemption (CE 2024-03) to Allow Live & Amplified Music within the Monterrey Grill located at 15176 Lakeshore Drive, Clearlake, CA further described as Assessor Parcel Number (APN): 040-330-37
Recommended Action: Adopt Resolution PC 2024-02

G. CITY MANAGER AND COMMISSIONER REPORTS

H. FUTURE AGENDA ITEMS

I. ADJOURNMENT

POSTED: Month DD, 20YY

BY:



Melissa Swanson, City Clerk

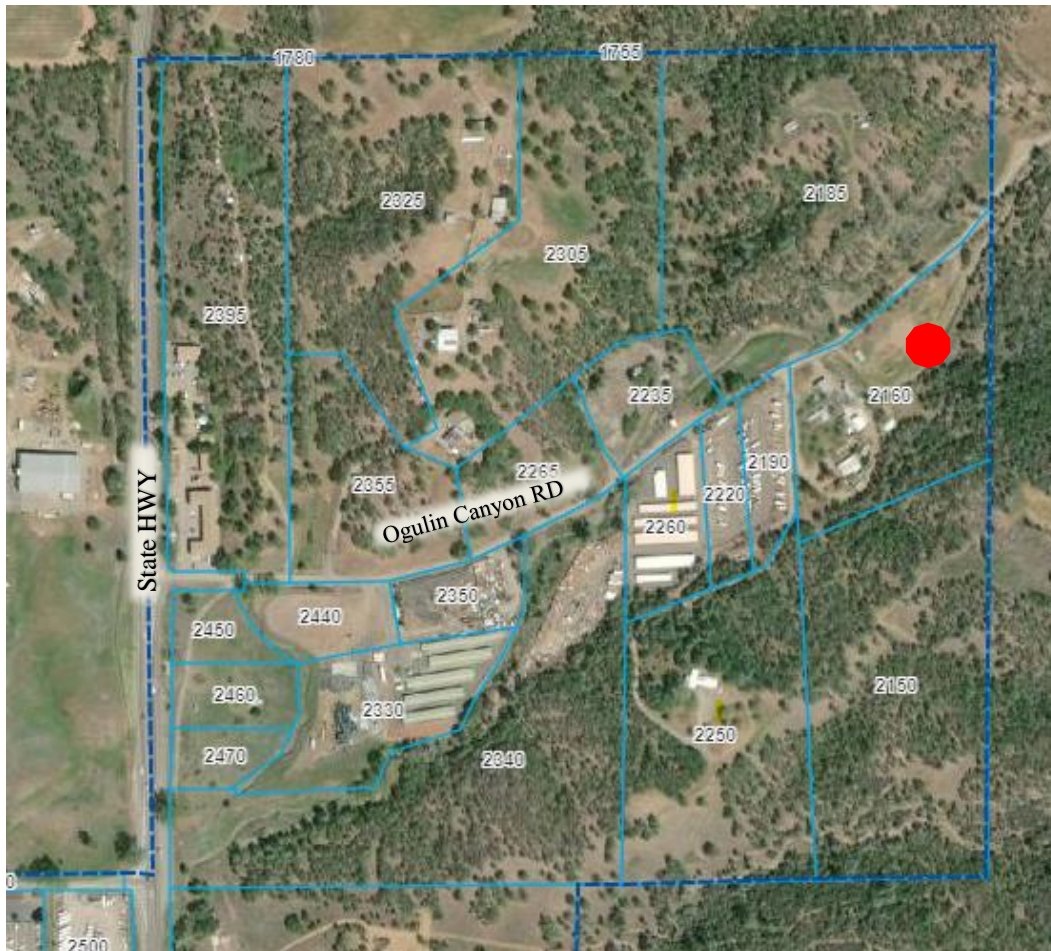


Planning Commission

STAFF REPORT	
SUBJECT: 2160 Ogulin Canyon Road – Amendments to Approved Planning Entitlements	MEETING DATE: 7/9/2024
SUBMITTED BY: Mark Roberts, Senior Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider amendments to previously approved planning entitlements for a Commercial Cannabis Operation located at 2160 Ogulin Canyon Road, Clearlake, CA 95422 further described as Assessor Parcel Number 010-044-21.



Aerial Project Location Map

PROJECT HISTORY & DISCUSSION:

Background: In December 2020, the applicant submitted Conditional Use Permits to develop the 9.56-acre parcel for a commercial cannabis operation (*manufacturing, retail delivery, distribution, cultivation/processing, and a nursery*). The initial project consisted of the development and operation of a 33,600 square foot building for cannabis activities; a 5,000 square foot office building; five - 75' x 25' greenhouses; 46 parking spaces and general site improvements.

After completion of the environmental analysis (*including circulation of the initial study*), the applicant submitted a revised project description which included the development of a new 5,000 square foot building, remodel of an existing 900 square foot building, and 8 parking spaces which was approved by the Planning Commission in December 2022.

Proposed Amendments: The applicant is requesting amendments to the approved commercial cannabis operation. The revised project will remain consistent with the approved Conditional Use Permits and would continue with the adopted Conditions of Approval and Mitigation Measures. The revised project includes the development of a new 32,500 square foot building (Building A) and a new 5,000 square foot building (Building B). Below is a summary of the shared square footage of each building.

- *Building A – 23,500 square feet for cannabis processing and manufacturing, and 9,000 square feet for indoor cannabis cultivation and nursery area.*
- *Building B – 3,000 square feet for cannabis processing and manufacturing, and 2,000 square feet for cannabis retail delivery, offices, and distribution.*

The new buildings will be situated approximately 220 feet south of Ogulin Canyon Road, in the eastern center of the parcel. The project operational days/hours will be Monday through Saturday from 6 am to 8 pm. The project site will be accessed by a new driveway that will lead into the 40-car parking lot.

General Plan Consistency, and Zoning and Design Standards

General Plan Consistency:

- The General Plan identifies the project site for industrial land uses. The proposed operations consisting of commercial agriculture, manufacturing, processing and distribution would be consistent with the General Plan's industrial land use designation of the site.
- This project will contain several General Plan Policies which promote economic growth and job creation. For example, the Economic Development Element supports the development of diverse businesses in the community.
 - Policy ED 1.1.2 states "Support a healthy mix of local businesses and mid-sized companies.
 - "Policy ED 3.1.1 states "Prioritize economic activities that utilize Clearlake's natural geographic location in the region".

Zoning Ordinance Regulations: The project is in the Commercial Cannabis Business District and subject to a commercial cannabis business conditional use permit (issued by the Planning Commission) in accordance with Section 18-43.060 of the Zoning Code. Section 18-43.020 (C). This code also requires concurrent processing and approval of a Cannabis Regulatory Permit (issued by the City Manager) and a Development Agreement (issued by the City Council).

Off Street parking (Onsite) and Determination: Similar to the previous project description, the amended project consists of installing 40 parking spaces (including four APA Compliant Spaces). Based on the proposed square footage, the applicant complies with the minimum number of required spaces per the City's Off-Street Parking Code requirements.

Exterior Lighting: The proposed use will have minimal lighting throughout the parcel. All lighting will be directed downward, adhering to all applicable Federal, State and local agency requirements.

Signage: The applicant has not indicated any new signage for the facility. Any signage for the project would be subject to City approval of a sign permit.

Landscaping and Screening: Application materials did not include any landscaping plans. Section 18.20.110 of the Zoning Code requires screening of all outdoor storage with either a solid fence, wall or mature hedge or other screen planting at least six feet in height. However, the project is in a rural area within City limits and all development will be a minimum of 200 feet from Ogulin Canyon Road, which will help reduce visibility of the commercial operation.

Environmental Analysis (CEQA):

Pursuant to CEQA Section 15162, when a previous environmental review for a project has been prepared and approved, no subsequent or supplemental environmental review shall be required unless:

- a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An Initial Study (Refer to Attachment # 3 for details) was prepared to assess the potential environmental effects from the project. In the project history, the initial study analyzed the original project description submittal consisting of the construction and operation of a 33,600 square foot building, 5,000 square foot office building, five - 75' x 25' greenhouses, and related site improvements for the commercial cannabis operations. The initial study concluded that any potentially significant adverse environmental impacts would be reduced to a level of non-significance based on the incorporated Mitigation Measures. The Initial Study was adopted by the Planning Commission in December 2022.

The proposed changes to the approved project involve adding cultivation facilities and the expansion of structural square footage which were analyzed in the initial environmental document. The proposed revisions do not expand beyond the scope of work originally analyzed. Additionally, the proposed changes will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the original project/environmental analysis. **Thus, a subsequent or supplemental Negative Declaration is not necessary.**

PUBLIC HEARING LEGAL NOTICE

The public hearing was noticed at least ten (10) days in advance in an electronic publication with the Lake County Record Bee on *Saturday, June 29th, 2024*; and mailed (via USPS) to all surrounding property owners within 600 feet of the subject parcel(s) as required pursuant to the Clearlake Municipal Code. *All mailing addresses are drawn from the electronic database supplied by the Lake County Assessor/Recorders Office Database.*

OPTIONS:

1. Move to Adopt Resolution PC 2024-01, A Resolution of the Planning Commission Amending previously approved PC Resolution 2022-02 of Conditional Use Permits, CUP 2022-03, CUP 2022-04, CUP 2022-05 and CUP 2022-06, for a commercial cannabis operation located at 2160 Ogulin Canyon Road, Clearlake, CA 95422, further described as Assessor Parcel Number 010-044-21.
2. Move to Deny Resolution PC 2024-01 and direct Staff to Prepare the Appropriate Findings.
3. Move to continue the items and provide alternate direction to staff.

- Attachments:**
1. **Amended Project Description with Plans dated May 14th 2024**
 2. **CUP Resolution PC 2024-01 with Conditions of Approval**
 3. **Final Environmental CEQA Analysis, IS 2022-02 Document**
 4. **PC Staff Report Packet from December 2022 Meeting**

Project Description
Cannabis Manufacturing, Processing, Retail Delivery, Indoor Cultivation,
Nursery, Offices, and Distribution Facilities
2160 Ogulin Canyon Road - Clearlake, California
APN 010-044-21
Revised/Updated May 2024

Project Location and Description

The subject property is a 9.56-acre parcel located at 2160 Ogulin Canyon Road within the City of Clearlake and is further described as APN 010-044-21. This land is also known as Parcel B as shown on a parcel map filed in the Office of the County Recorder in Lake County on July 17, 1987, in Book 29 of Parcel Maps at pages 30 and 31.

The revised/updated project includes development of a new 32,500 square foot (100' x 325') building (Building A), and a new 5,000 (50' x 100') square foot building (Building B), to be used for cannabis related facilities.

Specific uses proposed for the project include:

- Building A – 23,500 square feet for cannabis processing and manufacturing, and 9,000 square feet for indoor cannabis cultivation and nursery area.
- Building B – 3,000 square feet for cannabis processing and manufacturing area, and 2,000 square feet for cannabis retail delivery, offices, and distribution.

The project will include a cannabis drying and storage operation for cannabis product grown on or off site. Processing and distribution components will include various activities including storage, packaging, labeling, and transport of cannabis products, and related activities. Manufacturing activities will include non-volatile extraction of cannabis. Cannabis cultivation and nursery activities will occur inside the building (no outdoor or greenhouse cultivation).

The new buildings will be situated about 220' south of Ogulin Canyon Road, in the eastern center of the parcel. The new buildings will be engineered metal structures on concrete slabs. Preliminary floor plans information indicates that there will be: intake area; processing area; packaging area; restrooms and office; employee break room; shipping and receiving area; storage areas; distribution areas; manufacturing area, indoor grow rooms for both immature and mature plants. Both roll up and pedestrian doors will be provided for secure employee entry, loading, and unloading.

The project site will be accessed by a new driveway that will lead into the 37-car parking lot. The parking spaces are to be developed at 90-degree angles. ADA accessible parking will be developed near the office. Security fencing and numerous digital security cameras will be placed around the perimeter and at strategic locations in the parking lot.

Some existing improvements on the site will need to be removed, including two manufactured houses and several animal shelter kennels, a garage and storage building, and pieces of equipment. However, a couple of pole barns and other ancillary structures will remain.

The project operational days/hours will be - Monday through Saturday from 6 am to 8 pm.

Background Information and Existing Site Conditions

The subject property is currently developed with several small structures, former animal shelter kennels, equipment, and related improvements/facilities. Access to the site is from Ogulin Canyon Road with two driveways located along the northern property, south of Ogulin Canyon Road about a ½ mile east of Hwy 53. The existing driveway extends into the property and loops around to provide access to the existing site improvements. This existing driveway is in moderate condition.

There are a number of pre-existing improvements on the property including several pole barns, metal canopies, animal kennels, and similar things. Some of the existing site improvements will be removed as they are in poor condition. Improvements that have some useful life remaining will be retained.

Burns Valley Creek, a seasonal surface water drainage course extends through the northeasterly quadrant of the parcel and flows through an open channel from east to north west where it runs under Ogulin Canyon Road, through existing culverts. There is a flood zone designation associated with the Creek, as noted on the site plan.

Nearby land in the vicinity is used mainly for watershed, wildlife habitat, livestock grazing, cannabis cultivation, storage, and homesite development. The project site is located in Ogulin Canyon, east of Burns Valley, and is bordered by the Ogulin Canyon Road to the north, Burns Valley to the south, Blackeye Canyon to the east, and storage/light industrial uses to the west.

The biology and vegetation associated with the site is described in a biological report prepared in 2021.

The Soil Survey Geographic Database (SSURGO) maintained by the United States Department of Agriculture (USDA) and National Resource Conservation Service (NRCS) indicates that the project site is underlain primarily by soils of the Manzanita Series which consist of very deep, well drained loam formed in alluvium from mixed rock sources. They occur on terraces with slopes of 2 to 25 percent. Manzanita Series soils are used for a wide variety of purposes, mostly agricultural, including walnut orchards, wine grape vineyards, hay, and livestock grazing, but also homesite developments (USDA-NRCS 2003).

The subject parcel is within the Clearlake City Limits (NW corner) and is zoned I – Industrial District. The City of Clearlake Zoning Ordinance provides detailed zoning requirements and standards regarding minimum parking requirements, street improvements, parking design standards, driveway approach standards, landscaping development standards, environmental review procedures, storm drainage provisions, and a number of other sections dealing with trash receptacles slopes and soils, outdoor lighting, addressing, protected trees, tree protection regulations, and other requirements.

The subject property also has a CB – Commercial Cannabis Zoning District designation which provides standards and criteria addressing commercial cannabis permits and requires among other things issuance of permits for processing and distribution activities with an approved use permit.

Information regarding the security systems and operational characteristics of the project along with the odor control plan are set forth in documents previously submitted to the City.

The City requires use permit approval for the proposed development and operation of commercial cannabis businesses and also requires operators to enter into a Development Agreement.

In 2019, the property owner did apply for and was approved for use permit(s) involving proposed cannabis facilities and uses including a 33,600 ft.² building, a 5,000 ft.² office building, (5) five - 75' x 25' greenhouses for indoor cannabis cultivation, and related site improvements including a 22,660 square foot parking lot.

The use permit was revised and approved in 2022 to downsize the project and included remodel of an existing 900 square foot metal building and the proposed development of a new 5,000 square foot metal building to be used for cannabis related facilities.

Conformance with the Clearlake Zoning Ordinance

The Clearlake Zoning Ordinance establishes procedures for accommodating uses that may have the potential to cause adverse effects on surrounding properties. The City procedures apply to all proposals for which a conditional use permit is required. A use permit application can be approved with conditions imposed by the Planning Commission based upon information provided by the applicant, if all of the following findings are made:

1. That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Applicants Response:

The project at the 2160 Ogulin Canyon Road site is proposed at a size and intensity that is reasonable for a 9.56-acre parcel. The site plan details a proposed layout that fits the site and illustrates that the required improvements are consistent with the City Zoning Ordinance.

The City of Clearlake has requirements and standards in its Zoning Ordinance with respect to the appropriate locations for cannabis businesses. Pursuant to these standards, the City has confirmed and verified that it has a public policy in support of cannabis processing and distribution at this location.

In keeping with this adopted public policy, the proposed project will provide a development that is necessary, desirable, and compatible with the community wide sentiments.

The proposed project is compatible with the neighborhood, as there are existing cannabis operations and/or businesses in the near vicinity, including at the La Rosa Plaza site just to the west, and several existing and proposed cannabis cultivation projects to the east and north. The proposed project is in a well-planned and secure location, which in and of itself creates a compatible land use situation.

2. That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or

potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,**
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,**
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor,**
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.**

Applicants Response:

The proposed uses at the 2160 Ogulin Canyon Road Site will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity. The proposed site improvements have been well planned to minimize detrimental impacts and conflicts with people residing and working in the area, property and improvements in the neighborhood or the general welfare of the city.

The site improvements will be built to California Building Code (City of Clearlake) standards and will provide for a high level of security and safety consistent with the City regulations.

The site improvements will be situated in the west center of the parcel and will comply with property line setbacks from adjoining properties and structures in order to minimize perceived detrimental health, safety, morals, comfort, and general welfare impacts to people in the neighborhood and the region.

The cannabis cultivation laws of the State of California and the City of Clearlake have been approved by the voters/elected officials and thus reflects the current attitudes of residents. The intent with regard to development of the cannabis project is to be sensitive to the comfort and general welfare of the Ogulin Canyon Road area by installing and operating state-of-the-art cannabis facilities and equipment in order to minimize detrimental impacts.

The subject property is an existing developed site that has seen better days. The proposed project involves construction of buildings which are proportionate in size and scale with land use activities on other properties in the vicinity.

The nature of the proposed site, including the 9.56-acre size and its wide shape are conducive with the proposed size, shape, and arrangement of both the new and existing structures. The proposed site improvements are designed in areas that are level and situated in the center of the site.

The accessibility of the property is good, a new entry and driveway approach will be developed on Ogulin Canyon Road.

Traffic patterns for persons and vehicles that will be using the site are good. The type and volume of traffic on Ogulin Canyon Road is relatively low when compared to other streets and roads in Clearlake. The pattern of land development to the east, north and south is rural in nature and as such the areas generate a small amount of traffic that passes by the 2160 Ogulin Canyon Road site.

The proposed off-street parking and loading areas have been incorporated into the project design with 37 parking spaces shown north of the proposed building.

Although, not specifically called out on the site plan, there are many options for implementing safeguards to prevent noxious or offensive emissions such as noise, glare, dust and odor. The placement of the processing building in the center of the site, with adequate setback distances from property lines and nearby structures is a key safeguard for reducing noise, odor, dust, and lighting concerns. There are many other conditions or mitigation measures that can be implemented including: the use of shielded and downlit lighting; A.C. Paving of the parking lot and driveways; installation of building mounted air filtration exhaust systems; and installation of landscaping or fencing to minimize noise. The project Odor Control Plan provides details regarding air filtration and odor complaint protocol.

The project will provide landscaping as mandated by the City of Clearlake. Screening of site improvements or facilities such as the trash enclosures will be done to City standard.

There will be open space preservation particularly around the east and northeast sides of the site and the preservation of as many trees as possible will help minimize visibility of the improvements,

Proposed parking, loading, and service areas are depicted on the site plan and are adequate to serve the intended uses. Proposed lighting and signage will be commensurate with other industrial projects in the City of Clearlake.

3. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the Clearlake General Plan. (Ord. #2010-146, S2).

Applicants Response:

The proposed uses at the 2160 Ogulin Canyon Road are consistent with the applicable provisions of the City of Clearlake Zoning Ordinance and with the policies and standards of the Clearlake General Plan.

East of Hwy 53, the initial portion of Ogulin Canyon Road (1/2 mile) is within the City of Clearlake. The City of Clearlake General Plan Circulation Element Figure 4.1. Circulation Map identifies Ogulin Canyon Road as a basic street. The Clearlake General Plan Circulation Element contains a number of Goals and Policies regarding the City street system, however, there does not appear to be any policy applying specifically to Ogulin Canyon Road.

The Ogulin Canyon Road surface is in moderate condition, it is paved for about 2/3 miles east of Hwy 53 and transitions to gravel beyond the City limits.

Conclusion:

This Project Description and application plans/documentation provides support for the approval of this Use Permit application to allow cannabis processing and distribution/retail delivery activities at 2160 Ogulin Canyon Road. The project intent has been significantly reduced in scope and size from the original plan.

The 2160 Ogulin Canyon Road development concept is fairly straight forward and provides a well-planned and designed project that will encourage good site circulation, efficient operations, and economic performance.

The City of Clearlake is supportive of cannabis related land-use projects which conform to City regulations. This application describes a project that complies with City standards, has the potential to enhance job opportunities, and generate economic development benefits.

Approval of this project will provide for numerous public benefits, enhance the Ogulin Canyon Road area, provide for the cleanup and redevelopment of the subject property, and comply with the City Zoning standards.

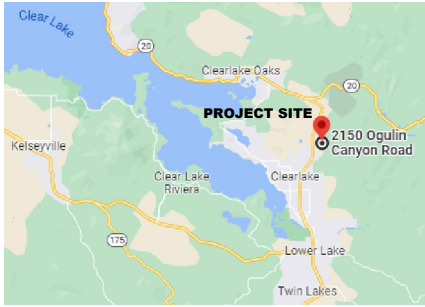
It is respectively requested that the Planning Commission and City Council approve the Use Permit application and the associated Development Agreement.

Thank you.

OGULIN ESTATES HOLDINGS, LLC.

SITE PLAN

APN: 010-044-21



VICINITY MAP
NOT TO SCALE

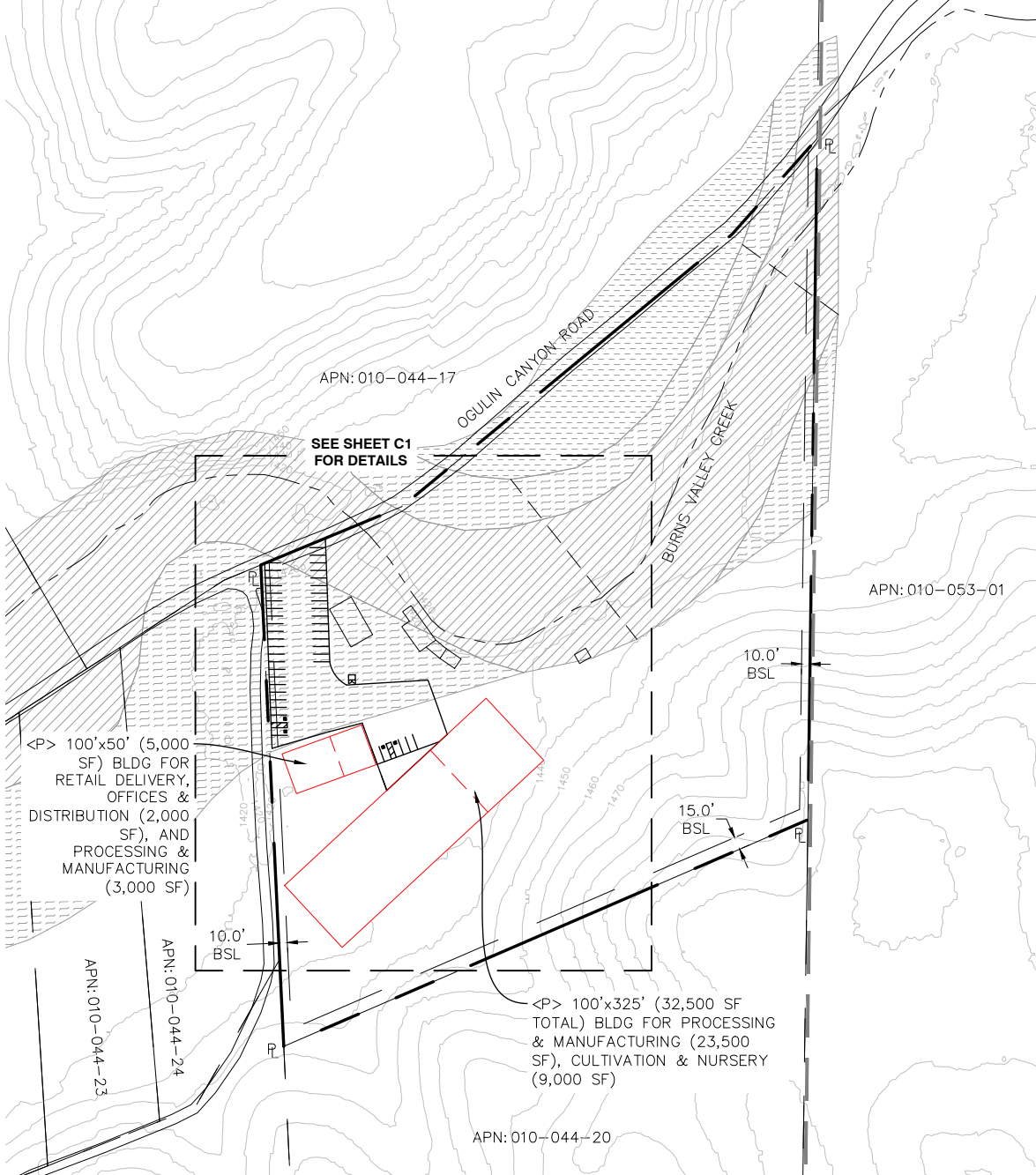
DIRECTIONS TO SITE:
FROM LAKEPORT, CA
 - SOUTHBOUND ON CA-29 (APPROX. 19.7 MILES)
 - TURN LEFT ONTO CA53N (APPROX. 5.1 MILES)
 - TURN RIGHT ONTO OGULIN CANYON RD. (APPROX. 0.4 MILES)
 - SITE DRIVEWAY ON RIGHT

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM LAKE COUNTY GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE LAKE COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE USE PERMIT.

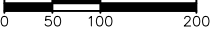
LEGEND:

- PROPERTY LINE
- BUILDING SETBACK LINE
- CONTOUR LINES
- STREAM LINE
- CITY LIMITS LINE
- EXISTING ROADWAY
- PROPOSED ROADWAY
- ZONE AE FLOODWAY
- ZONE AE
- ZONE AO



PLOT PLAN

22x34 SHEET: 1"=100'
 11x17 SHEET: 1"=200'



PROJECT INFORMATION:

APPLICANT / OWNER:
 OGULIN ESTATES HOLDINGS, LLC.
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

APPLICANTS AGENT:
 NORTHPOINT CONSULTING GROUP, INC
 1117 SAMOA BLVD.
 ARCATA, CA 95521
 (707) 798-6438

SITE ADDRESS:
 APN: 010-044-21
 2160 OGULIN CANYON RD.
 CLEARLAKE, CA 95422

WATER = PRIVATE
 SEWER = PRIVATE

PROPERTY SIZE = ±9.56 ACRES

ZONING = I-INDUSTRIAL

SHEET INDEX:

- C0 - PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - EXISTING AND PROPOSED SITE PLAN

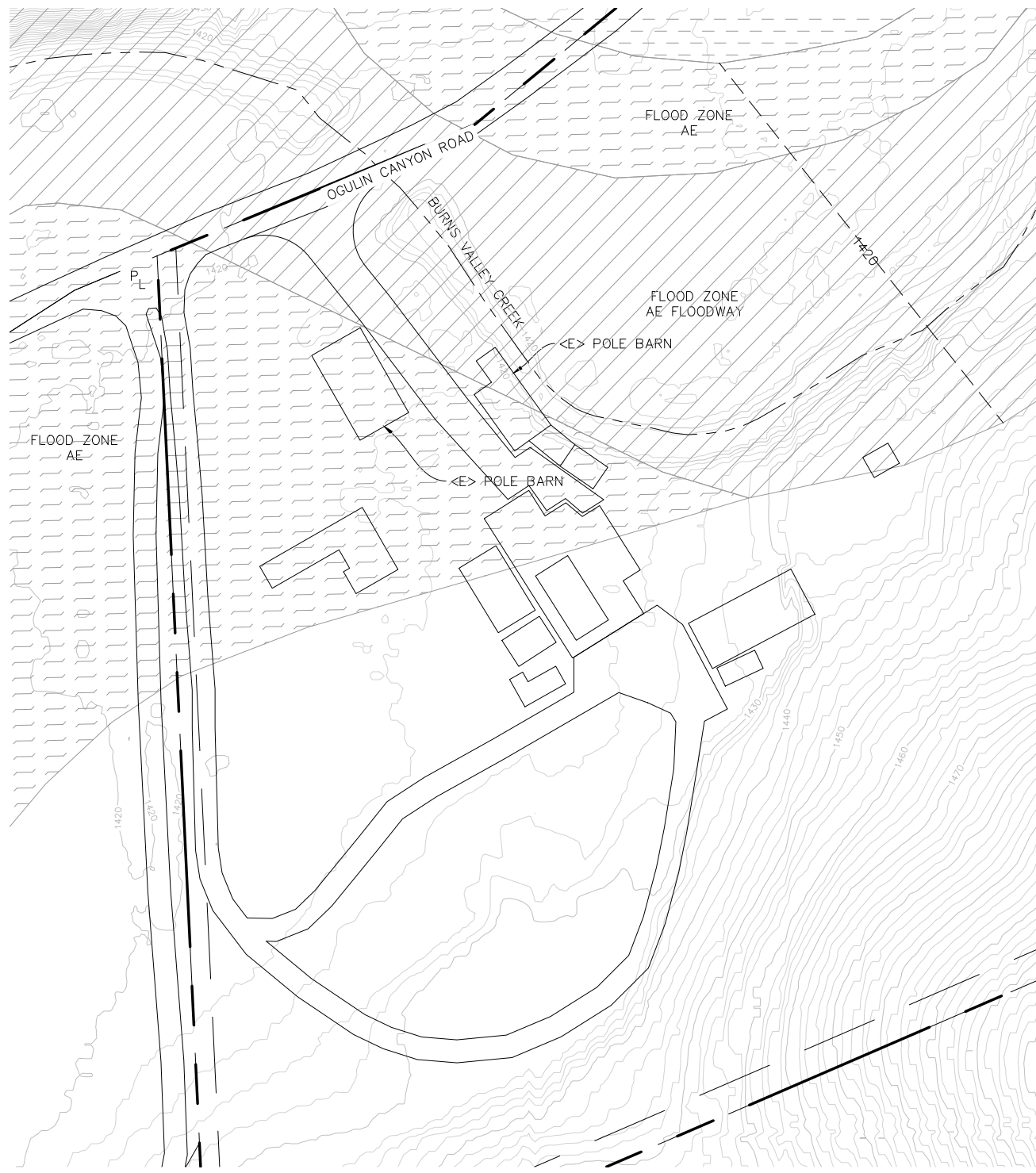
NORTHPOINT CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

OGULIN ESTATES HOLDINGS, LLC. / APN: 010-044-21
 2160 OGULIN CANYON RD, CLEARLAKE, CA 95422
 PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

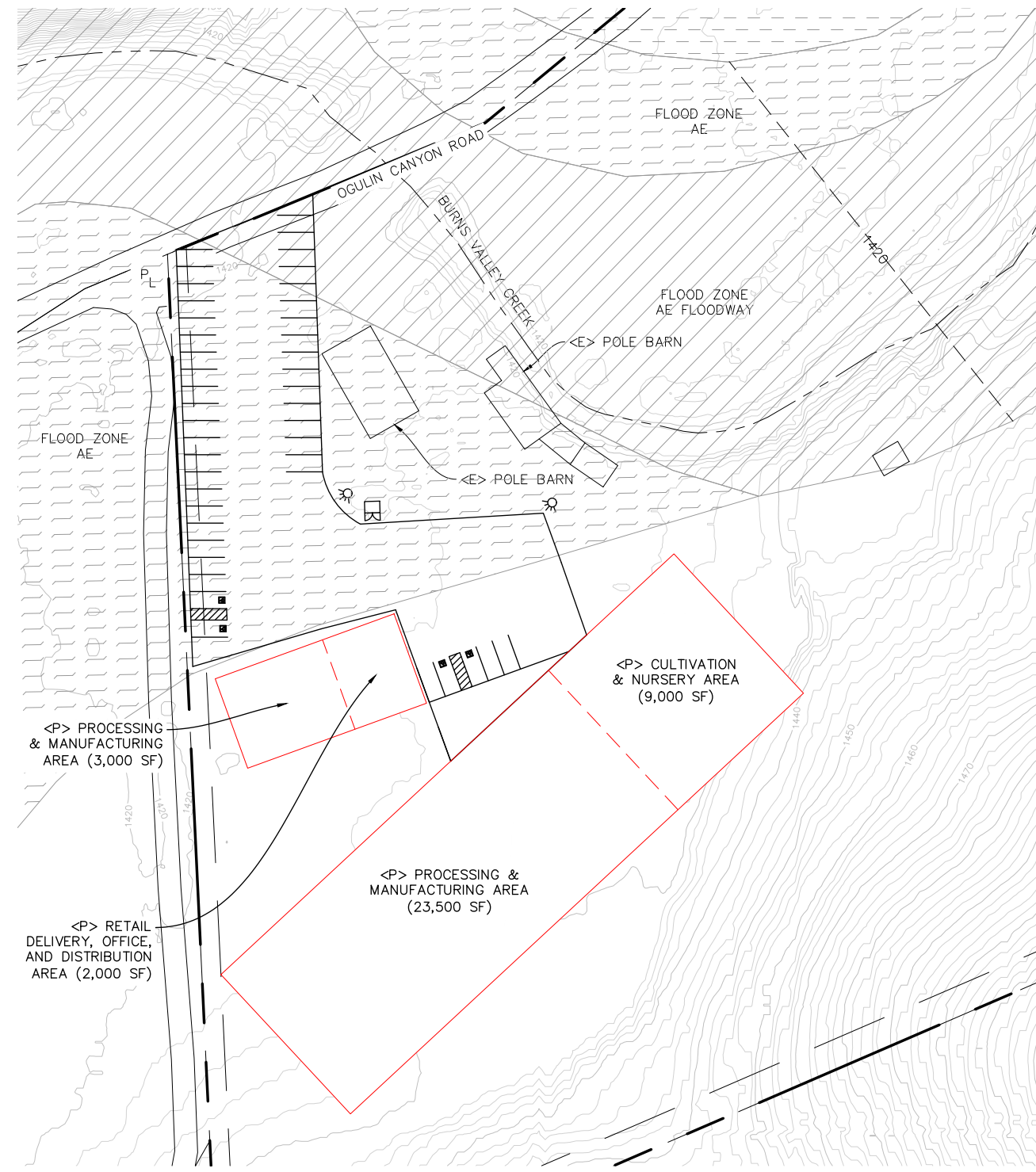
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 DRAWN BY: TJS
 DATE: 05/13/2024
 SCALE: AS SHOWN

SHEET
C0
 21-132

May 13, 2024 - 08:37 - Draw Name: P:\Ogulin Estates Holdings - 2160 Ogulin Canyon Rd. - 21-132\CAD\OGULIN - USE PERMIT.dwg - Updated By: LimMaingHei



EXISTING SITE PLAN



PROPOSED SITE PLAN

22x34 SHEET: 1"=40'
 11x17 SHEET: 1"=80'



May 13, 2024 - 08:37 - Draw Name: P:\Ogulin Estates Holdings - 2160 Ogulin Canyon Rd. - 21-132\CAD\OGULIN - USE PERMITS.dwg - Updated By: LiamMcLaughlin

DATE	
REVISIONS	

NORTHPOINT
 CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

OGULIN ESTATES HOLDINGS, LLC. / APN: 010-044-21
2160 OGULIN CANYON RD, CLEARLAKE, CA 95422
EXISTING AND PROPOSED SITE PLAN

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RESOLUTION No. PC 2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE AMENDING PC RESOLUTION 2022-22 APPROVING CONDITIONAL USE PERMITS, CUP 2022-03; CUP 2022-04, CUP 2022-05 AND CUP 2022-06 ON DECEMBER 13, 2022 ALLOWING A COMMERCIAL CANNABIS OPERATION ON PROPERTY LOCATED IN THE “I” INDUSTRIAL, “CB” COMMERCIAL RETAIL (MICROBUSINESS), “CB” DELIVERY ONLY AND “CB” COMMERCIAL CANNABIS DISTRICT ZONING DISTRICTS AT 2160 OGULIN CANYON ROAD, CLEARLAKE, CALIFORNIA, APN: 010-044-21

WHEREAS, on July 9th, 2024 **Ogulin Estates Holdings, LLC (applicant)** applied for amendments to the approved Conditional Use Permits, CUP 2022-03 (*Cultivation/Processing/Nursery*) ; CUP 2022-04 (*Manufacturing*), CUP 2022-05 (*Distribution*), CUP 2022-06 (*Retail Dispensary – Delivery Only*) located at 2160 Ogulin Canyon Road, Clearlake, CA 95422 further described as Assessor Parcel Number (APN) 010-044-21, and

WHEREAS, Conditional Use Permit Application CUP 2022-03 through CUP 2022-06 have been made in accordance with Section 18-43, Commercial Cannabis of the Municipal Code, which refers to Commercial Cannabis Uses; and;

WHEREAS, Ogulin Estates Holdings, LLC has an approved, Development Agreement DA 2022-02 with the City; and

WHEREAS, the previously adopted Initial Study, IS 2022-02 has identified potentially significant adverse effects in the areas of Aesthetics, Air Quality, Biological Resources, Cultural/Tribal Resources, Hazards & Hazardous Materials; Hydrology and Water/Water Quality and Noise/Vibration; and

WHEREAS, all potential impacts to the listed areas mentioned above have been reduced to less than significant and/or to a point where clearly no significant effects would occur have been identified through the previously adopted Initial Study, IS 2022-02 (applicant has agreed to all mitigation measures in accordance with CEQA); and

WHEREAS, a Mitigation Monitoring and Reporting Program has been previously adopted in accordance with City of Clearlake Environmental Review Guidelines and related regulations and is designed to ensure compliance during Project implementation; and

WHEREAS, the City determined that the mitigation measures proposed in the previously adopted Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant levels, and;

WHEREAS, the City distributed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the Project on April 4, 2022, which started a 30-day public review period, ending May 13, 2022. The NOI was posted at the Lake County Clerk / Recorder’s office, distributed through the State Clearinghouse, posted at City offices, and mailed to project stakeholders, property owners, and residents within a 600-foot radius of the Project; and,

WHEREAS, the City responded to all comments by preparing a final initial study and mitigated negative declaration, and the Planning Commission staff report, that adequately address these comments and found these documents adequate to complying with the CEQA, the City’s Environmental Review Guidelines and related regulations; and,

WHEREAS adequate public noticing was made for the project in accordance with the Municipal Code; and

WHEREAS, the proposed project is consistent with the General Plan which designates the project site as Industrial; and

WHEREAS, in accordance with Section 18-28.040 of the Zoning Code the use as proposed will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity; and

WHEREAS, with the incorporated conditions of approval and mitigations measure (Exhibit A), the project complies with the Clearlake Zoning Code.

WHEREAS, the Planning Commission has considered this project on this date at a duly noticed public hearing, the staff report, public testimony, and found that the project is compatible with the surrounding area, it will not be detrimental to adjacent property owners or the public at large, and approval is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake as follows:

A. Approval of the Project

Having independently reviewed, analyzed, and recommended, the Planning Commission hereby approves the amendments to the approved Commercial Cannabis Operation located at 2160 Ogulin Canyon Road, including determining that a subsequent and/or supplemental negative declaration is no required pursuant to CEQA Section 15162 and that the previously approved environmental analysis, IS 2022-02 adequately addresses and reduced all potential environmental impacts to less than significant levels.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to approved Conditions of Approval in Exhibit A.

PASSED AND ADOPTED on this 9th day of July 2024 by the following vote:

Voting	Chair Fawn William	Vice Chair Terry Stewert	Commissioner Robert Coker	Commissioner Jack Smalley	Commissioner Christopher Inglis
AYES					
NOES					
ABSTAIN					
ABSENT					

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

Exhibit A

**CITY OF CLEARLAKE
CONDITIONS OF APPROVAL**

- CUP 2022-03 (Cultivation/Processing)*
- CUP 2022-04 (Manufacturing)*
- CUP 2022-05 (Distribution)*
- CUP 2022-06 (Retail Delivery)*
- Cannabis Regulatory/Business Permit*
- Initial Study, IS 2022-02*

Ogulin Estates Holdings, LLC

Pursuant to the approval of the **City of Clearlake’s – Planning Commission on July 9th, 2024**, it is hereby granted **Ogulin Estate Holdings, LLC**, with the following conditions of approval **to allow the development and operation of a commercial cannabis operation located at 2160 Ogulin Canyon Road; Clearlake, CA 95422; further described as Assessor Parcel Number (APN) 010-044-21** is subject to the following terms and conditions of approval.

A. GENERAL CONDITIONS:

1. The amended use hereby permitted shall substantially conform to the **Project Description, Site and Architectural Plans** and any conditions of approval imposed by the above **Conditional Use Permits** and Review Authority as shown on the approved site plan for this action **dated July 9th, 2024**.
2. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
3. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Community Development Director, Planning Commission or on appeal, the City Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
4. This use permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.

5. The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. **The fee should be paid within five (5) days of approval of the mitigated negative declaration at the Lake County Clerk's Office.** Once fees have been paid, the applicant shall submit a copy of all documentation to the City of Clearlake, verifying the fees have been paid. **Said permit shall not become valid, vested or operative until the fee has been paid, including the issuance of any permits.**
6. **Prior to operation**, the applicant(s) shall obtain and maintain all applicable permits from all Federal, State and local agencies having jurisdiction over this project, including but not limited to:
 - *CDFA - CAL Cannabis California Department of Food and Agriculture: (Cultivation licenses)*
 - *BCC - Bureau of Cannabis Control (Issues Distributor, Retailer, Testing Lab, Microbusiness, and Temporary Event licenses)*
 - *CDPH - MCSB California Department of Public Health's Manufactured Cannabis Safety Branch (Issues Manufacturing licenses)*
 - *California Department of Pesticide Regulation*
 - *California Department of Fish and Wildlife*
 - *California State Water Resources Control Board*
 - *California Central Valley or North Coast Regional Water Quality Control Board*
7. If the subject parcel is on a **septic system and/or well**, the applicant shall bring a minimum of three (3) site plans drawn to scale to the Lake County Environmental Health Department for review and approval **prior to submitting a Building Permit Application** with the City of Clearlake.
8. The use permit may be transferred to new owners subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.
9. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the City of Clearlake for review and approval. Said documentation shall include the following:
 - *Name of Individual and Title*
 - *Contact Information (Phone, email and address)*
 - *What that individual is authorized to do.*
10. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the

developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

11. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the approved Development Agreement for the project.
12. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and the Use Permits and related Development Agreement including but not limited to a verification of the amount of taxes required to be paid during any period for the project.
13. The applicant is responsible for ensuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.
14. **Prior to operation**, the applicant shall be enrolled in and comply with the **State of California Track and Trace** program and all requirements, including having all cannabis plants properly tagged.
15. **Prior to Operation**, all personnel listed as owners, managers or supervisors shall under undergo and pass a background check by the City of Clearlake Police Department.
 - Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation.
16. All parking areas, routes of travel, building access and bathrooms shall meet the American with Disabilities Act (ADA) requirements and must be reviewed and approved of a Certified Accessibility Access Specialist (CASP).
17. The applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
18. The use permit approval shall not become effective, operative, vested or final until a Notice of Determination has been filed with the State Clearing House and the Lake County Clerk's Office.
19. The use permit shall not become operational until a Development Agreement has been adopted by the City Council in accordance and a commercial cannabis regulatory permit has been approved and issued by the City Manager, at the recommendation of the Planning Commission, in accordance with the Municipal Code.
20. The permit holder shall operate in full compliance with fire safety rules and regulations of the Lake County Fire District.

21. **Prior to operation and/or development**, the applicant shall secure any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or all applicable Federal, State and local agency permits.
22. In accordance with the Municipal Code and requirements made by the Lake County Fire Protection Lake County Air Quality Management District and Lake County Health Department, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:
- *Odor Control Plan (compliant with Section 18-43.060)*
 - *Security Plan (compliant with Section 18-43.060).*
 - *Exterior Lighting Plan (compliant with Sections 18-20.120 and 18-43.060 and with the City's Lighting Standards, including design review approval)*
 - *Waste/Recycling and Enclosure Plan (compliant with Section 18-20.070 and with the City's Trash and Recycling Enclosure Requirements and Design Standards, including design review approval).*
 - *Fencing Plan for security of all cannabis businesses activities (compliant with Section and the City's Fence Design Standard including design review approval).*
 - *Hazardous Materials Mitigation Plan if required by the Lake County Fire Protection District and/or the Lake County Environmental Health Department)*
 - *Air Quality Permit if required by Lake County Air Quality Management District.*
 - *If applicable, Civil Site plans identifying existing and proposed storm drains, drainage ditches, curbs, sidewalks, gutters, and striping, as regulated by the City's Design and Construction Standards, Off-Street Parking Regulations, and Parking Design Standards to be found in compliance with all other applicable local/federal/state laws, including ADA and CASP requirements.*
 - *Sign plan that demonstrates compliance with the City's sign regulations. All non-compliant signs shall be immediately removed. Installation of signs without prior City approval may be grounds for revocation of this use permit.*
23. The applicant shall adhere to all applicable requirements in the City of Clearlake Municipal Code.

B. AESTHETICS

1. All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City's Design Standards). *(Initial Study Mitigation Measure AES -1)*

C. AIR QUALITY

1. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust. *(Initial Study Mitigation Measure AIR-1)*

2. Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements (*Initial Study Mitigation Measure AIR-2*).
3. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District. (*Initial Study Mitigation Measure AIR-3*)
4. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site. (*Initial Study Mitigation Measure AIR-4*)
5. Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project. (*Initial Study Mitigation Measure AIR-5*)
6. All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City in accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times. (*Initial Study Mitigation Measure AIR-6*)
7. An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code. (*Initial Study Mitigation Measure AIR-7*).
8. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions. (*Initial Study Mitigation Measure AIR-8*).
9. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls. (*Initial Study Mitigation Measure AIR-9*).

10. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details. (*Initial Study Mitigation Measure AIR-10*).
11. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. (*Initial Study Mitigation Measure AIR-11*).
12. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal. (*Initial Study Mitigation Measure AIR-12*).
13. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck/trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits (*Initial Study Mitigation Measure AIR-13*).
14. All mobile diesel equipment used for construction and/or maintenance shall be compliant with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as the Lake County Noise Emission Standards.
15. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic Emission Inventory.

D. BIOLOGICAL RESOURCES:

1. Prior to development, including any site disturbance, a protocol-level botanical survey shall be completed within the location defined as being feasible for project activities to occur within this Report. The survey shall follow procedures recommended by CDFW and in accordance with the guidelines established by CNPS, from the document “*Protocols for Surveying and Evaluating Impacts to Specie Status Native Plant Populations and Sensitive Natural Communities*”. (*Initial Study Mitigation Measure BIO-1*)
2. If project construction occurs between September 1 and January 31, nesting bird survey shall be conducted by a qualified biologist. Additional mitigation measures recommended in the survey report shall be implemented prior to or during project development to avoid disturbance to migratory nesting birds. (*Initial Study Mitigation Measure BIO-2*)
3. Prior to any ground disturbance, the applicant shall conduct a site inspection for Burrowing Owls Presence within the project area. If Burrow Owls are observed, a pre-construction surveys shall be completed by a qualified biologist fourteen (14) days prior to site development. The survey shall be conducted to determine if the project area has active dens and determine if avoidance of these active dens can occur. If active dens are determined to be present, owl relocation shall occur to other onsite suitable habitat prior to development. (*Initial Study Mitigation Measure BIO-3*)
4. If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: <https://www.wildlife.ca.gov/conservation/survey-protocols>. (*Initial Study Mitigation Measure BIO-4*)
5. Prior to securing development permits from the City and prior to conducting any site disturbance, clearances shall be obtained as required for work in or near Burns Valley Creek, from the California Department of Fish and Wildlife; such as a Streambed Alteration Permit. Verification of this clearance shall be submitted to the City. (*Initial Study Mitigation Measure BIO-5*)
6. The use of deer fencing shall be restricted to the perimeters of the proposed gardens. No deer fencing or other obstacles to wildlife passage shall be installed that will restrict wildlife movement. (*Initial Study Mitigation Measure BIO-6*)

E. CULTURAL/TRIBAL RESOURCES

1. **During construction activities**, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City’s approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc. (*Initial Study Mitigation Measure CUL-1*)

2. The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project. *(Initial Study Mitigation Measure CUL-2)*

3. If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe's ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. *(Initial Study Mitigation Measure CUL-3)*

F. GEOLOGY & SOILS

1. **Prior to any ground disturbance and/or operation**, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. *Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation. (Initial Study Mitigation Measure GEO-1)*

2. Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s). *(Initial Study Mitigation Measure GEO-2)*
3. The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary. *(Initial Study Mitigation Measure GEO-3)*

G. HAZARDS & HAZARDOUS MATERIALS

1. All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. *(Initial Study Mitigation Measure HAZ-1)*
2. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials. *(Initial Study Mitigation Measure HAZ-2)*
3. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways. *(Initial Study Mitigation Measure HAZ-3)*
4. The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site. *(Initial Study Mitigation Measure HAZ-4)*
5. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations. *(Initial Study Mitigation Measure HAZ-5)*
6. Hazardous Waste must be handled according to all Hazardous Waste Control Laws. Any generation of a hazardous waste must be reported to Lake County Environmental Health within thirty days.
7. All employees and/or staff members shall be properly trained in and utilize Personnel Protective Equipment in accordance with all federal, state and local regulations regarding handling any biological and/or chemical agents.

8. Hazardous waste must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

J. HYDROLOGY AND WATER QUALITY:

1. The project design shall incorporate appropriate BMPs consistent with County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or all surface water.
2. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed, and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

K. NOISE

1. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. (*Initial Study Mitigation Measure NOI-1*)
2. Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties. (*Initial Study Mitigation Measure NOI-2*)
3. During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regards to noise and vibration. (*Initial Study Mitigation Measure NOI-3*)

L. TRANSPORTATION & TRAFFIC

1. Improvements shall be made to the project access off of Ogulin Canyon Road as required by the City of Clearlake – Public Works Department. Applicant shall submit plans prepared by a certified Engineer to the City of Clearlake for review and approval. All necessary permits shall be secured from the City of Clearlake prior to development.
2. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.

3. All access roads, yards and parking areas shall be properly maintained for life of the project to prevent a source of contamination where cannabis products are handled or transported.

M. TIMING & MITIGATION MONITORING

1. **Prior to this use permit becoming, valid, effective or operative**, until the Development Agreement has been reviewed and approved by the City Council.
2. If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.
3. If a structure(s) or associated site development authorized by use permit is not issued building permits (if building permits are required) within three (3) years of the date of approval, the use permit shall expire.
4. **Upon written request received prior to expiration**, the Community Development Director may grant renewals of use permit approval for successive periods of not more than one (1) year each.
 - *Approvals of such renewals shall be in writing and for a specific period.*
 - *Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed.*
 - *Renewal of a use permit shall not require public notice or hearing unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Community Development Director must make the findings required for initial approval.*
5. The Planning Commission may revoke or modify the use permit in the future if the Commission finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action taken by the Planning Commission.
6. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - a. *Noncompliance with any of the foregoing conditions of approval; or*
 - b. *The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.*
7. All conditions are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

To be Complete by Authorized Representative/Applicant

Name: _____
Date: _____

Signature: _____

To Be Completed by Staff Only

Name: _____
Title: _____

Signature: _____
Date: _____



CITY OF CLEARLAKE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

ENVIRONMENTAL ANALYSIS

FINAL MITIGATED NEGATIVE DECLARATION

INITIAL STUDY *(IS 2022-02)*

COMMERCIAL CANNABIS OPERATION

LOCATED AT:

**2160 Ogulin Canyon Road, Clearlake, CA
Assessor's Parcel No. 010-044-21**

**Draft: April 4, 2022
Final: September 15, 2022**

FINAL ENVIRONMENTAL INITIAL STUDY

REVISED PROJECT DESCRIPTION AND PUBLIC REVIEW

The original project that was evaluated under the draft Initial Study consisted of construction and operation of a 33,600 sq.ft. building for cannabis activities, 5,000 sq.ft. office building, five - 75' x 25' greenhouses, and site improvements including 46 parking spaces. Proposed uses under this original project description consisted of manufacturing, retail delivery, distribution, processing, cultivation, and a nursery. The draft Initial Study for this project original project description was circulated for public review between April 7 and May 13, 2022. This circulation included distribution to the California State Clearinghouse and local agencies. Below are written comments received from agencies followed by Table 1, City Responses to Agency Comments.

On August 23, 2022, the project applicant submitted a scaled down, revised project description consisting of a remodel of an existing 960 square foot metal building and future development of a new 5,000 square foot building and 8 parking spaces. Proposed uses under this revised project description consists of non-volatile manufacturing, retail delivery, distribution, and processing on the same site. No greenhouses or cultivation activities are proposed as part of the revised project. This project description has been revised as a substantial down-sizing of the original project, and as such, the reduced project development and land use intensity has resulted in reduced environmental impacts as compared to the original project description. Even though the project is revised, the same overall analysis and environmental mitigation measures that apply to the original project should adequately apply to the project revision.

In accordance with Section 15073.5 of the California Environmental Quality Act (CEQA) Guidelines the City has determined that there is no need to recirculate the initial study/mitigated negative declaration since the proposed revisions don't result in more significant environmental impacts or result in any substantial changes to the mitigation measures from the original project and draft Initial Study and Proposed Mitigated Negative Declaration. As referenced in this section of the CEQA Guidelines, the City recirculation of the Initial Study/Mitigated Negative Declaration is not required since this Final Initial Study meets the following circumstances:

- Mitigation measures are the same as previously and have been determined to be equal to or more effective measures.
- No new impacts have been identified that were previously not addressed in the Initial Study as a result of written or verbal comments received on the project.
- Measures or conditions of project approval have not been added after and are not necessary to mitigate an avoidable significant effect.
- New information has been added to the Initial Study and Mitigated Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Mitigated Negative Declaration.

Some parts of the Draft Initial Study were revised for minor clarification to respond to agency comments. Therefore, the City, as lead agency for this project, has determined that the Initial Study does not need to be recirculated and has been determined to adequately address concerns referenced by all agencies. Therefore, this document is formalized as the Final Initial Study and the City may issue a mitigated negative declaration based on their concurrence of adequacy.

The following are comments and City responses to comment to the following agencies:

SUMMARY LIST OF RESPONSES: Summary of Public Comments and City Responses

Page 2 of 82

(Refer to all written correspondence following this Table)

Commenting Agency or Entity	Date	Summary of Comments	City Response
Letter from Pheakday Preciado, Environmental Health Specialist, Lake County Environmental Health Department (see attached)	September 9, 2021	Identified a number of on-site clean up needs (see attached letter).	No formal response needed. Site has been cleaned up and clearances will be obtained from Environmental Health prior to occupancy.
Email from Lori Bacca Customer Service Supervisor, Lake County Special Districts	April 7, 2022	The parcel 010-044-210 is outside of any Special Districts service area, no impact.	No response required. This project will be served by a septic system in-lieu of a community sewer system.
Letter from Lori Schmitz Environmental Scientist Division of Financial Assistance Special Project Review Unit, California Water Board	May 12, 2022	See attached letter. 1-Noted concerns with details of well; provide more details. 2-Noted concerns with project impacts on Burns Valley Creek with improvements shown within floodplain. 3-Provides list of permitting requirements	No formal response needed. All concerns addressed with Mitigation Measures GEO-1 through GEO-3. City staff will follow up to make sure all clearances are obtained and information is submitted as requested.
Letter from Lindsay Rains, Licensing Manager, California Department of Cannabis Control (DCC)	May 2, 2022	See attached letter. GC 1: Cannabis Manufacturing The IS/MND indicates that a manufacturing license is being sought from DCC. However, the IS/MND does not specify whether the Proposed Project includes manufacturing using volatile solvents. The IS/MND should provide a description of any volatile substances that will be used in product manufacture, and should include analyses of the potential environmental impacts that may result from the use of these substances. In addition, the analyses should describe and consider any measures the Proposed Project will implement that may	Comment noted. Section III, Air Quality, Section VIII, Greenhouse Gas Emissions, and Section IX, Hazards and Hazardous Materials, provides an adequate description and analysis for project impacts on these categories. Additional details will be provided to DCC upon license application submittal.

		lessen or reduce potential impacts. In particular, the document should include detailed analyses of impacts related to air quality, hazards and hazardous substances, and greenhouse gas emissions.	
DCC		<p>GC 2: Site-Specific Reports and Studies</p> <p>The IS/MND references several project-specific plans and studies, such as an Air Quality Plan, Odor Control Plan, Serpentine Control Plan, Energy Usage Plan, and Erosion Control and Sediment Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to DCC.</p>	Comment noted. Plans and reports will be included with any application to DCC made by the applicant.
DCC		<p>GC 3: Impact Analysis</p> <p>Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/ND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.</p>	Comment noted. No new environmental issues are raised in this comment and no revisions are necessary.
DCC		<p>GC 4: Identification of Federal, State, and Local Regulations</p> <p>In multiple instances throughout the document, the IS/MND states that project components “shall adhere to all Federal, State, and local agency requirements.” Without more information about the requirements and regulations being referred to, it is difficult to determine whether potential impacts would be avoided. The IS/MND would be strengthened if applicable requirements and regulations were described in the context of each environmental resource.</p>	Comment noted. No new environmental issues are raised in this comment and no revisions are necessary.

<p>DCC</p>		<p>GC 5: Acknowledgement of DCC Regulations</p> <p>Aside from one sentence in Section XI, Land Use, the IS/MND does not acknowledge that the Proposed Project requires licenses from DCC for cultivation, distribution, manufacturing, and other cannabis-related activities. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations. Additionally, the IS/MND’s analysis could benefit from discussion of the protections for environmental resources provided by DCC’s cultivation and manufacturing regulations. Several examples are indicated in the Specific Comments table below.</p>	<p>Comment noted. No new environmental issues are raised in this comment and no revisions are necessary. DCC is not responsible for local land use regulations.</p>
<p>DCC</p>		<p>GC 6: Evaluation of Cumulative Impacts</p> <p>It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in the City of Clearlake. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:</p> <ul style="list-style-type: none"> • cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer; • cumulative impacts related to noise; • cumulative impacts related to transportation; and • cumulative impacts related to air quality and objectionable odors. <p>The traffic study for the Proposed Project discusses three other cannabis projects in the immediate project area, and discusses the</p>	<p>Noted. MND does take into account cumulative impacts with studies and tiering off the General Plan.</p>

		<p>cumulative impacts of the increased vehicle traffic on transportation, air quality, and greenhouse gas emission. The IS/MND would be improved by acknowledging and analyzing the potential for all potential cumulative impacts resulting from the Proposed Project coupled with these three projects, and any other existing or reasonably foreseeable projects in Clearlake that could contribute to cumulative impacts similar to those of the Proposed Project.</p>	
DCC		<p>A list of 23 specific comments were made on the document.</p>	<p>Most of these comments address measures to strengthen the document as recommendations. These have been taken into consideration but most of these are details of the project that are addressed when the building permit from the City and licensing is obtained from DCC. None of these comments raise new environmental issues that have, in the opinion of the City, not been adequately addressed.</p>
<p>Letter from Peter Minkel, Engineering Geologist, Central Valley Regional Water Quality Control Board</p>	<p>May 13, 2022</p>	<p>See attached letter.</p> <p>Overview of potential permitting requirements for the project regarding potential impacts to surface and groundwater quality.</p>	<p>The draft initial study includes recommendation and identifies various permits necessary. Mitigation measures are included in the draft initial study addressing the comments. No new environmental issues are raised in this comment and no revisions are necessary.</p>



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

Denise Pomeroy
Health Services Director

Gary Pace, MD
Interim Public Health Officer

Craig Wetherbee
Environmental Health Director

Promoting an Optimal State of Wellness in Lake County

September 9, 2021

Will Peterson Well Drilling
P.O. Box 695
Kelseyville, CA 95451

RE: APN 010-044-21
2160 Ogulin Canyon Road, Clearlake, CA

To Whom It May Concern:

On September 9, 2021, our office performed a Field Clearance to validate the existing system for water well (permit #WE-5718 AG) issuance.

However, at the time of the Field Inspection, our office observed several structures, which include a barn, sheds, an unknown structure with a sprayed painted sign on the ground identifying it as a grey water system, and a single family dwelling with septic system (permit #3402-S) with spray paint identifying the septic tank. There were structures/kennels on property (for what appeared to be a previous Clear Lake Kennel business).

The single family dwelling with septic system (permit #3402-S) septic tank appeared to be modified. The septic tank had new plastic risers without permit from our office for the minor repairs. One side of the risers has a 4 inch radius drilled hole and a 1/2 inch PVC pipe sticking out of the riser lid; this makes the septic tank not water and vapor tight.

Furthermore, the single family dwelling with the unknown grey water system and/or septic system leads directly to the flood plain/channel in the back. Measurement were made from the septic tank to the flood plain/channel bank, and it was about 56 feet. There is also a large amount of refuse/trash in the flood plain/channel.

Our office will sign off on the well permit and honored the Multiple Use Permits (UP 2021-23 through 28) after the following items below are met:

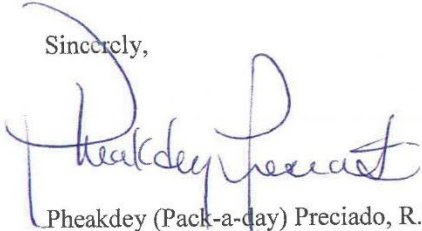
1. Based on the today's observation, a minor repair permit will be required from our office to ensure the existing septic tank is water and vapor proof.
2. The existing septic system must be exposed (top of the existing septic tank must be accessible; and the ends of the leachlines exposed).



3. The unknown structure with the grey water system must demonstrate and provide a grey water permit from the City of Clearlake Community Development or meet our new septic system requirement.
4. The unknown structure with the grey water system might need to obtain a septic tank/system abandonment permit from our office if grey water permit is not available.
5. Provide a scale overview map with everything on the property including the proposed well to be drilled (permit #WE-5718 AG).
6. Please remove all the refuse/trash inside the flood plain/channel.

Please contact this office at (707) 263-1164 if you have any questions regarding this report.

Sincerely,



Pheakdey (Pack-a-day) Preciado, R.E.H.S.
Environmental Health Specialist

cc: City of Clearlake, Community Development: Code Enforcement and Planning Division
Ogulin Hills Holdings LLC, 637 Lindaro Street, Suite 201, San Rafael CA 94901





May 12, 2022

Governor's Office of Planning & Research

Clearlake, City of
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

May 13 2022

STATE CLEARINGHOUSE

CITY OF CLEARLAKE (CITY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE OGULIN HILLS HOLDINGS, LLC- COMMERCIAL CANNABIS OPERATION PROJECT (PROJECT); SCH # 2022040072

Dear Mr. Mark Roberts:

Thank you for the opportunity to review the Mitigated Negative Declaration for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations (CCR) title 22, chapter 16 et. seq). The above referenced Project will require a new water supply permit.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the City's draft MND:

- The State Water Board regulates public water systems in Lake County. The Project will create a new public water system. On PDF page 5 under "23. Federal and State Agencies:" please list "State Water Resources Control Board, Division of Drinking Water".
- The Project will use an existing well that was drilled in late September/early October 2021 for domestic and irrigation water (PDF page 28). The water will be pumped from a 400+ gallon per minute well into a new 50,000-gallon elevated water tank for distribution (PDF page 28 & Appendix E). Will the water require treatment? Further describe any new water system infrastructure that will be installed as part of the Project.
- The document states on PDF page 38, that, "The project area to be developed is not located within the vicinity of known waterways nor is it located within a designated flood zone. Therefore, the risk of flooding/runoff, landslides, slope instability, or drainage changes would not be increased due to this project" (PDF page 38). However, there are several contradictory statements in the document:
 - "The report notes that a small riparian area is present on the subject parcel. Since Burns Valley Creek travels through the site and the creek will be impacted by the project, such as erosion, sedimentation, changes in drainage patterns." (PDF page 20)
 - "However, since improvements are being constructed within the creek wetlands located down-stream will be impacted." (PDF page 21)
 - "There will be modifications to the drainage pattern of Burns Valley Creek due to grading and introduction of parking improvements withing the Burns Valley

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Mr. Mark Roberts

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May 12, 2022

Creek. These proposed improvements within the Burns Valley Creek area could impact and alter the existing drainage pattern of the site or the area, including the alteration of the course of a stream.” (PDF page 30)

- Project designs also show Burns Valley Creek runs through the Project site and the proposed driveway and parking area occur within Zone AE, a flood zone. (PDF page 4)

Please resolve the discrepancies in the document relating to potential impacts to waters of the state and discuss possible flooding impacts related to domestic water quality. Include best management practices and/or mitigation measures to reduce impacts to waters of the state as needed.

- The Project appears to have other water quality concerns that should be addressed. Please coordinate with the following contacts to address waste discharge water quality issues and the Project permitting requirements, before going to construction:

Division / Unit	Project Issues/ Concerns	Permit	Contact	Phone Number	Email
State Water Board, Division of Water Quality (DWQ), NPDES Industrial and Construction Stormwater Unit	Stormwater Construction Impacts for construction that disturbs greater than one acre of soil	General Stormwater NPDES permit	Brandon Roosenboom	(916) 341-5566	Brandon.Roosenboom@waterboards.ca.gov & stormwater@waterboards.ca.gov
Central Valley Regional Water Quality Control Board (Central Valley Water Board, Redding), Cannabis Regulation and State Water Board, DWQ	Discharge impacts for cannabis operations	Cannabis Cultivation Waste Discharge Permit	Janae Fried	(530) 224-3291	Janae.Fried@waterboards.ca.gov & CannabisVR@waterboards.ca.gov
Central Valley Water Board, Sacramento, Non-15 Permitting	Small domestic wastewater treatment systems over 10,000 gallons per day	General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, WQO 2014-0153-DWQ	Lani Andam	(916) 464-4723	Lani.Andam@waterboards.ca.gov

Mr. Mark Roberts

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May 12, 2022

Once the MND is adopted, please forward the following items in support of the new water system's permit application to the State Water Board, DDW Mendocino District Office at DWPDIST03@waterboards.ca.gov:

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- Copy of the stamped Notice of Determination filed at the Lake County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding State Water Board CEQA comments.

Sincerely,

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Zachary Rounds
State Water Board, DDW
Mendocino District
District Engineer

Brandon Roosenboom
State Water Board, DWQ
NPDES Industrial and Construction Stormwater Unit
Water Resources Control Engineer

Landi Andam
Central Valley Regional Board, Sacramento
Non 15 Permitting
Water Resources Control Engineer

Janae Fried
Central Valley Regional Board, Redding
Cannabis Regulation
Engineering Geologist



Department of Cannabis Control
CALIFORNIA

Gavin Newsom
Governor

Nicole Elliott
Director

May 12, 2022

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
(707) 994-8201
mroberts@clearlake.ca.us

Re: Review of Initial Study/Mitigated Negative Declaration (SCH No. 2022040072) – Ogulin Hills Holdings, LLC Conditional Use Permits and Initial Study 2022-2

Dear Mr. Roberts:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to review responses to comments on the Final Initial Study/Mitigated Negative Declaration (IS/MND; SCH No. 2022040072) prepared by the City of Clearlake for the proposed Ogulin Hills Holdings, LLC Conditional Use Permits (CUPs) 2022-03, 2022-04, 2022-05, 2022-06, and 2022-07 (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cannabis business license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within the California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cannabis business licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Clearlake.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Cannabis Manufacturing

The IS/MND indicates that a manufacturing license is being sought from DCC. However, the IS/MND does not specify whether the Proposed Project includes manufacturing using volatile solvents. The IS/MND should provide a description of any volatile substances that will be used in product manufacture, and should include analyses of the potential environmental impacts that may result from the use of these substances. In addition, the analyses should describe and consider any measures the Proposed Project will implement that may lessen or reduce potential impacts. In particular, the document should include detailed analyses of impacts related to air quality, hazards and hazardous substances, and greenhouse gas emissions.

GC 2: Site-Specific Reports and Studies

The IS/MND references several project-specific plans and studies, such as an Air Quality Plan, Odor Control Plan, Serpentine Control Plan, Energy Usage Plan, and Erosion Control and Sediment Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to DCC.

GC 3: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/ND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

GC 4: Identification of Federal, State, and Local Regulations

In multiple instances throughout the document, the IS/MND states that project components “shall adhere to all Federal, State, and local agency requirements.” Without more information about the requirements and regulations being referred to, it is difficult to determine whether potential impacts would be avoided. The IS/MND would be strengthened if applicable requirements and regulations were described in the context of each environmental resource.

GC 5: Acknowledgement of DCC Regulations

Aside from one sentence in Section XI, Land Use, the IS/MND does not acknowledge that the Proposed Project requires licenses from DCC for cultivation, distribution, manufacturing, and other cannabis-related activities. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis activities, as

defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations. Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and manufacturing regulations. Several examples are indicated in the Specific Comments table below.

GC 6: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in the City of Clearlake. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to noise;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The traffic study for the Proposed Project discusses three other cannabis projects in the immediate project area, and discusses the cumulative impacts of the increased vehicle traffic on transportation, air quality, and greenhouse gas emission. The IS/MND would be improved by acknowledging and analyzing the potential for all potential cumulative impacts resulting from the Proposed Project coupled with these three projects, and any other existing or reasonably foreseeable projects in Clearlake that could contribute to cumulative impacts similar to those of the Proposed Project.

Specific Comments and Recommendations

In addition to the general comments provided above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Ques. 19-20	3-4	Description of Project, Environmental Setting	N/A (General Comment) and Figure 1 Project Site Plan (Refer to Attachment B for full plans)	The IS/MND would be improved if it included a larger-scale site plan that clearly showed site features such as the access road, creek setback, and other features referred to in the subsequent analysis. Also, Attachment B contains only a single plan sheet, not the full site plans.
2	Ques. 22-23	4-5	Other public agencies whose approval may be required	N/A (General Comment)	The IS/MND could be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed.
3	Ques. 24	5	Native American Consultation	N/A (General Comment)	The document would be strengthened if it included a list of all tribes contacted as part of the AB 52 consultation process.
4	Ques. 25	5	Impact Categories defined by CEQA	N/A (General Comment)	The list of sources would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.
5	Ques. 25	11	Site Photos	N/A (General Comment)	The IS/MND would be more informative if it included a brief description of the location and significance of each site photo.
6	I(d)	15-16	Aesthetics	The commercial cannabis operation will occur within	The IS/MND would be improved if the analysis clarified why mitigation is needed

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				enclosed structures with minimal lighting used during evening/nighttime hours. All lighting will be directed downwards and shielded and adhere to the City's Lighting Design Standards, including all dark-sky requirements. Therefore, to ensure that impacts related to the Aesthetics are minimized, following mitigation measures have been implemented.	for Impact I(d). The analysis seems to imply that impacts would not be significant, although the check box indicates "Potentially Significant."
7	I(d)	15-16	Aesthetics	N/A (General Comment)	The IS/MND does not specify whether the Proposed Project would use mixed-light cultivation techniques. If the Proposed Project includes mixed-light cultivation techniques, the document would be improved if it referenced DCC's requirement that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 § 16304(a)(7)), and described how the Proposed Project will comply with these policies and regulations.
8	III(a)	17	Air Quality	The proposed Air Quality Plan indicates how the applicant Intends to minimize these Impacts.	The IS/MND would be improved if it summarized the information provided in the Air Quality Plan that would ensure air quality impacts would be less than significant.
9	III(a)	17	Air Quality	No significant odor impacts are anticipated from the proposed cultivation	The IS/MND would be improved if it contained information about proposed odor control equipment and practices.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				operation, due to the proposed odor control equipment and practices, and the generous setbacks provided from public roads, property lines, and neighboring residences/ outdoor activity areas.	
10	III(a)	17	Air Quality	All property owners and residents within a 1,000-foot radius of the cannabis facility shall be provided with the contact information of the individual(s) responsible for responding to the odor complaints.	The IS/MND would be improved if the analysis described the types and locations of sensitive receptors near the project site.
11	III(a)	17	Air Quality	The proposed odor control plan seems to acknowledge that odors could be detected outside the structure without significant enhancements, such as carbon filtering.	<p>This statement indicates that the Proposed Project could result in significant impacts related to odor. The document would be strengthened if it included a summary of the odor control plan, as well as providing the plan itself as an attachment, and providing an analysis, supported by substantial evidence, that the proposed mitigation measures would reduce impacts to less-than-significant levels.</p> <p>In addition, the IS/MND would be improved if it included an analysis of the Proposed Project's contribution to potential cumulative odor impacts from nearby projects. (See GC 6.)</p>

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
12	III(a)	19	Air Quality	AIR-10 If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.	The IS/MND would be improved if it included information about whether the project site is located in an area of serpentine soils.
13	IV(a)	20	Biological Resources	BIO-2. If project construction occurs between September 1 and January 31, nesting bird survey shall be conducted by a qualified biologist. Additional mitigation measures recommended in the survey report shall be implemented prior to or during project development to avoid disturbance to migratory nesting birds.	The IS/MND would be improved if the analysis explained the timing of nesting bird surveys. Typically, these surveys take place between March 1 and August 31. Also, this measure does not appear in the Biological Report.
14	IV(c), (d)	21	Biological Resources	The project will include mitigation to wetland through implementation of Mitigation Measure BIO-5.	The checklist indicates that this impact would be less than significant. The IS/MND would be strengthened if the checklist conclusion and the analysis conclusion matched.
15	IV(e)	21	Biological Resources	The project will have minimal to no conflict with any local policies or ordinances protecting	The IS/MND would be improved if it provided supporting evidence that impacts on oak trees would be less than significant.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				biological resources, such as a tree preservation policy or ordinance. However, the project may require the removal of a small cluster of grasses and/or vegetation/trees. Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact.	
16	V(a)	23	Cultural Resources	Additionally, Mitigation Measures BIO-5 and GEO-1 through GEO-3 ensure impacts related to the Cultural Resources are minimized, to Less than Significant Levels.	The IS/MND would be strengthened if it explained how these mitigation measures would mitigate for potentially significant impacts on cultural resources.
17	VI(a)	23	Energy	N/A (General Comment)	The IS/MND would be improved if it described how the project would meet DCC regulatory requirements regarding the use of renewable energy. (See GC 5 and Cal. Code Regs., tit. 4 § 16305.)
18	VII(f)	25	Geology and Soils	Disturbance of paleontological resources or unique geologic features is	The IS/MND would be strengthened if it explained how these mitigation measures would mitigate for potentially significant

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				not anticipated, but mitigation measures are in place to assure that in the event any artifacts are found. All potential impacts have been reduced to less than significant with the incorporated mitigation measures CUL-1 and CUL-5.	impacts on paleontological resources. In addition, the text cites mitigation measure CUL-5, but Section V, Cultural Resources, contains only three mitigation measures.
19	VIII(a)	25	Greenhouse Gas Emissions	The anticipated vehicle trip generation and project operations are not expected to generate significant levels of greenhouse gas emissions and would not degrade the air quality. Less Than Significant Impact	The IS/MND would be improved if it provided supporting evidence (e.g., quantified emission estimates, rationale for conclusion) for the statement. (See GC 3.)
20	IX(a)	26	Hazards and Hazardous Materials	N/A (General Comment)	The IS/MND would be strengthened if the discussion of hazardous materials included a description of manufacturing operations and any hazardous materials (e.g., volatile solvents) that might be used. The document should also explain how any hazard risk associated with volatile solvents would be mitigated.
21	X(c)	30-31	Hydrology and Water Quality	N/A (General Comment)	The IS/MND would be improved if it explained how Mitigation Measures GEO-1 through GEO-3 would reduce the impact of altering the course of the stream to a less-than-significant level.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
22	X(d)	31	Hydrology and Water Quality	The project site is not located in an area of potential inundation by seiche or tsunami. A portion of the parcel is located within flood zone AE of Burns Valley Creek. As indicated on the site plan, (Figure 1) access and parking improvements are proposed within the floodway. Clearlake Municipal Code section 17-5.1 outlines standards for construction within flood hazard zones. Compliance with this chapter will reduce impacts to less than significant.	The IS/MND would benefit from a discussion of the City's standards for construction within a flood zone and how they will ensure a less-than-significant impact for the proposed project. In addition, the IS/MND should provide an analysis of whether these construction standards would prevent the release of pollutants, including pesticides, fuels, and/or fertilizers.
23	XIII(a)	32	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation or manufacturing equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate. Additionally, the document should include a description of sensitive receptors, their distances from the Proposed Project site, and an analysis of whether the Project would result in noise-related impacts on sensitive receptors. The discussion should describe how Mitigation Measures NOI-1 through NOI-3 would reduce impacts to a less-than-significant

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					level. The analysis should also address cumulative impacts related to the three nearby projects.
24	XV	34	Public Services	Conditions of Approval have been incorporated to ensure the project adhere to all applicable requirements of the above agencies.	The IS/MND would be strengthened if it described the applicable agency requirements and Conditions of Approval that have been incorporated into the project. (See GC 4.)
25	XXI(a), (c)	39	Mandatory Findings of Significance	With incorporation of Mitigation Measures, the project is not anticipated to significantly impact...	The IS/MND would be improved if it listed the specific mitigation measures being relied on.
26	XXI(b)	40	Mandatory Findings of Significance	It is also noted that the City's 2040 General Plan Environmental Impact Report identifies the project site as within a major growth area; the Ogulin Canyon Industrial Center. As such, cumulative environmental impacts from development within this growth center have been previously addressed in the EIR. The implementation of and compliance with all mitigation measures identified in each section as project conditions of approval would avoid or reduce all potential impacts to less than significant levels and would not result	The IS/MND would be improved if it described the potential cumulative impacts of the project with other three projects on Ogulin Canyon Road and provide supporting evidence for the conclusion that these impacts were "previously addressed in the [General Plan] EIR." This analysis should include a discussion of cumulative impacts specific to cannabis cultivation, such as water use and odor.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
				in cumulatively considerable environmental impacts.	

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Rains, Lindsay@Cannabis Digitally signed by Rains, Lindsay@Cannabis
Date: 2022.05.12 12:12:33 -07'00'

Lindsay Rains,
Licensing Program Manager



Central Valley Regional Water Quality Control Board

13 May 2022

Mark Roberts
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
mroberts@clearlake.ca.us



COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, OGULIN HILLS HOLDINGS, LLC - COMMERCIAL CANNABIS OPERATION PROJECT, SCH#2022040072, LAKE COUNTY

Pursuant to the State Clearinghouse's 4 April 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Ogulin Hills Holdings, LLC - Commercial Cannabis Operation Project, located in Lake County.

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

I. Regulatory Setting

Basin Plan

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

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

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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

Antidegradation Considerations

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

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

In part it states:

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

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

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

II. Permitting Requirements

Cannabis General Order

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

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

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

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

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

Construction Storm Water General Permit

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

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

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

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

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

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

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

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

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

Industrial Storm Water General Permit

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

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

Clean Water Act Section 404 Permit

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

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

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Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

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

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will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY (IS 2022-02)

- 1. **Project Title:** Ogulin Hills Holdings, LLC - Commercial Cannabis Operation
- 2. **Permit Numbers:**
 - *CUP 2022-04 (Manufacturing)*
 - *CUP 2022-05 (Distribution)*
 - *CUP 2022-06 (Retail Delivery)*
- 3. **Lead Agency Name/Address:** City of Clearlake 14050 Olympic Drive
Clearlake, CA 95422
- 4. **Contact Person:** Mark Roberts – Senior Planner
Phone: (707) 994-8201
Email: mroberts@clearlake.ca.us
- 5. **Project Location(s):** 2160 Ogulin Canyon Road, Clearlake, CA 95422
- 6. **Assessor Parcel Number (APN):** 010-044-21
- 7. **Project Sponsor’s Name/Address:** Brian Pensack, Garrett Burdick, Kim Gardner
37 Lindaro Street, Suite 201, San Rafael, CA 94901
- 8. **Property Owner(s) Name/Address:** Same as Sponsor (see response to no. 7 above)
- 9. **Zoning Designations:** "I" Industrial, and "CB" Commercial Cannabis
- 10. **General Plan Designation:** Industrial
- 11. **Supervisor District:** District 2
- 12. **Average Cross Slope:** Less than 15% (excluding Burns Valley Creek)
- 13. **Earthquake Fault Zone:** Not within a fault zone
- 14. **Dam Failure Inundation Area:** Not within a Dam Failure Inundation Zone
- 15. **Flood Zone:** A portion of the parcel is located within flood zone AE of Burns Valley Creek.
- 16. **Waste Management:** Onsite waste management system

17. Water Access: Onsite well system

18. Fire Department: Lake County Fire Protection District

19. Description of Project: The proposed project includes development of industrial style structures to be used for cannabis related facilities including remodeling of an existing 960 square foot metal building and development of a new 5,000 square foot building and 8 parking spaces. Specific project uses are to include:

- *Cannabis Manufacturing (Non Volatile)*
- *Cannabis Retail Delivery and Distribution*
- *Cannabis Processing*

The project’s processing, manufacturing, and distribution components will include various activities related to nonvolatile extraction of cannabis essential oils, processing and storage of cannabis extracts and plant materials including packaging of cannabis for sale, packaging and labeling of cannabis products, storage, and distribution of cannabis products, and related activities. No cultivation operations will occur.

The project operational days/hours during the harvest season will be - Monday through Saturday from 6 am to 8 pm and during non-harvest seasons - Monday through Saturday from 7 am to 6 pm.

The processing/storage and distribution building and retail delivery and office area will be situated about 150’ south of the road, in the center of the parcel.

The project buildings are to be engineered metal structures. Preliminary floor plans indicate that the manufacturing and processing building will include; an intake area; processing and manufacturing areas; packaging areas; restrooms and offices; employee break room; shipping and receiving area; numerous storage areas; intake and distribution areas; and related activities. Rollup doors will provide entry into secure parking areas for loading and unloading.

The project site is accessed by a new driveway that will lead into the 8-car parking lot. ADA accessible parking will be developed near the office. Security fencing and numerous digital security cameras will be placed around the perimeter and at strategic locations in the parking lot.

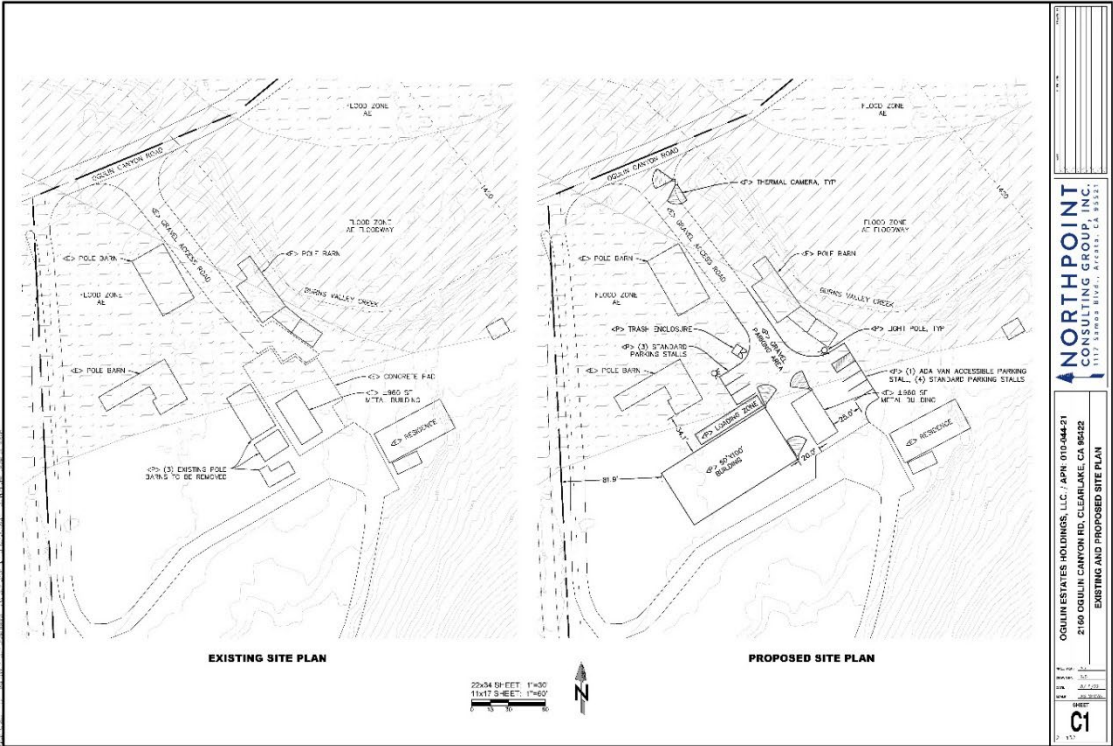


Figure 1 Project Site Plan (Refer to Attachment B for full plans)

20. Environmental Setting: The project site is approximately +/- 9.56 acres on the south side of Ogulin Canyon Road, approximately 0.46 mi east of State Route 53. The site is currently developed with a manufactured house and several former animal shelter kennels, pieces of equipment and related improvements that will be removed prior to development of this proposed project. The parcel occupies a relatively flat topography from 1,418 (mean sea level) at the entrance on Ogulin Canyon Road to 1,513 feet msl at the southeast corner. Drainage from the surrounding slopes is to Burns Valley Creek which is drains southwest to Clear Lake. Burns Valley Creek is an intermittent drainage, that flows east to west along Ogulin Canyon Road. The waterway occurs on the south side of Ogulin Canyon Road from the location of the proposed buildings and then crosses to the north side of the road just west of the driveway.

21. Surrounding Land Uses and Setting (briefly describe the project’s surroundings):

- The parcels to the **North** across Ogulin Canyon Road have a land use designation of “Industrial” and are currently undeveloped.
- The parcels to the **South and West** have a land use designation of “Industrial” and/or “Rural Residential” and are developed with commercial/industrial or residential uses.
- The parcels to the **East** of the project site are located within the County of Lake jurisdiction and are undeveloped.

22. Other Public Agencies Whose Approval is Required: Local Agencies: Preliminary project plans for this project were transmitted for public agency comment a least 30 days prior to the release of this

initial study. Formal comments received from agencies have been incorporated into this initial study. Specific project approvals/permits will be City of Clearlake - Community Development (Planning, Building, Public Works); Clearlake Police Department, Lake County Fire Protection, Lake County Department of Environmental Health, Lake County Air Quality Management District, Lake County Special Districts, Local Tribal Organizations and the California Department of Cannabis Control.

- 23. Federal and State Agencies:** Central Valley Regional Water Quality Control Board, CA Department of Fish and Wildlife, Cal-cannabis, Department of Public Health, California Department of Transportation (Caltrans); California Department of Food and Agriculture (CDFA); California Department of Pesticides Regulations, California Bureau of Cannabis Control and California Department of Consumer Affairs.

24. NATIVE AMERICAN CONSULTATION:

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) section 21080.3.1? Yes No

If yes, ensure that consultation and heritage resource confidentiality follow PRC sections 21080.3.1 and 21080.3.2 and California Government Code 65352.4

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

- **Response:** Notification of the project was sent to local tribes for compliance with "AB 52" Notification, which allows interested Tribes to request tribal consultation within 30 days of receipt of notice. The Community Development Department did not receive an AB 52 Tribal Consultation for this project, nor did we receive controversial comments.

- 25. Impact Categories defined by CEQA:** The following documents are referenced information sources and are incorporated by reference into this document and are available for review upon request of the Community Development Department if they have not already been incorporated by reference into this report:

- City of Clearlake General Plan
- City of Clearlake Zoning Code/Municipal Code(s)
- City of Clearlake Police Department
- Use Permit Application Packet and Supplemental Materials
- Existing & Proposed Site Plans/Architectural Plans
- California Department of Transportation:
http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm
- U.S.D.A. Lake County Soil Survey
- Important Farmland Map <https://maps.conservation.ca.gov/agriculture/>

- Lake County Serpentine Soil Mapping
- California Natural Diversity Database (<https://www.wildlife.ca.gov/Data/CNDDDB>)
- U.S. Fish and Wildlife Service National Wetlands Inventory
- U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
- Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
- Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
- Lake County Watershed Protection District Lake County Groundwater Management Plan - March 31, 2006
- Lake County Health Services Department
- Lake County Assessor/Recorders Office
- Lake County Special District Department
- Lake County Water Resource Department
- Clearlake Waste Solutions
- Local Water District (i.e Golden State Water; Highland Water; Konocti Water)
- Lake County Air Quality Management District (LAQMD)
- Hazardous Waste and Substances Sites List: www.envirostor.dtsc.ca.gov/public
- California Department of Forestry and Fire Protection - Fire Hazard Mapping
- Lake County Fire Protection District
- National Pollution Discharge Elimination System (NPDES)
- Central Valley Regional Water Quality Control Board
- State Water Resources Control Board
- FEMA Flood Hazard Maps
- 2010 Lake County Regional Transportation Plan, Dow & Associates, October 2010
- Cal Recycle Solid Waste Information System
<http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>
- Cal Cannabis (via Dept. of Food and Agriculture)
- California Water Resources Control Board California Department of Fish & Wildlife (CDFW)
- California Department of Pesticides Regulations
- California Department of Public Health
- California Bureau of Cannabis Control
- California Department of Consumer Affairs
- Written comments received from public agencies
- PG&E
- Site visit

Figure 2 – City Vicinity Map

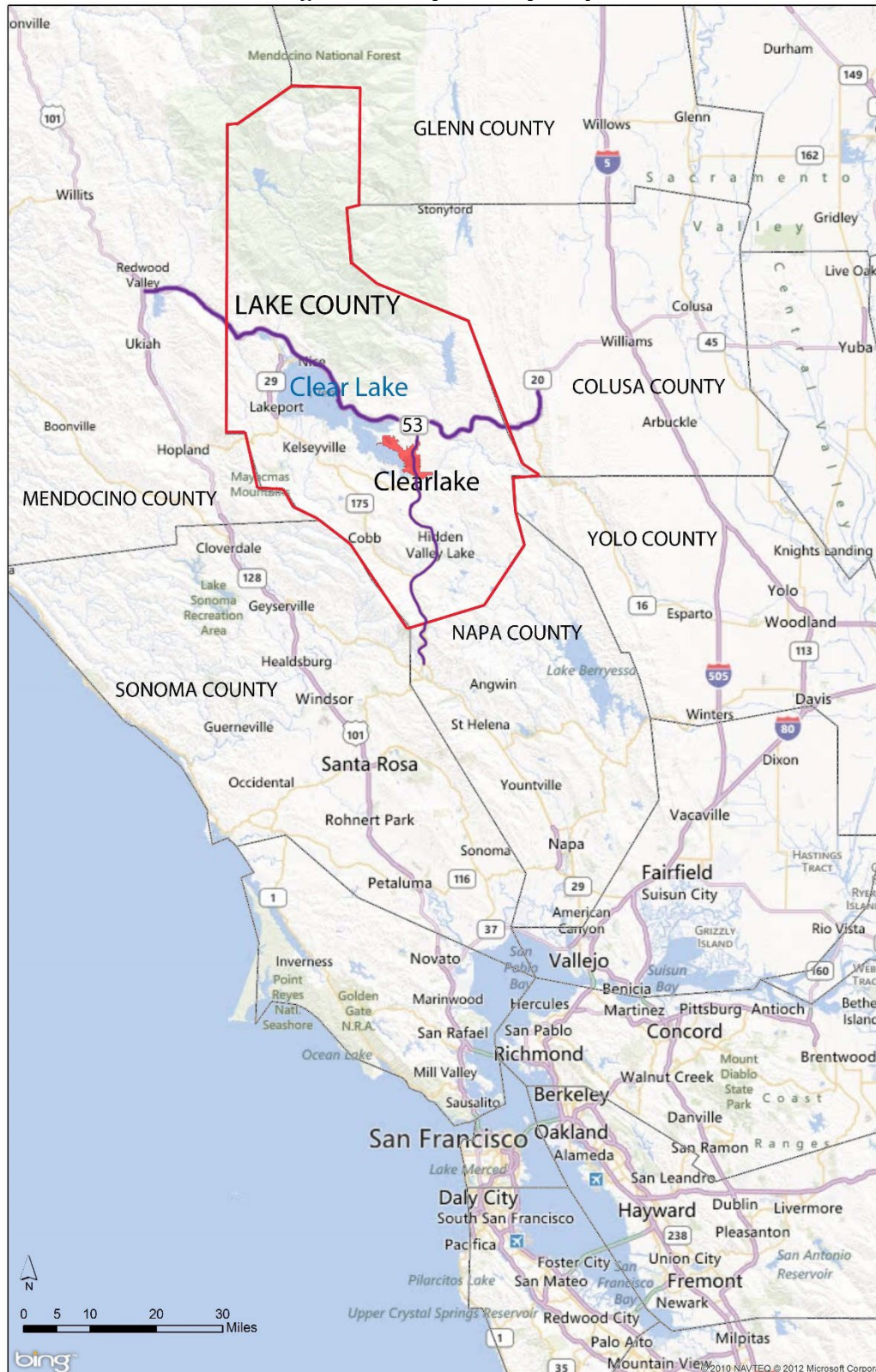


Figure 3 - USGS Map

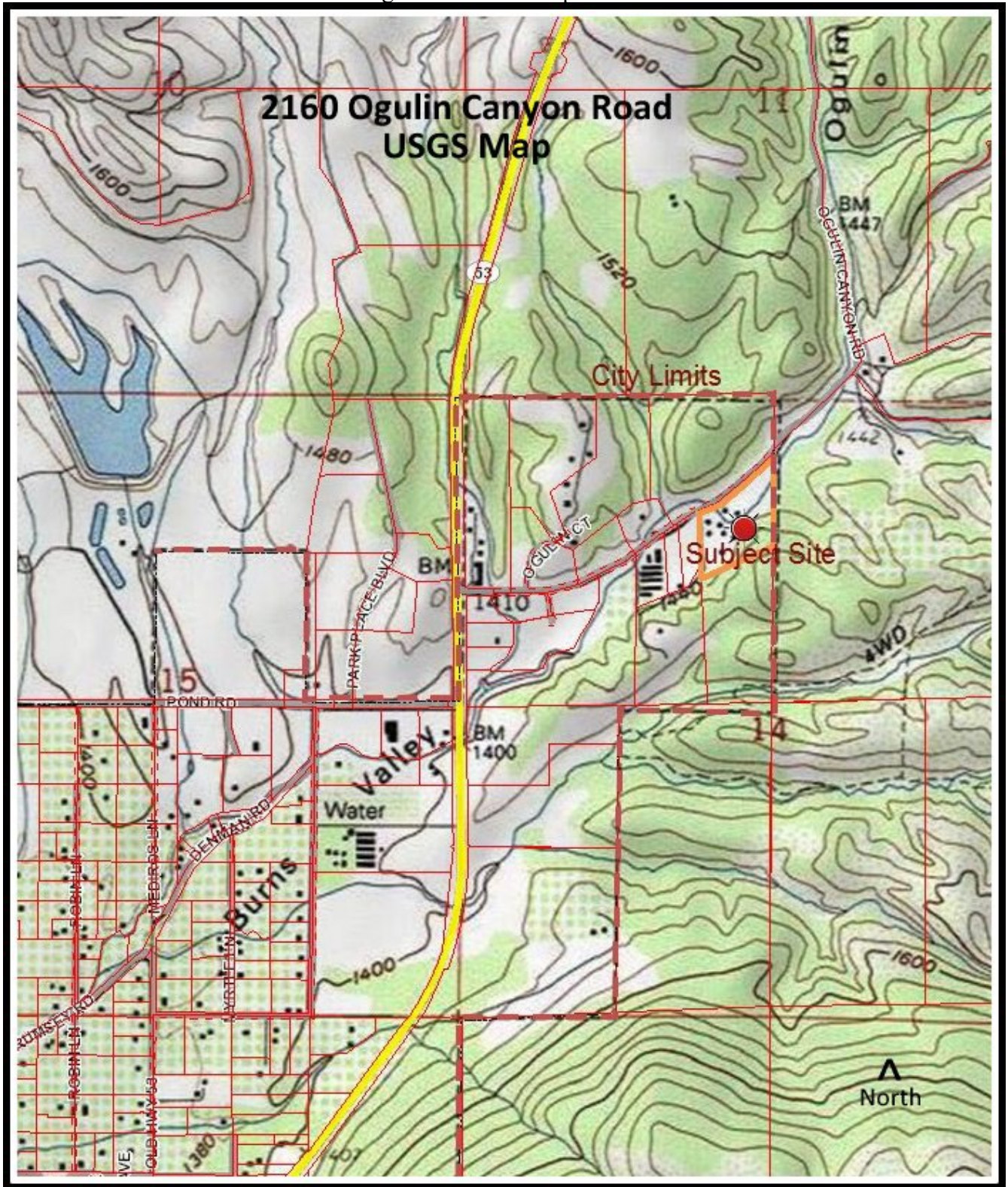


Figure 4 – Aerial/Location Map

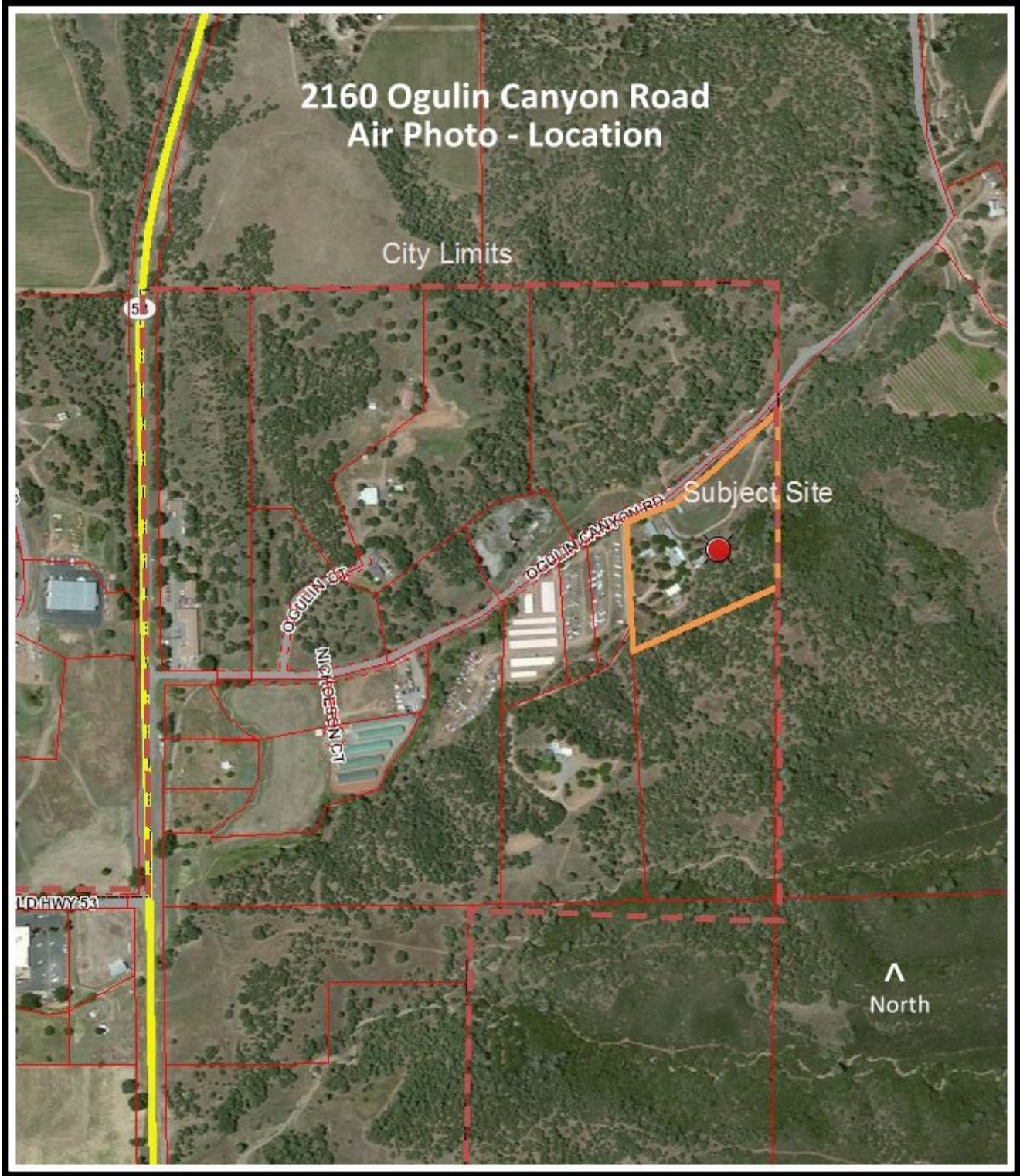
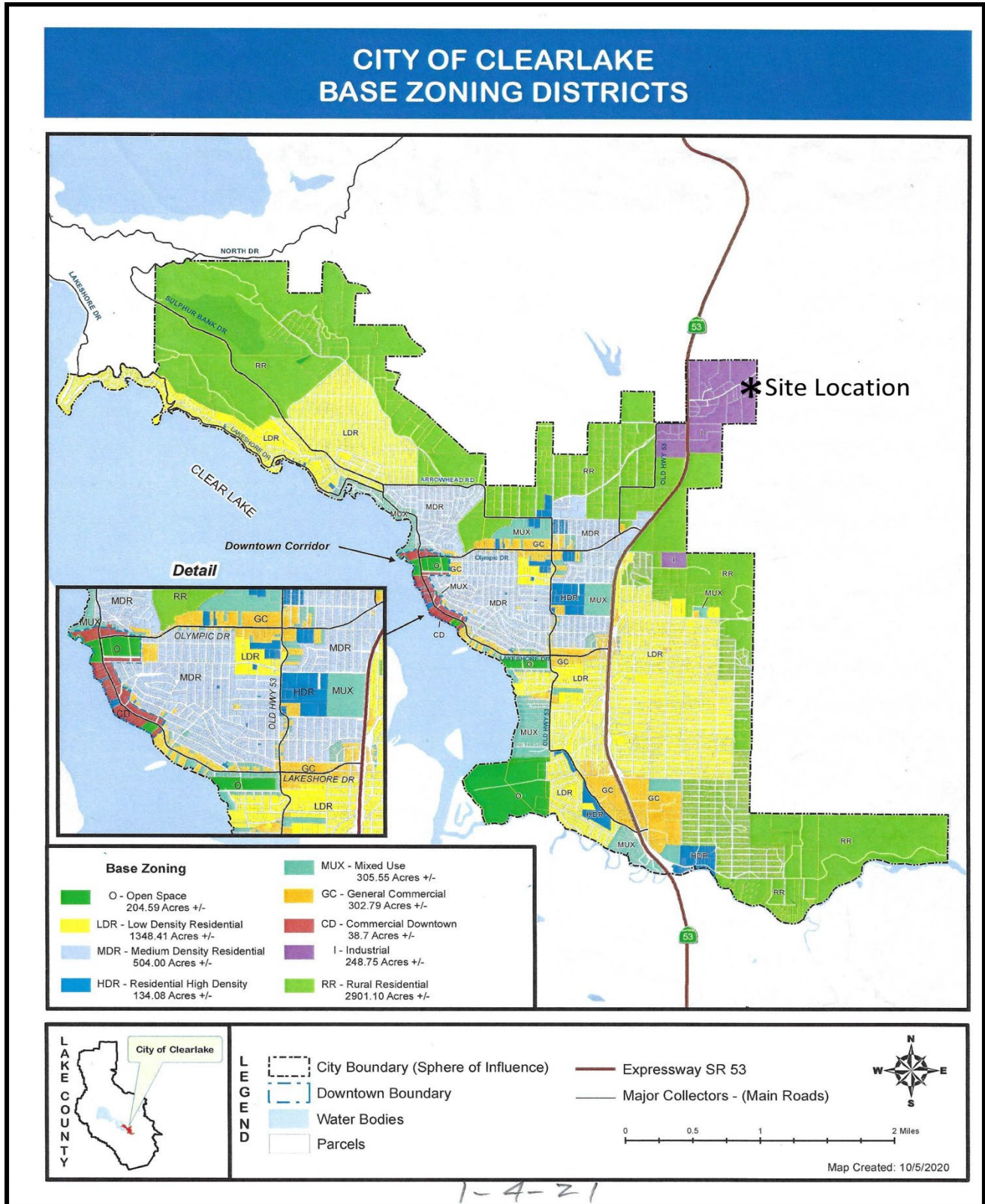


Figure 5 – Base Zoning *Districts*



SITE PHOTOS





26. Initial Study Attachment

- Attachment A – Application Packet/Operational Plan
- Attachment B – Proposed Grading and Site Plans
- Attachment C – Biological Assessment/Report
- Attachment D – Agency Comments
- Attachment E -Water Availability Report
- Attachment F - Traffic Impact Report
- Attachment G – Technical Memorandum – Ground Water Hydrology + Addendum No. 1
- Attachment H Mitigation Monitoring Program

Environmental Factors Effected: The environmental sections checked below would be potentially affected by this project in an adverse manner, including at least one environmental issue/significance criteria that is “potentially significant impacts” as indicated by the analysis in the following evaluation of environmental impacts.

<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Agriculture & Forestry Resources	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Air Quality	<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Transportation
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Land Use / Planning	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Utilities / Service Systems
<input type="checkbox"/>	Energy	<input checked="" type="checkbox"/>	Noise & Vibration	<input type="checkbox"/>	Wildfire
<input checked="" type="checkbox"/>	Geology / Soils	<input type="checkbox"/>	Population / Housing	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION: (To be completed by the lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared By: Mark Roberts

Title: Senior Planner

Signature:

Date:

**Alan Flora – City Manager
City of Clearlake, California**

SECTION 1 - EVALUATION OF ENVIRONMENTAL IMPACTS:

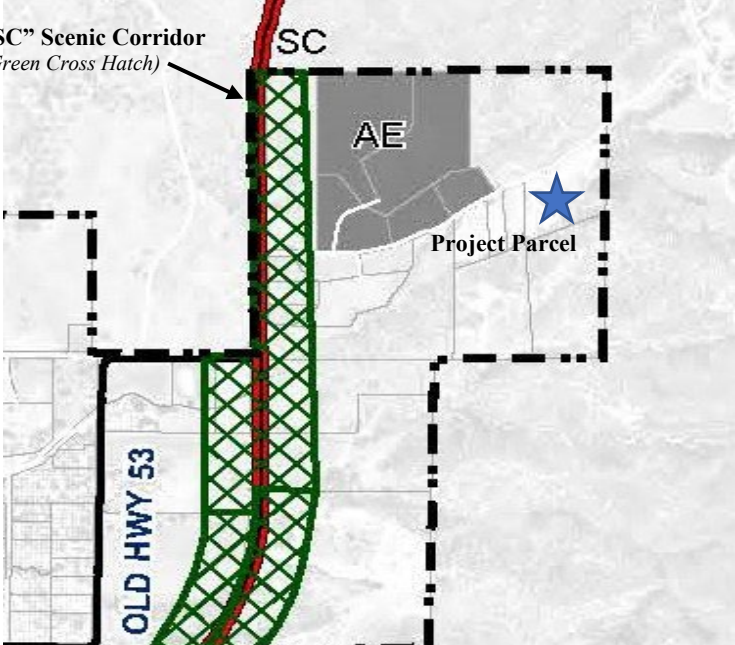
- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant

with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

IMPACT CATEGORIES KEY:

- **1 = Potentially Significant Impact**
- **2 = Less Than Significant with Mitigation Incorporation**
- **3 = Analyzed in Prior EIR**
- **4 = Substantially Mitigated by Uniformly Applicable Development Policies/Standards**
- **5 = Less Than Significant Impact**
- **6 = No Impact**

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION I. AESTHETICS							
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>							
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is in the outskirts of the City of Clearlake (City), in Lake County (County), CA and is not located within a known scenic vista/corridor. The nearest scenic vista/corridor is along Highway 53, which is greater than 1,500 feet away from the project site. All development would occur greater than 50 feet from the front property line (along Ogulin Canyon Road). Therefore, then project will not have a substantial adverse effect on a scenic vista that is visible from a city scenic corridor. Less than significant Impact.</p> 
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located within a known scenic vista/corridor and will not substantially damage scenic resources that is visible from a City Corridor, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. All development will occur greater than 50 feet from the property line (along Olguin Canyon Road) will not require the removal of trees and/or rock outcroppings or historic structures. Less than significant Impact.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable General Plan policies or zoning regulations governing scenic quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. All lighting will be directed downwards and adhere to all Federal, State and local agency requirements. Additionally, the project will not conflict with applicable any General Plan policies or zoning regulations governing scenic quality. The project is not located within a scenic vista/corridor. A cannabis operation is an allowable use upon securing a use permit pursuant to the City of Clearlake Municipal Code. Less than significant impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The commercial cannabis operation will occur within enclosed structures with minimal lighting used during evening/nighttime hours. All lighting will be directed downwards and shielded and adhere to the City’s Lighting Design Standards. including all dark-sky requirements. Therefore, to ensure that impacts related to the Aesthetics are minimized, following mitigation measures have been implemented. Mitigation Measure: AES-1 All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply the City of Clearlake Lighting Design Standards.

SECTION II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project parcel is categorized as <i>“Grazing Land”</i> . Grazing lands is a collective term used by the USDA-Natural Resources Conservation Service (NRCS) for rangeland, pastureland, grazed forestland, native and naturalized pasture, hay land, and grazed cropland. Although grazing is generally a predominant use on grazing lands, the term is also applied independently of any actual use for grazing. Grazing land is also described as land used primarily for production of forage plants maintained or manipulated primarily through grazing management. However, the commercial cannabis operation is an allowable use upon securing a Use Permit pursuant to the City of Clearlake Municipal Code. Therefore, the commercial cannabis operation will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring. No Impact.
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project site is zoned "I" Industrial, and "CB" Cannabis Commercial. A commercial cannabis operation will not conflict with the existing zoning destinations for agricultural use(s) and/or a Williamson Act Contract. Additionally, a commercial cannabis operation is an allowable use within the above Zoning Designations upon securing a Use Permit Pursuant to the City of Clearlake’s Municipal Code(s). No Impact.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project will not conflict with existing zoning for, or cause the rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). Additionally, a commercial cannabis operation is an allowable use with the I" Industrial, and "CB" Commercial Zoning upon securing a Use Permit Pursuant to the City of Clearlake's Municipal Code(s). No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project will not result in the loss forest land or conversion of forest land to non-forest use. No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural uses or the conversion of forest land to non-forest uses. a commercial cannabis operation is an allowable use with the I" Industrial, and "CB" Commercial Zoning upon securing a Use Permit Pursuant to the City of Clearlake's Municipal Code(s). No Impact

SECTION III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project has some potential to result in short- and long-term air quality impacts and other particulate matter, as well as exhaust emissions generated by earthmoving activities from site preparation, construction and during routine operations. Construction emissions are caused by onsite or offsite activities. Onsite emissions principally consist of exhaust emissions from construction equipment, motor vehicle operations, and fugitive dust from disturbed soil. The proposed Air Quality Plan indicates how the applicant Intends to minimize these Impacts.</p> <p>All fugitive dust (including vehicular) will be controlled by wetting soils with a mobile water tank and hoses, or by delaying ground disturbing activities until site conditions are not windy, and by eliminating soil stockpiles. Construction of the site will be minimal and some minor site improvements will be necessary but the amount of earth that needs to be moved is not significant enough to trigger a grading permit.</p> <p>According to the Air Quality Section of the "Project Plan"- prior to operation, a member of the staff will be assigned to handle all odor complaints. These individual(s) are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays. All property owners and residents within a 1,000-foot radius of the cannabis facility shall be provided with the contact information of the individual(s) responsible for responding to the odor complaints. The operation will also develop internal policies and procedures describing the actions to be taken when an odor complaint is received.</p> <p>When an odor complaint is received, it will be forwarded to the manager responsible for odor control. The complaint will be logged, including the time and type of complaint, the location of the odor reception, and the contact information of the person</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>submitting the complaint. The incident will be investigated, and the concern identified. The manager will visit the site or facility in question and determine any deficiencies in the odor control system (where applicable) and identify remedies. The manager will prepare a written response and send it by certified mail to the person who made the complaint. The correspondence should acknowledge the complaint, describe the incident, and identify what remedial actions were taken.</p> <p>Section 18-43.060 of the Zoning Code indicates that all commercial cannabis operations to provide and maintain an odor control plan that requires that odors of cannabis cannot be readily detected from outside of the structure in which the permitted premises are located. The proposed odor control plan seems to acknowledge that odors could be detected outside the structure without significant enhancements, such as carbon filtering.</p> <p>A traffic study conducted by W-Trans, dated September 21, 2021 (Attachment F) indicates that this project would result in an increase in traffic. The Study bases traffic impact assumptions on the number of employees during operation. In this case the project would operate at maximum capacity of eight employees with an increase of approximately 25 daily vehicle trips with a peak hour increase of about 4 trips. . This study also references three other cannabis projects in this area cumulatively increasing daily trips to 259, with a peak hour of 44. The City’s 2040 General Plan (adopted in 2017) references this area as the Ogulin Canyon Industrial Center as one of several community growth areas. As such, traffic impacts from anticipated growth, including the Ogulin Canyon Industrial Center, has been reviewed for cumulative impacts. The proposed project has similar characteristics as those anticipated in the General Plan. Cumulatively with project operations, the project traffic generation rates, is not expected to result in a significant adverse air quality impact.</p> <p>To ensure impacts related to the Air Quality are minimized, the following mitigation measures have been implemented.</p> <p><u>Mitigation measures:</u></p> <p>AIR 1: Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.</p> <p>AIR 2: Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements.</p> <p>AIR 3: Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.</p> <p>AIR-4. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.</p> <p>AIR-5. Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>AIR-6 All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City In accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times.</p> <p>AIR-7 An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code.</p> <p>AIR-8 Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.</p> <p>AIR-9 Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.</p> <p>AIR-10 If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.</p> <p>AIR-11. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations.</p> <p>AIR-12. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.</p> <p>AIR-13. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks, if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.</p>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>See Response to Section III(a). Therefore, all potential impacts have been reduced to less than Significant Impacts with the incorporated Mitigation Measures AIR-1 through AIR-13.</p>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>See Response to Section III(a). Therefore, all potential impacts have been reduced to less than Significant Impacts with the incorporated Mitigation Measures AIR-1 through AIR-13.</p>
d) Result in other emissions that create objectionable odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>See Response to Section III(a). Therefore, all potential impacts have been reduced to less than Significant Impacts with the incorporated Mitigation Measures AIR-1 through AIR-13.</p>
SECTION IV. BIOLOGICAL RESOURCES							
<i>Would the project:</i>							
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A Biological Resource Assessment with Botanical Survey was prepared by Lawrence Ray, Ecological Consultant, dated June 25, 2021. The report includes analyses and surveys for sensitive plants and wildlife potentially occurring in the vicinity: (See Attachment C)</p> <p><u>Sensitive species</u> A total of 61 native and introduced plant taxa were identified within the survey areas during the in-season botanical survey. The term sensitive includes species having state or federal regulatory status, included on Lists 1B through 4 by the California Native Plant Society, or otherwise listed in the California Natural Diversity Database.</p> <p>A total of 15 sensitive wildlife species were assessed for potential occurrence at the site because of inclusion in the CNDDDB database for the quadrangle and the CWHR database. Based on the habitat assessment, the following special status species have a potential to be present in their sensitive state:</p> <p>Obscure bumble bee, Foothill yellow legged frog; Western Pond turtle; White-tailed kite; Northern harrier; Tricolored blackbird; Grasshopper sparrow; Townsend's big-eared bat; Pallid bat; American badger; Pacific fisher; North American porcupine.</p> <p><u>Wetland Determination</u> The report notes that a small riparian area is present on the subject parcel. Since Burns Valley Creek travels through the site and the creek will be impacted by the project, such as erosion, sedimentation, changes in drainage patterns. Clearances will need to be</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>obtained from the California Department of Fish & Wildlife that may include a Streambed Alteration Permit. This permit is expected to include a number of requirements to mitigate biological impacts to the creek to a non-significant level.</p> <p>To ensure impacts related to the Biological Resources are reduced to a level of non-significance, the following mitigation measures have been implemented.</p> <p><u>Mitigation Measures (from Biological Report):</u></p> <p>BIO-1. Prior to development, including any site disturbance, a protocol-level botanical survey shall be completed within the location defined as being feasible for project activities to occur within this Report. The survey shall follow procedures recommended by CDFW and in accordance with the guidelines established by CNPS, from the document “<i>Protocols for Surveying and Evaluating Impacts to Specie Status Native Plant Populations and Sensitive Natural Communities</i>”.</p> <p>BIO-2. If project construction occurs between September 1 and January 31, nesting bird survey shall be conducted by a qualified biologist. Additional mitigation measures recommended in the survey report shall be implemented prior to or curing project development to avoid disturbance to migratory nesting birds.</p> <p>BIO-3. Prior to any ground disturbance, the applicant shall conduct a site inspection for Burrowing Owls Presence within the project area. If Burrow Owls are observed, a pre-construction surveys shall be completed by a qualified biologist fourteen (14) days prior to site development. The survey shall be conducted to determine if the project area has active dens and determine if avoidance of these active dens can occur. If active dens are determined to be present, owl relocation shall occur to other onsite suitable habitat prior to development.</p> <p>BIO-4. If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: https://www.wildlife.ca.gov/conservation/survey-protocols.</p> <p>BIO-5. Prior to securing development permits from the City and prior to conducting any site disturbance, clearances shall be obtained as required for work in or near Burns Valley Creek, from the California Department of Fish and Wildlife; such as a Streambed Alteration Permit. Verification of this clearance shall be submitted to the City.</p> <p>BIO-6. The use of deer fencing shall be restricted to the perimeters of the proposed gardens. No deer fencing or other obstacles to wildlife passage shall be installed that will restrict wildlife movement.</p>
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Biological Assessment prepared for the project notes that a small riparian area. Since Burns Valley Creek travels through the site and the creek may be impacted by the project, clearances shall be obtained from the California Department of Fish & Wildlife that may include a Streambed Alteration Permit. Less than significant with Mitigation proposed.</p> <p>Mitigation Measure BIO-5 requires the securing proper permits prior to any disturbance within the creek channel.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the Biological Resource Assessment with Botanical Survey prepared by Lawrence Ray, Ecological Consultant (June 2021), there are no known wetlands of significance on the site. However, since improvements are being constructed within the creek wetlands located down-stream will be impacted. The project will include mitigation to wetland through implementation of Mitigation Measure BIO-5.
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the Biological Resource Assessment with Botanical Survey prepared by Lawrence Ray, Ecological Consultant, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, since improvements are being constructed within the creek wetlands located down-stream will be impacted. The project will include mitigation to wetland through implementation of Mitigation Measure BIO-5.
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will have minimal to no conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, the project may require the removal of a small cluster of grasses and/or vegetation/trees. Prior to tree removal, the applicant shall obtain a Tree Removal Permit from the City of Clearlake and if Oak Trees are to be removed, they shall be replaced in accordance with Section 18-40.050 of the City of Clearlake Municipal Code. Less than Significant Impact.
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. However, the project may require the removal of Oak Trees. Less Than Significant Impact

SECTION V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>An evaluation of the potential for historical, cultural, tribal, or paleontological resources on the project site and in the vicinity of the project a cultural resource investigation was conducted by Gregory G White of Sub-Terra Resource Investigations dated April 12, 2021 (see Attachment D). This investigation included records searches, consultation with Native American tribes, and a site reconnaissance.</p> <p>According to the investigation, the Archaeological survey of the 9.56-acre parcel APN 10-044-021 was completed on April 9, 2021. One new archaeological site was observed near the center of the parcel in a cutbank on the north wall of deeply entrenched Burns Valley Creek. Eleven artifacts were identified, two obsidian flakes and one large basalt core, along with a dispersed scatter of eight fire-cracked cooking rocks. The archaeological deposit appears to be intact and significant and a standard DPR 523 site record was completed and will be filed with the Northwest Information Center of the California Historical Resources Information System (NWIC) with the report.</p> <p>Avoidance measures are recommended. As currently designed, all proposed construction activity is limited to the existing graded benches above the site to the south, and because the site is buried at a depth of 2.5–3.3 meters (8.2–10.8 feet) below surface</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	<p style="text-align: center;">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>it is likely to exceed the depth of all proposed construction impacts including building and structure footings and underground utility installation.</p> <p>The site plan indicates some disturbance within the Burns Valley Creek channel for parking and access improvements. Prior to any work within the creek channel including rip-rap, hardscaping, or other channel modifications in the vicinity of the site, a professional archeologist should be retained to review the plans, evaluate potential impacts to the site, and should any be identified, make recommendations for protection or mitigation measures.</p> <p>Therefore, to ensure impacts related to the Cultural Resources are avoided the following mitigation measures have been implemented.</p> <p><u>Mitigation Measures:</u></p> <p>CUL-1 During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the owner shall utilize a qualified cultural resources consultant to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits.</p> <p>CUL-2 The cultural resource consultant’s investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.</p> <p>CUL-3 If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.</p> <p>Additionally, Mitigation Measures BIO-5 and GEO-1 through GEO-3 ensure impacts related to the Cultural Resources are minimized, to Less than Significant Levels.</p>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Response to Section V(a): Less than Significant Impact with the incorporated mitigation measure CUL-1 through CUL-3.
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Response to Section V(a): Less than Significant Impact with the incorporated mitigation measure CUL-1 through CUL-3.
<h2>SECTION VI. ENERGY</h2> <p><i>Would the project:</i></p>							
a) Consume energy resources in a wasteful, inefficient, or unnecessary amount during project construction and/or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Pacific Gas & Electric Company (PG&E) is the electricity utility provider for Clearlake and Lake County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and 47% is sourced from non-renewable GHG-free resources (PG&E 2019). PG&E may offer programs through which consumers may purchase electricity from renewable sources. There is no natural gas available for communities within Lake County, The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. The project’s proposed 960 sq. foot building remodel and the new 5,000-square-foot structure would be subject to the CBC 2019 Building Energy Efficiency Standards. As such the project will not consume energy resources in a wasteful, inefficient, or unnecessary amount during project construction and/or operation. Less than Significant Impact</p>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed operations would not conflict with or obstruct an energy plan. The proposed use would adhere to all Federal, State and local agency requirements. No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION VII. GEOLOGY AND SOILS							
<i>Would the project:</i>							
<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p> <p>ii) Strong seismic ground shaking?</p> <p>iii) Seismic-related ground failure, including liquefaction?</p> <p>iv) Landslides?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><u>i) Earthquake Faults</u> There are no mapped earthquake faults on or adjacent to the subject site.</p> <p><u>ii-iii) Seismic Ground Shaking and Seismic-Related Ground Failure, including liquefaction.</u> The mapping of the site's soil indicates that the soil is stable and not prone to liquefaction.</p> <p><u>iv) Landslides</u> According to the Landslide Hazard Identification Map prepared by the California Department of Conservation, Division of Mines and Geology, the project parcel soil is considered "generally stable" and not located within and/or adjacent to an existing known "landslide area".</p> <p>Project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system. BMPs include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance City of Clearlake Municipal Code(s). Less Than Significant Impact</p>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The project is not anticipated to result in substantial soil erosion or the loss of topsoil. The project was substantially revised to avoid significant grading on the site. The project engineer has estimated that the project will disturb less than 50 yards of soil.</p> <p>The plan shall include disclosure of the location of where the export material will be relocated to and how that will be stored or used. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State and local agency requirements. The project shall adhere to all Federal, State, and local agencies requirements. To ensure impacts related to the Geology and Soils are mitigated to a level of non-significance measures are proposed as follows:</p> <p><u>Mitigation Measures:</u> GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit <u>Erosion Control and Sediment Plans</u> to the City for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. GEO-2: Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the City in accordance with the City of Clearlake Municipal code(s). Plans for grading shall include disclosure of location and method of treatment/storage of exported materials.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							GEO-3: The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repaired when necessary.
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the soil survey of Lake County, prepared by the U.S.D.A., the soil at the site is considered “generally stable” and there is little to no potential for landslide, subsidence, debris flows, liquefaction, or collapse. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. Less Than Significant Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the soil survey of Lake County, California prepared by the U.S.D.A, the soils discussed above in Section has a shrink-swell potential of low to high. Therefore, the commercial cannabis operation will have minimal to no substantial direct or indirect risks to life or property. The applicant will adhere to all Federal, State and local agency requirements, including all requirements in the City of Clearlake’s Municipal Code(s). Less Than Significant Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project parcel is currently occupied by two residences and outbuildings. The project will remove these improvements and a new septic system will be developed to accommodate the new site operations. Comments from the Lake County Department of Environmental Health indicate that the existing septic system was originally designed for a single-family residence, but was then modified, presumably to accommodate the additional trailer dwelling on the site. The Department also cited that the system has a grey water element which leaks into the creek. The letter also indicates that the creek is being used as a disposal area for trash. Proposed development will result in removing these unsafe conditions. Less Than Significant Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disturbance of paleontological resources or unique geologic features is not anticipated, but mitigation measures are in place to assure that in the event any artifacts are found. All potential impacts have been reduced to less than significant with the incorporated mitigation measures CUL-1 and CUL-5.
SECTION VIII. GREENHOUSE GAS EMISSIONS							
<i>Would the project:</i>							
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In general, greenhouse gas emissions can come from construction activities (operation of equipment) and from post-construction activities (routine construction/maintenance, vehicle trips, etc.). The operation would not generate a significant number of vehicle trips. The project parcels are located greater than five (5) miles away from Route 53 and are in a rural area where it is not uncommon for individual to drive greater than +/- 20 mile per trip. A traffic study conducted by W-Trans, dated September 21, 2021 (Attachment 3) indicates that this project would result in an increase in increased traffic. The Study bases traffic impact assumptions on the number of employees during operation. In this case the project would operate at maximum capacity of eight employees with an increase of approximately 25 daily vehicle trips with a peak hour increase of about 4 trips. This study also references three other cannabis projects in this area cumulatively increasing daily trips to 259, with a peak hour of 44. The City’s 2040 General Plan (adopted in 2017) references this area as the Ogulin Canyon Industrial Center as one of several community growth areas. As such, traffic impacts from anticipated growth, including the Ogulin Canyon Industrial Center, has been reviewed for cumulative impacts. The proposed project has similar characteristics as those anticipated in the General Plan. The anticipated vehicle trip generation and project operations are not

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							expected to generate significant levels of greenhouse gas emissions and would not degrade the air quality Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project will not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions. The City of Clearlake is within an 'air attainment' basin. In accordance with the requirements of the Lake County Air Quality Management District, an air permit will be required as a condition of the use permit, prior to issuance of a building permit for the project. Refer to response in Section VIII(a). Less Than Significant Impact

SECTION IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Materials associated with the operation, such as gasoline, diesel, carbon monoxide, pesticides, fertilizers and the equipment emissions may be considered hazardous if released into the environment. All hazards and hazardous materials will be stored in accordance to all Federal, State and local agency requirements. All routine construction materials and all materials associated with the proposed cultivation of commercial cannabis shall be transported and disposed of properly in accordance with all applicable Federal, State and local regulations.</p> <p><u>Chemicals Storage and Effluent:</u> All chemicals stored and used at/by authorized personnel include but are not limited to fertilizers/nutrients, pesticides, and petroleum products (Agricultural Chemicals) and chemical sanitation products necessary to maintain a sterile and healthy work environment.</p> <p>All fertilizers/nutrients and pesticides, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and at least 100 feet from surface water bodies and will be stored in their designated storage area. Petroleum products will be stored under cover, in the State of California-approved containers with secondary containment and separate from pesticides and fertilizers within the existing on-site wooden garage.</p> <p>Sanitation products will be stored in their manufacturer's original containers/packaging within a secure cabinet inside the proposed Processing Facility. Spill containment and cleanup equipment will be maintained within the proposed Pesticides and Agricultural Chemicals Storage Area and the Processing Facility. No effluent is expected to be produced by the proposed cultivation operation. All required warning signs will be posted, and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address, and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site. Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard. In an event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations. To ensure impacts related to the Hazards and Hazardous Materials are reduced to a level of non-significance, the following mitigation measures that have been implemented.</p> <p><u>Mitigation Measures:</u> HAZ-1: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
							<p>HAZ-2: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.</p> <p>HAZ-3: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.</p> <p>HAZ- 4: The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.</p> <p>HAZ - 5: All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.</p> <p>HAZ - 6: All trash/refuge being stored within the Burns Valley Creek area shall be removed and disposed of properly. The creek shall not be used for trash storage/materials.</p>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. All chemicals, pesticides, fertilizer, and other materials associated with the operation shall adhere to all Federal, State, and local agency requirements. See Response to Section IX(a): Less than Significant Impact with the incorporated mitigation measure HAZ -1 through HAZ-5.
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed project is not located within one-quarter mile of an existing or proposed school. No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project site is not listed as a site containing hazardous materials in the databases maintained by the Environmental Protection Agency (EPA), California Department of Toxic Substance, and Control State Resources Water Control Board. No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan. No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project would not impair or interfere with an adopted emergency response or evacuation plan. The project has been reviewed by the Lake County Department of Environmental Health, Lake County Special Districts, City of Clearlake Police Department, City of Clearlake's Community Development Department (Building, Public Works, Planning), and the Local Fire Protection District/CalFire for consistency with access and safety standards. The City of Clearlake did not receive any adverse comments. Less Than Significant Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires as it is located in a "Low to Moderate" Fire Hazard Severity Zone and within the Lake County Fire Protection District. The project was circulated for review to various agencies, include but not limited to City Engineer, City of Clearlake Police Department, City of Clearlake Building Official/Inspection, Lake County Fire Protection District and the California Department of Transportation (Caltrans). During the project review, no adverse comments were received. The application shall adhere to all current Federal, State and local agency requirements, including all mitigation measures and conditions of approval imposed on such use. Less Than Significant Impact

SECTION X. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the Project Application material submitted by the applicant, the operation will be provided water through the existing onsite well located in the northern portion of the project parcel. The water then will be pumped from a well and stored in one (1) 25,000-gallon water storage tank. The project will include installation of several water storage tanks.</p> <p>All access roads and parking areas are/will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved and/or re-established as soon as possible throughout the entire site to filter and infiltrate stormwater runoff from the access roads, parking areas, and the proposed cultivation operation. To control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State, and local agency requirements.</p> <p>The proposed operation would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Additionally, the applicant shall adhere, obtain, and maintain all necessary federal, state and local agency permits.</p> <p>The operation will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Less Than Significant Impact</p>
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IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
<p>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the Water Availability Report dated October 2021, the water for both proposed domestic and irrigation uses will be delivered from a new water well drilled in late September/early October, 2021. This system will use ground water pumped from the well. The well is approximately 300 feet deep and has a capacity of 100+ gallons per minute (see Water Availability report).</p> <p>The following information is from: Lake County Watershed Protection District (administered by Lake County Water Resources Department), Lake County Groundwater Management Plan - March 31, 2006 - page 2-24 to 2-27. The project site is in the Burns Valley Groundwater Basin.</p> <p>Burns Valley Basin is in the Shoreline Inventory Unit. The Franciscan Formation borders the Burns Valley Basin on the north, Clear Lake borders the basin on the west, and the Cache Formation borders the basin on the south and east.</p> <p>The district monitors one well in the Burns Valley Basin. The monitoring well indicates that groundwater levels fluctuate from 2 feet below ground surface in the spring to 10 feet below ground surface in the fall. The data indicates that water levels rose in the Burns Valley Basin in 1981-1983. No information on groundwater movement is available. DWR estimates the useable storage capacity to be 1,400-acre feet (DWR 1960). Average-year agricultural groundwater demand in the Burns Valley basin is approximately 14 acre-feet per year.</p> <p>There are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately 50 percent of domestic wells are shallower than 75 feet deep, and approximately 50 percent of irrigation wells are shallower than 250 feet deep.</p> <p>Under the original project,, a Groundwater Hydrology Technical Memorandum (TM) by Northpoint Consulting Group was prepared for the site dated March 7, 2022, addressing groundwater hydrology for the project. Since the project was considerably downsized, with the cultivation activity omitted, water use and the associated impact on water use, has been significantly reduced. Addendum to this report was prepared to reflect modified project description as of September 2022. (refer to Attachment 4). Conclusions of this report indicate that hydrologic impacts from the project would be negligible as follows:</p> <ol style="list-style-type: none"> 1. The project no longer proposes cultivation or nursery activities; therefore, the proposed irrigation demand is reduced from an annual irrigation demand of approximately 194,000 gallons per year (gpy) to zero (0) gpy. 2. Due to the scaling back of the proposed project, the number of proposed employees is reduced from 35 to 7-8 employees; a count of 8 proposed employees is used herein. Water demand based on the number of employees is assumed to be equivalent to sanitary sewer generation for factories with shower facilities, which, according to the Lake County Rules and Regulations for On-Site Sewage Disposal, would be 35 gallons per day, per person. At 35 gallons per employee per day, the proposed project employee demand would be reduced from 1,225 gallons per day (gpd) to 280 gpd. Assuming the project would operate year-round, the annual demand would be reduced from 367,500 gpy to 102,200 gpy. 3. The total estimated water demand for the proposed project using the numbers provided herein would be reduced from 561,500 gpy (1.7 acre-feet per year) to 102,200 gpy (0.3 acre-feet per year). The daily demand would be reduced from 1,875 gpd (1.3 gpm) to 280 gpd (0.2 gpm). 4. The estimated annual recharge over the project's recharge area of 23.1 acres is 6.7 AF during an average year and 4.9 AF during a dry year.

IMPACT CATEGORIES*	1	2	3	4	5	6	<p align="center">All determinations need explanation. Reference to documentation, sources, notes and correspondence.</p>
							<p>5. The annual water demand of the proposed project is approximately 0.3 AF per year. The demand represents only approximately 4% and 6% of the annual recharge during an average and dry year, respectively. Recharge in the Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed. The area used to estimate the recharge for the proposed project is only 0.3% of the Burns Valley Watershed that drains to and recharges the Burns Valley Groundwater Basin. The area used to estimate the recharge did not include the project parcel, which would provide additional recharge. Thus, the recharge estimate is a conservative (low) estimate of the available recharge over the entire recharge area.</p> <p>6. The estimated storage capacity of the Burns Valley Groundwater Basin is 4,000 AF, with a usable storage capacity of 1,400 AF. According to DWR, groundwater in the Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area. The project's demand is only 0.02% of the usable storage capacity of the Burns Valley Groundwater Basin.</p> <p>7. Prior use of the project parcel was as a Dog and Cat Boarding facility, including grooming and training. Water demand for this type of facilities can vary by animal, up to 10 gallons per animal per day, and total for the facility of up to 1,000 gallons per day. The proposed demand is likely less than the prior use.</p> <p>8. Since project's well has sufficient yield to meet the project's demand (well capacity is 100 gpm; proposed demand is only 0.2 gpm); the project's demand is only 0.02% of the usable storage capacity of the Burns Valley Groundwater Basin; the proposed demand based on the scaled down project is less than what was used recently by the boarding and grooming business; and based on the findings of the prior Technical Memorandums on groundwater hydrology, the proposed project water use would have little to no cumulative impact on the surrounding area.</p> <p align="center">The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Less Than Significant Impact</p>
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:</p> <p>i) result in substantial erosion or siltation on-site or off-site.</p> <p>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</p> <p>iii) create or contribute runoff water which</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There will be modifications to the drainage pattern of Burns Valley Creek due to grading and introduction of parking improvements within the Burns Valley Creek. These proposed improvements within the Burns Valley Creek area could impact and alter the existing drainage pattern of the site or the area, including the alteration of the course of a stream. The applicant will implement Best Management Practices (BMPs) in accordance with all applicable federal, State and local agency requirements, including the City of Clearlake's Municipal Code which may include the placement of straw, mulch, seeding, straw wattles, and silt fencing and planting of native vegetation on all disturbed areas to prevent erosion. These measures shall be maintained for life of the project. Less Than Significant Impact with Mitigation Measures GEO-1 through GEO-3.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
<p>would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off.</p> <p>or</p> <p>iv) impede or redirect flood flows?</p>							
<p>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is not located in an area of potential inundation by seiche or tsunami. A portion of the parcel is located within flood zone AE of Burns Valley Creek. As indicated on the site plan, (Figure 1) access and parking improvements are proposed within the floodway. Clearlake Municipal Code section 17-5.1 outlines standards for construction within flood hazard zones. Compliance with this chapter will reduce impacts to less than significant.</p>
<p>e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project would not conflict with or obstruct any water quality or management plans. Additionally, to control runoff, the operation will incorporate appropriate Best Management Practices (BMPs) consistent with City code and State Storm Water Drainage Regulations to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. All grading measure shall adhere to all Federal, State and local agency requirements. Less than Significant.</p>
<p>SECTION XI. LAND USE AND PLANNING</p> <p><i>Would the project:</i></p>							
<p>a) Physically divide an established community?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The project is in the outskirts of the city limits, and in close proximity to the County of Lake’s Jurisdiction. The surrounding development includes but is not limited to commercial/industrial development and rural residential development. Therefore, the project will not physically divide an established community. Therefore, the project will not physically divide an established community. No Impact</p>
<p>b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is consistent with the site’s General Plan designation (Industrial) and zoning (“I” Industrial District); therefore, it would not require any amendments to the City’s General Plan. Consistent with this land use designation, the project site is zoned Industrial, with a Cannabis Combining Zone. Therefore, this area is targeted for commercial cannabis use and development. The project is, however, be subject to a Use Permit, approved by the Planning Commission in accordance with the City of Clearlake Municipal Code.</p> <p>Upon issuance of the Use Permit and with the incorporated mitigation measures and conditions of approval (<i>including obtaining and maintaining all necessary Federal, State and local agency permits</i>), the project will not conflict with any land use plan or policy intended for avoiding or mitigating an environmental effect(s). Additionally, the California Department of Food & Agriculture (CDFA) is responsible for licensing and regulating cannabis cultivation and enforcements as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including regulations related to the cultivation of cannabis. The applicant is required to obtain a license(s) from the CDFA prior to legal cultivation occurring, including all additional Federal, State and local agency permits/license. The project is required to be licensed with the State Department of Cannabis Control (DCC) for cultivation, distribution, manufacturing and other cannabis-related activities. Less Than Significant Impact.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XII. MINERAL RESOURCES							
<i>Would the project:</i>							
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The operation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The operations would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No Impact
SECTION XIII. NOISE & VIBRATIONS							
<i>Would the project:</i>							
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Short-term increases in ambient noise levels to uncomfortable levels may be expected during project development, and routine maintenance of the project parcels. There will be vehicles entering and exiting the project premises, however these noise levels are minimal as along Ogulin Canyon Road. The applicant shall adhere to all Federal, State and local agency requirements regarding noise standards. Therefore, to ensure impacts related to the Noise are minimized, the following mitigation measures have been implemented.</p> <p><u>Mitigation Measures:</u></p> <p>NOI-1: All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.</p> <p>NOI-2: Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties.</p> <p>NOI-3: During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regard to noise and vibration.</p>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is not expected to create unusual ground borne vibration due to site development or operation. The low-level truck traffic would create a minimal amount of ground borne vibration. No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project is not located within an airport land use plan or within two (2) miles of a public airport. No Impact
SECTION XIV. POPULATION AND HOUSING <i>Would the project:</i>							
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project would increase employment in the area that might induce some increased population growth, however, this growth would be negligible and not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will result in removal of two manufactured homes and a trailer. Existing residents on the project site will need to relocate. However, this relocation is considered to have a negligible impact on housing displacement in the City. No Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XV. PUBLIC SERVICES <i>Would the project:</i>							
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services? <ul style="list-style-type: none"> • Fire • Police Protection • Schools • Parks • Other 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, and/or need for new or physically altered government facilities. The project has been circulated for agency review, including but not limited to Lake County Fire Protection, City of Clearlake Police Department, Local School District and the City of Clearlake – Public Works Division. Conditions of Approval have been incorporated to ensure the project adhere to all applicable requirements of the above agencies. <ul style="list-style-type: none"> • <u>Fire Protection:</u> The project parcel has adequate fire protection through the Lake County Fire Protection District and CA Department of Forestry and Fire Protection. • <u>Police Protection:</u> The project site is served police protection through the City of Clearlake Police Department, including the Lake County Sheriff's Office. • <u>Schools:</u> The project will not result in substantial adverse impact(s) on the local school district. • <u>Parks:</u> The project will not result in substantial adverse impact(s) on the local parks. • <u>Other Public Facilities:</u> The project is will not result in substantial adverse impacts on other public facilities <p>Less Than Significant Impact</p>
SECTION XVI. RECREATION <i>Would the project:</i>							
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project will not increase the use of existing neighborhood and regional parks and/or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project has been reviewed the City of Clearlake Public Works Department, Lake County Fire Protection District and the City of Clearlake Police Department and no adverse comments were received. No Impact.
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This project does not include recreational facilities and/or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The project has been reviewed the City of Clearlake Public Works Department, Lake County Fire Protection District and the City of Clearlake Police Department and no adverse comments were received. No Impact.

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XVII. TRANSPORTATION <i>Would the project:</i>							
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject property is located on the south side of Ogulin Canyon Road approximately 2,000 feet east of its intersection with State Route 53. Access to the project site would be by a private driveway off of Ogulin Canyon Road. Ogulin Canyon Road is considered a local street and State Route 53 is considered an expressway in the City’s General Plan. The project will not conflict with any program or policy addressing the City’s circulation system. A traffic study conducted by W-Trans, dated September 21, 2021 (Attachment F) indicates that the daily volume for Ogulin Canyon Road is 220 vehicle trips to the west of the mini storage facility and 60 vehicle trips to the east. Roadways with volumes of 400 vehicles per day or less are considered “Very Low Volume Roadways” under criteria published by the American Association of State Highway and Transportation Officials (AASHTO). The traffic study also indicates that although there are no pedestrian, transit, or bicycle facilities in the vicinity of the project sites, the existing condition is acceptable given that the project sites are located in an automobile-oriented rural area without any expected demand for walking or transit and limited demand for bicycling.</p> <p>Pursuant to Ordinance Number 247-2020, the City of Clearlake added Article 3-8 to chapter III of the Municipal Code allowing the collection of traffic impacts fees. The development impact fee revenue will be collected and used to cover the cost of capital facilities and infrastructure required to serve new development and growth in the city. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure. A Condition of Approval will be incorporated detailing the amount due per 1,000 square feet. Less Than Significant Impact</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The traffic study indicates that this project would result in an increase in traffic. The Study bases traffic impact assumptions on the number of employees during operation. In this case the project would operate at maximum capacity of seven employees with an increase of approximately 25 daily vehicle trips with a peak hour increase of about 4 trips. This study also references three other cannabis projects in this industrial area cumulatively increasing daily trips to 259, with a peak hour of 44. The study evaluated traffic impacts at the intersection of SR 53/Ogulin Canyon Road and indicates that cumulatively, these projects would not result in a significant adverse impact on this intersection and this intersection would continue operating acceptably with trips from each individual project added to existing volumes and all four projects would have an acceptable effect on operation of the surrounding roadway network. The study further indicates that the daily volume for Ogulin Canyon Road is 220 vehicle trips to the west of the mini storage facility and 60 vehicle trips to the east. Roadways with volumes of 400 vehicles per day or less are considered “Very Low Volume Roadways” under criteria published by the American Association of State Highway and Transportation Officials (AASHTO). Collectively, the four projects are anticipated to result in 122 daily trips during typical operation and 259 trips during harvest conditions. Assuming that harvest conditions will account for three months out of the year, the projects would result in an annual ADT volume of 156 daily trips so even with the addition of new project trips the entire section of Ogulin Canyon Road would still have a daily volume below 400 vehicle trips per day and the designation as a “very low volume” roadway would be retained. The City’s 2040 General Plan (adopted in 2017) references this area as the Ogulin Canyon Industrial Center as one of several community growth areas. As such, traffic impacts from anticipated growth, including the Ogulin Canyon Industrial Center, has been reviewed for cumulative impacts. The proposed project has similar characteristics as those anticipated in the General Plan.</p> <p>Regarding CEQA Section 15064.3, Vehicles Miles Traveled (VMT), the traffic study indicates that the project, combined with the other three cannabis projects, would have a less than significant impacts on VMT under small project screening threshold based on OPR guidance. Less Than Significant Impact</p>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The traffic study indicates that no collisions recorded at the intersection of SR 53/Ogulin Canyon Road or on Ogulin Canyon Road during the most recent five-year study period. The study concludes that there are no readily apparent safety issues in the Ogulin Canyon Industrial Center. The project is expected to increase vehicle travel on Ogulin Canyon Road and increase the use of the access driveway from the project site to the Street. However, the driveway intersection has clear sight visibility. So, this increase travel is not expected to result in any significant increased hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Refer Response in Section XVII(a). Less Than Significant Impact.</p>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As proposed, the project is not expected to result in any impact to providing adequate emergency access. However, during times that Burns Valley Creek is heavily inundated, access and emergency access to the site operations will be constrained. The project plans were circulated for review to City of Clearlake Police Department, Lake County Fire Protection District, California Department of Transportation, Lake County Fire Protection Districts, CA Department of Transportation (Caltrans) and the City of Clearlake Community Development Department (Public Works, Building and Planning. No adverse comments were received. The applicant will obtain all the necessary Federal, State, and local agency permits for any works that occurs with the right-of-way and will be subject to the City’s traffic impact fee program. Participation in this program will mitigate any cumulative impacts on the City’s transportation system. Less than Significant impact.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XVIII. TRIBAL CULTURAL RESOURCES							
<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>							
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Response to Section V(a): Less than Significant Impact with the incorporated mitigation measure CUL-1 through CUL-3.
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Response to Section V(a): Less than Significant Impact with the incorporated mitigation measure CUL-1 through CUL-3.
SECTION XIX. UTILITIES AND SERVICE SYSTEMS							
<i>Would the project:</i>							
a) Require the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, or natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not impact existing and/or proposed utility/service infrastructure systems, including but not limited to water/wastewater treatment systems, storm water drainage systems, electric power, natural gas, or telecommunications facilities. The project parcels will be served on an onsite waste management system (septic) and onsite well(s) and have power through PG&E. The applicant will adhere to all necessary federal, state and local agency requirements including requirements of the Environmental Health Division of the County Health Services Department as outlined in the September 9, 2021 letter from Environmental Health (Attachment A-G). Less Than Significant Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See response to section X-b). According to the Water Availability Report dated October 2021, the water for both proposed domestic and irrigation uses will be delivered from a new water well drilled in late September/early October, 2021. This system will use ground water pumped from the well directly into a new 50,000-gallon elevated water tanks for distribution to the building(s) plumbing system and to the greenhouses for irrigation. The well is approximately 300 feet deep and has a capacity of 100+ gallons per minute (see Water Availability report). Less Than Significant Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project site is situated in a rural rea of the County within the City Limits of Clearlake and requires an on-site Waste Management System (Septic). The applicant shall adhere to all Federal, State, and local regulations regarding wastewater treatment and water usage requirements. No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Local Lake County landfill(s) has sufficient capacity to accommodate the project's solid waste disposal needs. The operation has been developed to help minimize the generation of waste and for the proper disposal of waste produced during the cultivation and processing of cannabis at the project site. The goal is to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of cannabis vegetative waste properly, and manage growing medium and dispose of growing medium properly. All employees are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of the operations manager(s). Less Than Significant Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project parcels will be served by an onsite waste management system and onsite well(s). All septic systems and/or wells shall be installed and adhere to all applicable Federal, State, and local agency requirements. All vegetative waste will be composted onsite, including all soil from any ground disturbance (if necessary). All other waste will be handled in accordance with all Federal, State, and local agency requirements and brought to a proper facility that is able to process such waste. Less Than Significant Impact

SECTION XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is located within the State Responsibility Area (SRA) and is in a 'Moderate to High' Fire Hazard Severity Zone. The site has an average cross slope is less than 20% and has a moderate fuel load but the cultivation area will be clear of vegetation, including being routinely maintained. The SRA regulations (if applicable) will ensure adequate fire access to and on the property. SRA regulations will also ensure that measures are in place to help prevent fire and the spread of fire should one occur. The property shall maintain fire breaks around all structures, shall adhere to all necessary Federal, State, and local agency requirements. Less Than Significant Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project will not exacerbate wildfire risks and/or expose persons to pollutant concentrations in the event of a wildfire in the area. Additionally, the applicant will adhere to all Federal, State, and local fire requirements/regulations, including all mitigation measure and/or conditions of approval imposed on such use. Less than Significant Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All infrastructure will be routinely maintained to ensure all Federal, State, and local agency requirements are being satisfied, including all necessary City Codes and/or regulations. Additionally, prior to operation the applicant(s) will make all necessary improvements to the project site, such as access/roadways, fuel breaks, and emergency water source/water tanks. Less than Significant Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project area to be developed is not located within the vicinity of known waterways nor is it located within a designated flood zone. Therefore, the risk of flooding/runoff, landslides, slope instability, or drainage changes would not be increased due to this project. Less Than Significant Impact

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
SECTION XXI. MANDATORY FINDINGS OF SIGNIFICANCE							
<p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This project is not anticipated to significantly impact habitat of fish and/or wildlife species or cultural/tribal resources with the incorporated mitigation measures described above. Therefore, there is minimal risk of degradation, and mitigation measures are proposed that would alleviate most or all of the project-related impacts. With incorporation of Mitigation Measures, the project is not anticipated to significantly impact habitat of fish and/or wildlife species or cultural resources, nor will the project contribute to factors that would harm the environment or add to any wildfire risk.</p>
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All potentially significant impacts have been identified related to, Aesthetics, Air Quality, Biological Resources; Cultural/Tribal Resources; Geology & Soil; Noise & Vibration; and Hazards & Hazardous Materials. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects in the vicinity could cumulatively contribute to significant effects on the environment if proper mitigation measures are not put in place. It is also noted that the City’s 2040 General Plan Environmental Impact Report identifies the project site as within a major growth area; the Ogulin Canyon Industrial Center.</p> <p>Additionally, when assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”</p> <p>The cumulative environmental impacts from development within this growth center have been previously addressed in the City’s 2040 General Plan Environmental Impact Report. In addition, the implementation of and compliance with all mitigation measures identified in each section as project conditions of approval would avoid and/or reduce all potential impacts to less than significant levels and would not result in cumulatively considerable environmental impacts.</p>

IMPACT CATEGORIES*	1	2	3	4	5	6	All determinations need explanation. Reference to documentation, sources, notes and correspondence.
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project has potential to result in adverse indirect or direct effects on human beings. In particular, risks associated with, Aesthetics, Air Quality, Biological Resources; Cultural/Tribal Resources; Geology & Soil; Noise & Vibration; Hazards & Hazardous Materials and have the potential to impact human beings.</p> <p>Additionally, when assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p> <p>The cumulative environmental impacts from development within this growth center have been previously addressed in the EIR. In addition, the implementation of and compliance with all mitigation measures identified in each section as project conditions of approval would avoid and/or reduce all potential impacts to less than significant levels and would not result in cumulatively considerable environmental impacts.</p>

INITIAL STUDY SUMMARY: Based on the review of the proposed project site and surrounding area, appropriate mitigation measures were identified to mitigate potentially significant impacts to a level below adversity for Aesthetics, Air Quality, Cultural Resources/Tribal Resources, Hazards & Hazardous Materials, Hydrology/ Water Quality, and Traffic Circulation. Assuming implementation of the identified measures and standard conditions of project approval of the City of Clearlake and other pertinent agencies, no adverse impacts are anticipated.

Add Attachments Here:

- Attachment A – Application Packet/Operational Plan
- Attachment B – Proposed Grading and Site Plans
- Attachment C – Biological Assessment/Report
- Attachment D – Water Availability Report
- Attachment E - Traffic Impact Report
- Attachment F – Technical Memorandum – Ground Water Hydrology
- Attachment G Mitigation Monitoring Program
- Attachment H Mitigation Monitoring Program

**Attachment H
Mitigation Monitoring Program**



City of Clearlake – Mitigation Monitoring Checklist

**Project Name: 2160 Ogulin Canyon Road File Numbers: Use Permit UP 2022-07 thru 2022-07
Approval Date: May 31, 2022 EIR or Neg. etc.: Mitigated Negative Declaration**

The mitigation measures outlined below were incorporated into the approval for this project in order to reduce potentially significant environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented and fulfills the City's monitoring pursuant to Section 15097 of the CEQA Guidelines.

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
1.	Air Quality	Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District.		
2.	Air Quality	Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. Driveway approaches shall be constructed of concrete and built to minimum City of Clearlake standards.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
3.	Air Quality	The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.		
4.	Air Quality	During construction activities, the applicant shall remove daily accumulation of mud and dirt from Dam Road Extension.		
5.	Air Quality	The applicant shall secure a grading permit from the Community Development Department, Building Division and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded.		
6.	Air Quality	All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
7.	Cultural and Tribal	<p>During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City's approved list of consultants to identify and investigate any subsurface historic remains, and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.</p>		

8.	Cultural and Tribal	<p>The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional</p>		
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Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
		<p>Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.</p>		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
9.	Cultural and Tribal	<p>If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.</p>		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
10.	Geological	Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to the City for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.		
11.	Geological	Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the City in accordance with the City of Clearlake Municipal code(s). Plans for grading shall include disclosure of location and method of treatment/storage of exported materials.		
12.	Geological	The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
13.	Hazards	If the project involves storage of hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System. This plan shall be renewed and updated annually or if quantities increase.		
14.	Hazards	If the amount of hazardous materials is less than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, the applicant will need to complete and submit a Hazardous Materials/ Waste Declaration stating the name of the material and the quantity to be stored on site.		
15.	Hazards	Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site.		
16.	Hazards	Industrial Waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
17.	Hazards	Hazardous Waste must be handled according to all Hazardous Waste Control Laws. Any generation of a hazardous waste must be reported to Lake County Environmental Health within thirty days.		
15.	Hydrology	The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan.		
16.	Hydrology	The project is subject to compliance with Lake County's Low Impact Development requirements (Lake County Clean Water Program).		
17.	Noise	All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.		
18.	Noise	Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties.		

Mitigation Measure	Type	Monitoring Shown on Department Plans	Verified Implementation	Remarks
19.	Noise	During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regard to noise and vibration.		

Explanation of Headings

- Type = Project (mitigation for this specific project), ongoing, and/or cumulative.
- Monitoring Department = Department or agency responsible for monitoring a particular mitigation measure.
- Shown on Plans = When a mitigation measure is shown on the construction plans, this column must be initialed and dated.
- Verified Implementation = When mitigation measure has been implemented, this column must be initialed and dated.
- Remarks = Area for describing status of ongoing mitigation measure, or other information.



City of Clearlake

4050 Olympic Dr. Clearlake, CA 95422 707-994-8201 www.clearlake.ca.us

CANNABIS BUSINESS APPLICATION
For Use Permit and Regulatory Permit
 (Please print clearly and fill in/provide all that apply)
 Type of Commercial Cannabis Use:
 Commercial Cannabis Cultivation
 Cannabis Manufacture
 Cannabis Distributor
 Cannabis Testing Laboratory
 Cannabis Nursery
 Cannabis Processor
Retail Delivery

REQUIRED FOR A COMPLETE APPLICATION

- ! Completed and signed Application Forms
- ! Additional Documentation
- ! Initial Application Fee Paid: (\$100)

Applicants Full Name: Ogulin Hills Holdings, LLC c/o Brian Pensack
Applicants Mailing Address: 637 Lindaro Street
 Suite 201
 San Rafael, CA 94901
Applicants Phone Number: 415-317-2345
Applicants Email: Brian@VanguardMarin.com
Applicants Physical Home Address: 405 Clearview Place - Petaluma, California 94952
Applicants Tax ID Number:
Management/Community Relations Contacts: Brian Pensack, Garrett Burdick, Kim Gardner, Richard Knoll Consulting
Applicants Height: 5'11",
Applicants Weight: 165 pounds,
Applicants Hair Color: black,
Applicants Eye color: Blue.
Address of Proposed Business: 2160 Ogulin Canyon Road, Clearlake, CA
Square Footage of the Proposed Buildings: New industrial style buildings totaling 38,600 ft.²

- o one (1) processing/storage and distribution building
- o one (1) retail, delivery and office building
- o 5 (five) 75' x 25' greenhouses

Describe the Site Plan and Floor Plan: The proposed project includes development of industrial style structures for cannabis related facilities including a 33,600 ft.² of cannabis processing, manufacturing, and distribution building and one (1) 5,000 ft.² office building that will also serve as the administrative center and the cannabis delivery and storage space. The property is on the south side of Ogulin Canyon Road and will be accessed by a new

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CITY OF CLEARLAKE

driveway cut into the 46-car parking lot. The new processing/storage and distribution facilities and retail delivery and office area will be situated about 150 south.

Preliminary floor plans indicate that the manufacturing and processing building will include: intake area; processing and manufacturing areas; packaging areas; restrooms and offices; employee break room; shipping and receiving area, numerous storage areas, intake and distribution areas , and related activities. Rollup doors will provide entry into secure parking areas for loading and unloading.

Number of Managers/Supervisors: 4 +/-

Number of Employees: Up to 35

Names and Addresses of Anyone Who Will act as an Owner, Manager, or Supervisor of the Facility: Brian Pensack, Garrett Burdick (see address information above).

Describe Proposed Business and Operations: See business plan and Project Description. The proposed business will include a cannabis drying and cold storage operation for both on-site and off-site cannabis cultivation product. Also included in the business and operations plan will be a processing, manufacturing, and distribution component which will include various activities related to extraction of cannabis essential oils, processing and storage of cannabis extracts and plant materials including packaging of cannabis for sale, extraction and storage of cannabis oils, packaging and labeling of cannabis products, storage and distribution of cannabis products, and related activities

Anticipated Gross Annual Revenues: To be determined

Documents to Submit

Please provide additional information as required in section 18 – 12.050, 18 – 12.060, and section 5 – 25 including but not limited to the following:

1. Two passport quality, current photographs of the applicant. X
2. Passport, or valid California driver’s license (not to include an AB 60 federally restricted license). X
3. Sign off by the Lake County Fire Protection District permitting the use. _____
4. The applicant must complete a criminal history check for the state of California and FBI which is approved by the chief of police or his designee. X

- 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area drawn to scale. X
- 6. A site plan drawing depicting the facility and all properties within 600 feet. X
- 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels. X
- 8. A detailed security plan. X
- 9. An odor control plan. X
- 10. A detailed business plan. X
- 11. Previous addresses for the past five years. X
- 12. Property ownership and lease details. X

Agreement

Applicant signature (attach notarized documents)

I hereby certify that I will abide by the city of Clearlake’s commercial cannabis ordinance number 200 – 2017 and this agreement and that the information provided in this application is, to my knowledge, true and correct. I hereby authorize city staff, including the police department, authority to conduct a criminal background check pursuant to California Penal Code section 11105 subsection be subsection 11 and 13300 subsection be subsection 11 which authorizes city authorities to access state and local summary criminal information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the FBI every person listed as an owner manager or supervisor of the marijuana business must submit fingerprints and other information deemed necessary by the city manager or his designee for a background check by the Clearlake Police Department. I understand that any material misrepresentation may result in either denial or revocation of the dispensary permit.

Applicant Signature: 

Date: April 7, 2021

For Office Use Only

Approved by _____ Date _____

Credit Card

Debit Card

Money order

Cash

Check Number X

Ogulin Hills Holdings, LLC
637 Lindaro Street - Suite 201
San Rafael, CA 94901
415-317-2345

April 7, 2021

Mr. Mark Roberts - Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Re: 2160 Ogulin Canyon Road - Cannabis Business Use Permit Application and Development Agreement

Dear Mr. Roberts:

Enclosed are the Cannabis Business Use Permit application forms, documents, plans, project description, safety and security plans, and related documentation for the proposed cannabis processing, manufacturing, distribution, and indoor cultivation project planned for the 9.56-acre property located at 2160 Ogulin Canyon Road in Clearlake (APN 010-044-21).

Ogulin Hills Holdings, LLC is proposing the project involving construction of cannabis related facilities including one (1) 33,600 ft.² building for a proposed manufacturing, processing, distribution center; one (1) 5,000 ft.² building for an office, and several cultivation greenhouses. The processing, manufacturing, and retail delivery/office buildings are proposed metal structures and the proposed greenhouses will comply with City architectural design standards.

Included with this application package is:

- City of Clearlake Use Permit Application Form and \$2,000 fee deposit.
- Project Description and Findings
- Project Site Plan, Lighting Plan, Security Plan, Preliminary Grading Plan
- Project Floor Plans
- Project Building Elevations
- Employee Health and Safety Plans
- Business Plan

The Biological Report and the Cultural Resources Report are currently being developed by consultants and will be provided to the City when they have been completed.

We believe that this package of application documents and materials is sufficient for the City to initiate the project review phase. Please advise us if there is a need for additional documentation or clarification.

We look forward to working with the City Staff, the Planning Commission, and the City Council in moving this project forward.

Thank you.

Brian Pensack

Brian Pensack – Principle
Ogulin Hills Holdings, LLC

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Project Description and Information
Cannabis Processing and Cultivation Facilities
2160 Ogulin Canyon Road – APN 010-044-21
Clearlake, California
Updated – March 2022

Project Information

The subject property is a 9.56-acre parcel located at 2160 Ogulin Canyon Road in Clearlake and further described as APN 010-044-21. The property is also described as - Parcel B as shown on a map filed in the Office of the County Recorder of Lake County on July 17, 1987, in Book 29 of Parcel Maps at pages 30 and 31.

The proposed project includes development of industrial style structures to be used for cannabis related facilities including a 33,600 ft.² single story building and a 5,000 ft.² office building that will also serve as the administrative center/cannabis delivery and storage space. Five - 75' x 25' greenhouses for indoor cannabis cultivation will be developed.

Specific project uses are to include:

1. Cannabis cultivation
2. Cannabis manufacturing
3. Cannabis distribution
4. Cannabis nursery
5. Cannabis processing
6. Cannabis Retail - Delivery Only

The proposed cannabis business at 2160 Ogulin Canyon Road will include a cannabis drying and cold storage operation for both on-site and off-site cannabis cultivation product. Also included in the business and operations plan will be a processing, manufacturing, and distribution component which will include various activities related to extraction of cannabis essential oils, processing and storage of cannabis extracts and plant materials including packaging of cannabis for sale, extraction, and storage of cannabis oils, packaging and labeling of cannabis products, storage and distribution of cannabis products, and related activities.

Attached are documents which provide additional operational and technical details regarding:

- A. Manufacturing Activities
- B. Odor Control
- C. Energy
- D. Groundwater Hydrology

The project operational days/hours during the harvest season will be - Monday through Saturday from 6 am to 8 pm and during non-harvest seasons - Monday through Saturday from 7 am to 6 pm.

The amount of paved surface area will include 22,660 square feet of parking lot.

Vegetation removal will be minimal and existing dilapidated, and fire damaged facilities will be demolished.

The estimated number of vehicle trips during peak harvest is 107 ADT.

Design information regarding the greenhouse, processing, and office structures is included in the building floor plans and elevation plans submitted to the City - 3-3-21.

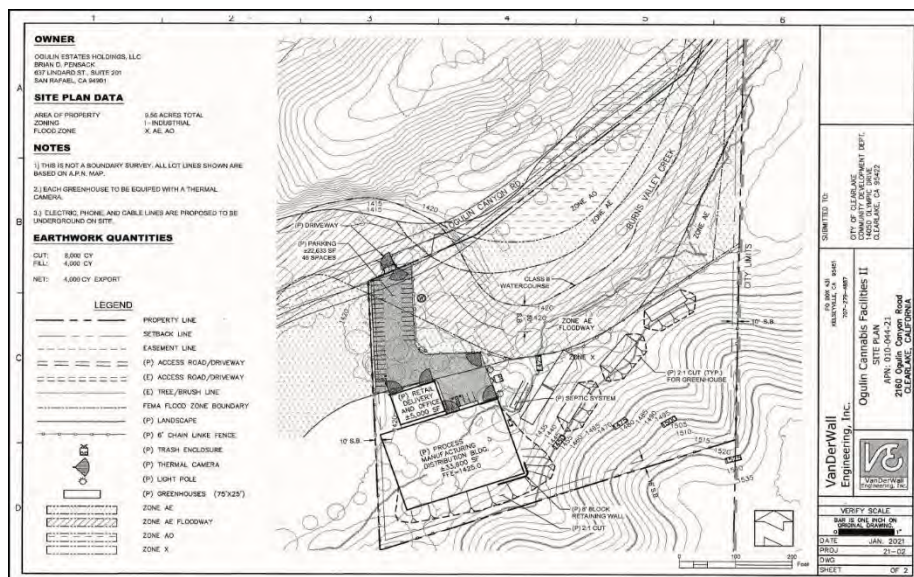
The property is located on the south side of Ogulin Canyon Road and will be accessed by a new driveway that will lead into the 46-car parking lot. The 22,600 square foot parking lot design will feature a center aisle and parking spaces developed at 90-degree angles. ADA accessible parking will be developed near the office. Security fencing and numerous digital security cameras will be placed around the perimeter and at strategic locations in the parking lot.

The new processing/storage and distribution building and retail delivery and office area will be situated about 150' south of the road, in the southeastern quarter of the parcel. Some grading, including both cut and fill, will be necessary to facilitate construction, with preliminary earthwork locations and quantities noted on the site plan.

The proposed greenhouses will be located east of the new structure and south of the creek. Access to the cultivation areas will be by a single lane driveway within the fenced area.

Preliminary floor plans indicate that the manufacturing and processing building will include: intake area; processing and manufacturing areas; packaging areas; restrooms and offices; employee break room; shipping and receiving area; numerous storage areas; intake and distribution areas; and related activities. Rollup doors will provide entry into secure parking areas for loading and unloading.

The project buildings are to be engineered metal structures and the proposed greenhouses will comply with City architectural design standards.



The subject property is currently developed with a couple of manufactured homes and several former animal shelter kennels, a garage and storage building, pieces of equipment, and related improvements/facilities. Some of the existing site improvements will be removed as they are in poor condition or fire damaged.

Access to the site is from an existing driveway located along the western property line on the south side of Ogulin Canyon Road about a ½ mile east of Hwy 53. The driveway extends into the property and loops around to provide access to the houses, and the remainder of the existing site improvements. This existing driveway is in moderate condition.

Burns Valley Creek, a seasonal creek extends through the north easterly quadrant of the parcel and flows through an open channel from east to north west where it runs through existing culverts under Ogulin Canyon Road. There is a flood zone designation associated with the Creek, as noted on the site plan.

The surrounding land is used mainly for light industrial activities, watershed and wildlife habitat, cannabis farming, and homesite development. The Project Area is located in Ogulin Canyon on the far east side of Burns Valley and is surrounded by the Ogulin Canyon Road to the north, Burns Valley to the south, Blackeye Canyon to the east, and storage facilities to the west.

The biology and vegetation of the site is described in a biological report prepared in 2021.

The Soil Survey Geographic Database (SSURGO) maintained by the United States Department of Agriculture (USDA) and National Resource Conservation Service (NRCS) indicates that the project site is underlain primarily by soils of the Manzanita Series. Manzanita Series soils consist of very deep, well drained loam formed in alluvium from mixed rock sources. They occur on terraces with slopes of 2 to 25 percent. Manzanita Series soils are used for a wide variety of purposes, mostly agricultural, including walnut orchards, wine grape vineyards, hay, and livestock grazing, but also homesite developments (USDA-NRCS 2003).

The Clearlake area climate is characterized by warm, dry summers and cool, moist winters. Mean annual precipitation is up to 50 inches. The wet season extends from October through May. Winter precipitation in this region falls as rain under 3,300 feet with snowfall at 4 inches. Average winter temperature is 40 degrees Fahrenheit, and summer temperature highs average 86 degrees Fahrenheit (NCEI 2019).

The subject parcel is within the Clearlake City Limits on the south side of Ogulin Canyon Road. The property is zoned I – Industrial District. Section 18-2.17 of the City of Clearlake Zoning Ordinance provides detailed zoning requirements and standards.

The City of Clearlake Zoning Ordinance has specific standards regarding minimum parking requirements, street improvements, parking design standards, driveway approach standards, landscaping development standards, environmental review procedures, storm drainage provisions, and a number of other sections

dealing with trash receptacles slopes and soils, outdoor lighting, addressing, protected trees, tree protection regulations, and other requirements, all of which will be adhered to.

The subject property is also zoned CB – Commercial Cannabis Combining Zoning District. Section 18-12 of the Clearlake Municipal Code provides standards and criteria addressing commercial cannabis permits and requires among other things issuance of permits for cultivation, processing, extraction, manufacturing, testing, and distribution activities with an approved use permit and regulatory permit within areas of the City that are zoned Cannabis Business District.

Information regarding project security and operational characteristics are set forth in attached documents.

The City requires use permit approval for the proposed development and operation of commercial cannabis businesses and also requires operators to enter into a Development Agreement.

Until 2020 the City of Clearlake limited the number of commercial cannabis licenses that could be approved/obtained. The City Council recently made a decision to eliminate the cap on commercial cannabis permits and revised its zoning regulations to allow the issuance of cannabis permits pursuant to zoning and development agreement approvals.

Clearlake Zoning Ordinance Section 18-1.4.445 - Use Permits.

a. Purpose. These provisions establish the procedures for accommodating uses with special site or design requirements, operating characteristics, or which may have the potential to cause adverse effects on surrounding properties. The procedures in this section shall apply to all proposals for which a conditional use permit is required.

b. Criteria for Granting. A use permit shall be approved or approved with conditions by the Planning Commission, if, based upon information provided by the applicant, all of the following findings are made:

1. That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Applicants Response and Findings:

- **The development at the 2160 Ogulin Canyon Road site is proposed at a size and intensity that is considered reasonable for a 9.56-acre parcel. The site plan details a proposed layout size that fits the site and provides the required improvements consistent with the City Zoning Ordinance.**
- **The City of Clearlake has recently updated its Zoning Ordinance with respect to the permit requirements and locations for cannabis businesses and as such has confirmed and verified public policy in support of cannabis processing, manufacturing, distribution, and indoor cultivation at this location.**

- **In keeping with this adopted public policy, the proposed project will provide a development that is necessary, desirable, and compatible with the community wide sentiments.**
- **The proposed project will provide a development that is compatible with the neighborhood, as there are existing cannabis operations and/or businesses in the near vicinity, including at the La Rosa Plaza site just to the west, and several existing and proposed cannabis cultivation projects to the east and north. The proposed project is actually in response to the need for cannabis processing and storage facilities in a well-planned and secure location, which in and of itself, creates a compatible land use situation.**

2. That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

Applicants Response and Findings:

- **The proposed uses at the 2160 Ogulin Canyon Road Site will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity. The proposed site improvements have been well planned to minimize detrimental impacts and conflicts with people residing and working in the area, property and improvements in the neighborhood or the general welfare of the City.**
- **The project will be built to California Building Code standards and will provide for a high level of security and safety consistent with the City regulations.**
- **The site improvements will be situated in the west center of the parcel and will comply with property line setbacks from adjoining properties and structures in order to minimize perceived detrimental health, safety, morals, comfort, and general welfare impacts to people in the neighborhood and the region.**
- **The cannabis cultivation laws of the State of California and the City of Clearlake have been approved by the voters/elected officials and thus reflects the current attitudes of residents. The intent with regard to development of the cannabis project is to be sensitive to the comfort and general welfare of the Ogulin Canyon Road area by installing and operating state-of-the-art cannabis facilities and equipment in order to minimize detrimental impacts.**
- **The subject property is an existing developed area that has seen better days. The proposed project involves a moderately sized building footprint which is proportionate in size and scale with other land use activities on other properties in the vicinity.**

- The nature of the proposed site, including the 9.56-acre size and its wide shape are conducive with the proposed size, shape, and arrangement of structures. The proposed site improvements are designed in areas that are level to moderately sloped and situated in the generalized west center of the site.
- The accessibility of the property is good, a new entry and driveway approach will be developed on Ogulin Canyon Road.
- Traffic patterns for persons and vehicles that will be using the site are good. The type and volume of traffic on Ogulin Canyon Road is relatively low when compared to other streets and roads in Clearlake. The pattern of land development to the east, north and south is rural in nature and as such the areas generate a small amount of traffic that passes by the 2160 Ogulin Canyon Road site.
- The proposed off-street parking and loading areas have been incorporated into the project design with 46 standard spaces shown in front of the proposed building. According to the site plan there will be a 22,600 square foot parking and loading area in the west center of the site.
- Although, not specifically called out on the site plan, there are many options for implementing safeguards to prevent noxious or offensive emissions such as noise, glare, dust and odor. The placement of the processing building in the west center of the site, with adequate setback distances from property lines and nearby structures is a key safeguard for reducing noise, odor, dust, and lighting concerns. There are many other conditions or mitigation measures that can be implemented including: the use of shielded and downlit lighting; A.C. Paving of the parking lot and driveways; installation of building mounted air filtration exhaust systems; and installation of landscaping or fencing to minimize noise. The project Odor Control Plan provides details regarding air filtration and odor complaint protocol.
- The project will provide landscaping as mandated by the City of Clearlake. Screening of site improvements or facilities such as the trash enclosures will be done to City standard.
- There will be open space preservation particularly around the east and northeast sides of the site and the preservation of as many trees as possible will help minimize visibility of the improvements,
- Proposed parking, loading, and service areas are depicted on the site plan and are adequate to serve the intended uses. Proposed lighting and signage will be commensurate with other industrial projects in the City of Clearlake.

3. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the Clearlake General Plan. (Ord. #2010-146, S2).

Applicants Response and Findings:

- The proposed uses at the 2160 Ogulin Canyon Road seem to be consistent with the applicable provisions of the City of Clearlake Zoning Ordinance and will be consistent with the policies and standards of the Clearlake General Plan.
- East of Hwy 53, the initial portion of Ogulin Canyon Road (1/2 mile) is within the City of Clearlake. The City of Clearlake General Plan Circulation Element Figure 4.1. Circulation Map

identifies Ogulin Canyon Road as a basic street. The Clearlake General Plan Circulation Element contains a number of Goals and Policies regarding the City street system, however, there does not appear to be any policy applying specifically to Ogulin Canyon Road.

- **The Ogulin Canyon Road surface is in moderate condition, it is paved for about 2/3 miles east of Hwy 53 and transitions to gravel beyond the City limits.**

Conclusion:

This Project Description provides support for approval of the Use Permit application to allow various cannabis processing, distribution, retail delivery, cultivation, and manufacturing activities at 2160 Ogulin Canyon Road.

The 2160 Ogulin Canyon Road development concept is fairly straight forward and provides a well-planned and designed site that will encourage good site circulation, efficient operations, and economic performance.

The City of Clearlake is supportive of cannabis related land-use projects that conform to City regulations.

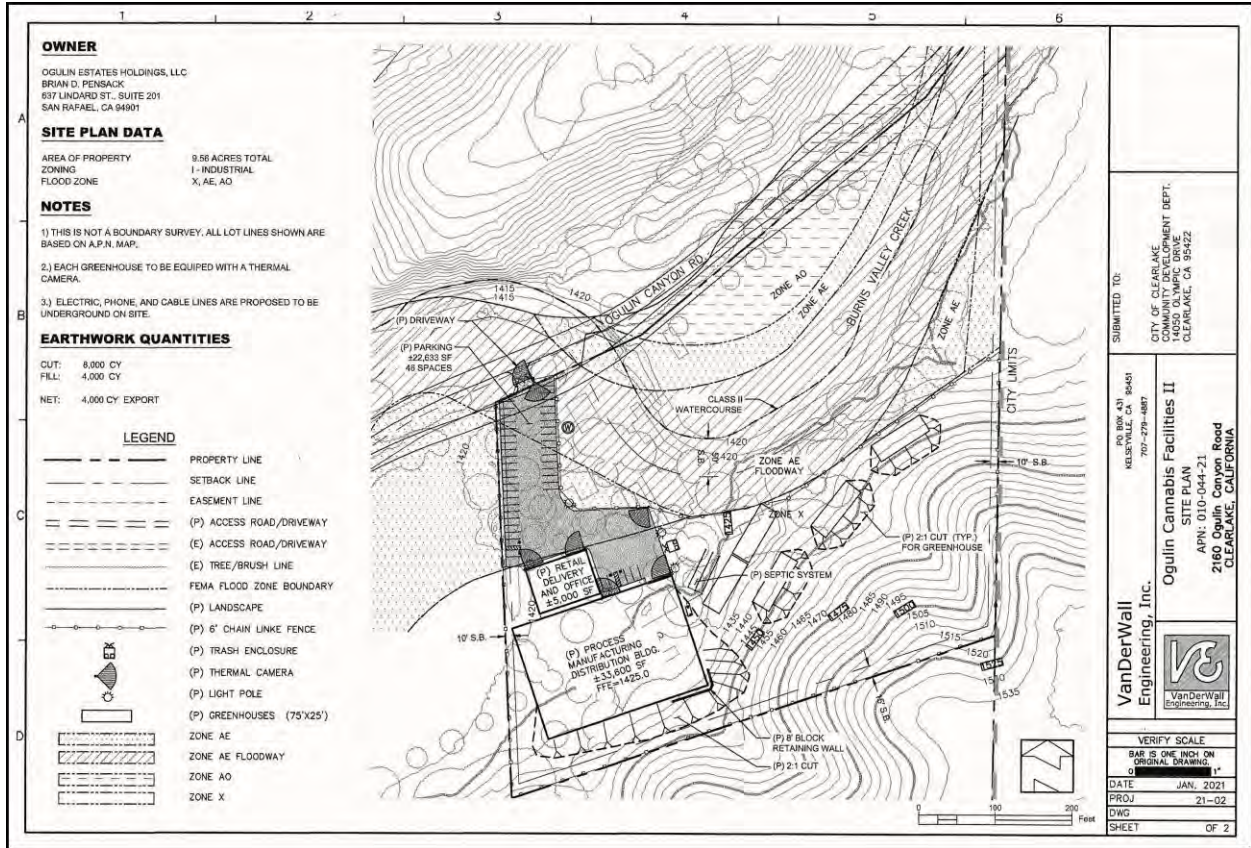
This application sets forth a project that complies with City standards, has the potential to enhance job opportunities, and generate economic development benefits.

Approval of this project will provide for numerous public benefits, enhance the Ogulin Canyon Road area, provide for the cleanup and redevelopment of the subject property, and comply with the City Zoning standards.

It is respectfully requested that the City of Clearlake Planning Commission and City Council approve the Use Permit application and the associated Development Agreement.

2160 Ogulin Canyon Road – Description of Cannabis Manufacturing Activities

Cannabis manufacturing facilities will be constructed within the Processing-Manufacturing-Distribution Building and will incorporate security measures including personnel screening and the installation of secure entries and video cameras that will be strategically placed in various locations. The facilities will also be surrounded by security fencing.



The cannabis manufacturing operation will involve cannabis extraction and/or infusion processes.

California Law provides for the licensing of both volatile and nonvolatile cannabis manufacturing facilities.

Nonvolatile manufacturing involves a solvent used in the extraction process that is not a volatile solvent, including carbon dioxide. Volatile manufacturing involves any solvent that is or produces a gas or vapor that, when present in the air in sufficient quantities, could create explosive or ignitable mixtures. The State’s examples of volatile solvents include butane, hexane, propane, and ethanol.

Cannabis manufacturing may also include mechanical extraction using screens or presses; chemical extraction using a nonvolatile solvent such as a nonhydrocarbon-based or other solvent such as water, vegetable glycerin, vegetable oils, animal fats, or food-grade glycerin; chemical extraction using a professional closed loop CO2 gas extraction system; chemical extraction using a volatile solvent; and any other method authorized by the State.

Because the proposed manufacturing processes may include both volatile and nonvolatile solvents, a State of California Type 7 cannabis manufacturing license will be required, as this license allows the use of use both nonvolatile and volatile solvents to produce extractions and infusions.

Chemical extractions must take place within a professional, closed-loop system, and must comply with local building and fire codes and State law. California law establish sound manufacturing practices, assures cannabis product safety, and sets chemical extraction requirements. Cannabis manufacturers must meet local fire code, follow all local requirements for a certified closed loop system and utilize solvents that are 99% pure.

Nature of the Activity – Cannabis Manufacturing

The cannabis manufacturing operations will be established in a portion of Building 2 which is in the center of the site

The Processing-Manufacturing-Distribution Building will be a 33,000square foot single story steel I-beam truss construction on a concrete slab type with a metal clad exterior and a metal roof.

Metal rollup doors and standard access doors will be utilized to access the cannabis manufacturing areas.

The facility operator will construct all manufacturing facilities to City of Clearlake and industry certification standards, in addition to ensuring that the site is in full compliance with all applicable local, state, and federal building code laws.

As required by the California Building Code, the operator will construct Class 1 Division 1 (C1D1) and Class 1 Division 2 (C1D2) rated facilities to contain the volatile extraction programs.

The definition of hazardous locations includes buildings or parts thereof where fire or explosion hazards may exist due to the presence of flammable gases or vapors, flammable liquids, combustible dusts or easily ignitable fibers. Class 1 locations are those in which flammable "gases or vapors" are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.

The Manufacturing facilities will be designed and constructed to the highest standards to comply with California and Federal C1D1 (spark-less) construction standards. Construction activities will be overseen by qualified and trained professionals with extensive understanding in standard operating procedures, safety protocols, and maintenance schedules.

Architectural floorplans and construction details will be finalized for the manufacturing facilities and architectural/engineered construction plans and equipment details will be submitted to, plan checked by, and certified for safe operation by the City of Clearlake Community Development Department and the Lake County Fire Protection District #1 (Fire Marshal).

C1D1 facilities use outside fresh air to provide the required air flow rate over equipment. The system provides a slightly negative pressure within the lab area to prevent hazardous gasses from leaking into surrounding areas.

Gas detection alarms are used and will initiate when hazardous gas is detected. The system will activate an audible alarm and shut down power to the equipment inside the room well before dangerous gas levels are reached.

The proposed cannabis manufacturing process will involve a closed loop system.

In general, the proposed operations will involve processed cannabis material delivered to the intake area where it will be store in freezer units or on shelves. Track and Trace of cannabis materials is required. From the intake area the cannabis material moves into the extraction facilities areas. The

specific routing of the process cannabis materials depends upon operational requirements and market demand orders.

There may be a nonvolatile CO2 extraction room near or adjacent to the intake area. This area may also include CO2 extraction machines, decarboxylation ovens, and storage facilities.

Volatile extraction facilities may also be developed. Butane (BHO) and Ethanol (ETOH) are examples of the volatile materials that may be used. The butane and ethanol will be stored within a hydrocarbon solution tank and chilled to a low temperature. From the solvent tank, chilled butane and ethanol is passed through a pressurized/packed cannabis material vessel/column where the butane and ethanol dissolve the cannabis trichomes. This process results in a chemical reaction where the cannabis terpenes and trichomes are stripped off and picked up. The butane/ethanol and cannabis trichomes move to the dewaxing or cryogenic vessel where the purification process continues, and fats and lipids are purged and removed. The solvent at this stage will be purified and will contain only the active ingredient. The solution will then pass into a tank where water is added, the butane and ethanol solvents distilled and evaporated back into the closed loop system, leaving behind the concentrated cannabis oil.

Key points associated with the cannabis extraction process include:

- The cannabis extraction manufacturing process is conducted in a clean room environment under the strictest operational and safety guidelines.
- Intake materials are examined for visible contaminants, freshness, overall quality, separated into batch sizes, and tagged.
- Extraction times vary by material and the design of the extractor equipment.
- A closed loop system is utilized, and solvents are drained to storage containers and placed in the queue for recovery.
- Pesticide tests are taken regularly.
- Cannabis extraction and manufacturing is performed within C1D1 or C1D2 rooms, subject to strict Building and Fire Code standards.
- Distillation takes place within a vacuum and the finished product is a clean distillate, tested, and ready for use.
- Volatile and nonvolatile gases are to be delivered by a local vendor when needed and are held within a properly designed and operated storage tank area.

A dry goods storage area for glassware, tools, and supply storage will be constructed, and an area for final packaging and labeling of all products will be set up. Final packaging, labeling of all products, secured storage of finished goods and the outtake room will be located on the north side of the building and serves as the location of transfer of products to Building #1.

A QC - quality control area is planned for post refinement review and approval by quality control staff utilizing various protocols for all products prior to transfer into the packaging area.

All employees involved in the manufacturing process and gas handling procedures will be required to receive operational and OSHA gas handling training. A licensed supplier will deliver the small tanks of gases as needed, to a secure drop off location in accordance with safe handling protocols. The determination as to the allowable gas storage area location will be part of the city plan check process (compliance determination pursuant to the California Building Code) which will include consultation with the Lake County Fire Protection District #1.

Energy Information 2160 Ogulin Canyon Road Cannabis Project March 2022

The subject property is a 9.56-acre parcel located at 2160 Ogulin Canyon Road in Clearlake and further described as APN 010-044-21.

The proposed project includes development of industrial structures to be used for cannabis related facilities including a 33,600 ft.² single story building and a 5,000 ft.² office building that will also serve as the administrative center/retail cannabis delivery and storage space. Five 25' x 75' greenhouses for mixed light cannabis cultivation are also proposed.

Specific uses proposed for the project include:

1. Cannabis cultivation and nursery
2. Cannabis manufacturing
3. Cannabis distribution
4. Cannabis processing
5. Cannabis Retail - Delivery Only

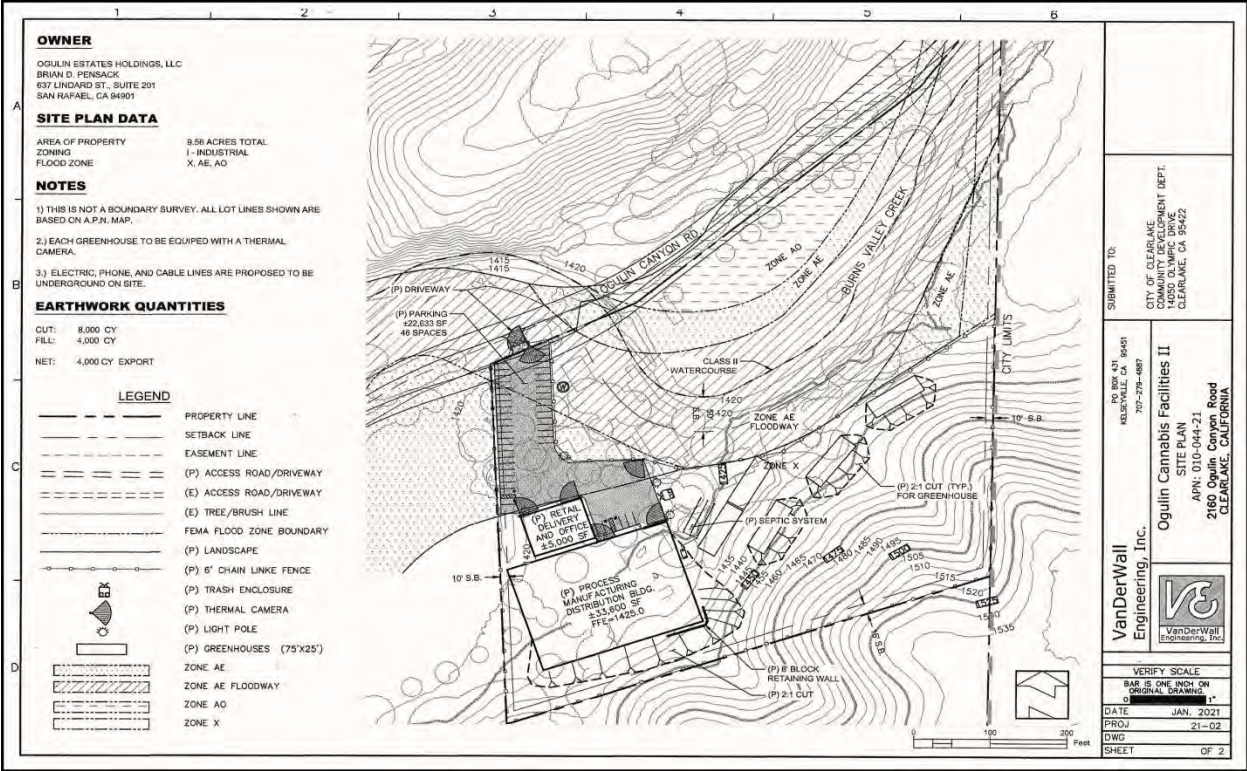
The property is located on the south side of Ogulin Canyon Road. A new 24' wide driveway will provide access to the 46-car parking lot. The 22,600 square foot parking lot design will feature a center aisle and parking spaces developed at 90-degree angles. ADA accessible parking will be developed near the office. Security fencing and numerous digital security cameras will be placed around the perimeter and at strategic locations in the parking lot.

The new processing and distribution building and the retail delivery and office area will be situated about 150' south of the Road, in the southeastern quarter of the parcel. Some grading, including both cut and fill, will be necessary to facilitate construction, with preliminary earthwork locations and quantities noted on the site plan.

The proposed greenhouses will be located east of the new structure and south of the creek. Access to the cultivation areas will be by a single lane driveway within the fenced areas.

Preliminary floor plans indicate that the manufacturing and processing building will include: intake area; processing and manufacturing areas; packaging areas; restrooms and offices; employee break room; shipping and receiving area; numerous storage areas; intake and distribution areas; and related activities. Rollup doors will provide entry into secure parking areas for loading and unloading.

The project buildings are to be engineered metal structures and the proposed greenhouses will comply with the City architectural design standards.



Local Utilities and Renewable Energy Resources

Pacific Gas & Electric Company (PG&E) is the electricity utility provider for Clearlake and Lake County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and 47% is sourced from non-renewable GHG-free resources (PG&E 2019). PG&E may offer programs through which consumers may purchase electricity from renewable sources. There is no natural gas available for communities within Lake County,

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards were enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy for the fleet of cars and light-duty trucks by the model year 2025.

The California Air Resources Board (CARB) has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NOx) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Energy Use in Cannabis Operations.

The California Department of Food and Agriculture (CDFA) Code of Regulations includes renewable energy standards for indoor mixed-light cannabis cultivation operations. Beginning in 2023 all indoor mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. If a cultivator's

mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E’s GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (California Code of Regulations [CCR] Section 8305).

Projected Energy Demand

The total energy demand of a cannabis operation depends on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (CO2) from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

Comparatively, non-cultivation cannabis operations, such as storage, processing, distribution, or retail sales, tend to involve typical commercial equipment and processes that may require minor to moderate amounts of power. These non-cultivation activities are subject to the CBC and 2019 Building Energy Efficiency Standards, and do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis do not typically require the demand for propane gas supplies, and it is assumed that such activities would represent a nominal portion of the county’s total annual propane gas demand.

Depending on the site and type of activities, cannabis operations can include measures that promote the conservation of energy resources. Some cannabis operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, other operations in the State engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

During the construction and implementation of proposed projects, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary and would be typical of other similar construction activities in the City. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in minimal environmental impacts through its use of diesel fuel for construction equipment.

Mitigation measures can be applied to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling

In Lake County, cannabis cultivation projects do not use natural gas. Propane gas use is typically associated with cooking appliances and space heating. Cooking appliances are not proposed as a part of the project, and all proposed space heating units would run on electricity.

The project's operational electricity needs would be met by a connection to PG&E infrastructure. The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards.

The project's proposed 33,600-square-foot processing and manufacturing building, and the proposed 5,000-square-foot structure for use as a non-storefront retail dispensary and office would be subject to the CBC 2019 Building Energy Efficiency Standards; therefore, the energy demand of these uses would not be wasteful, inefficient, or unnecessary.

Unclassified occupancy structures, such as greenhouses used for cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices.

In order to estimate energy demand, the applicant utilized sample energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that mixed-light (greenhouse) cultivation uses 110 kWh/sf annually.

The proposed project includes 5 – 25' x 75' greenhouses containing a total of 9,375 square feet of indoor mixed-light cannabis cultivation area. Based on the energy consumption rates from the Santa Barbara County Form, the project's expected energy consumption for the mixed-light cultivation activities would be approximately 1,031,250 kWh per year. This estimate is likely on the high side, due to the climate differential in the two regions. It is much sunnier in Lake County than in Santa Barbara County which translates into a lower power demand for lighting here.

Based on the California Energy Commission Report, a generic non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 199,218 kWh/year for a 9,375 square foot building.

Preparation of an Energy Conservation Plan and implementation of a combination of measures that reduces project energy use is suggested.

Upon implementation of an energy conservation plan, the project's impacts associated with energy use would be less than significant and would not be cumulatively considerable.

Fuel Use

Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 35 full-time and seasonal employees. Vehicles used by

employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be less than significant.

Conclusion

The 2160 Ogulin Canyon Road project would not result in a potentially significant energy demand and inefficient energy use during long-term operations.

2160 Ogulin Canyon Road

Odor Control Plan

If and when an odor complaint is received, it will be forwarded to the facilities manager responsible for odor control. The odor complaint incident will be logged, including the time and type of complaint, the location of the odor receptor, and contact information of the person making the complaint. The incident will be investigated by the manager, and the problem identified. The manager will visit the facility in question and determine if there are any deficiencies in the odor control system or other issues or problems, and then identify possible remedies. These remedies if possible should be implemented immediately. The manager will prepare a written response and communicate via email and by phone with the complainant, if possible.

The communications should acknowledge the complaint, describe the incident, and identify what remedial actions have been or will be taken.

Managers responsible for responding to odor complaints at 2160 Ogulin Canyon Road in Clearlake are:

- Brian Pensack
- Garrett Burdick

Ogulin Hills Holdings, LLC Odor Complaint Protocol

1. Each odor complaint will be logged in a master odor complaint logbook indicating:
 - A. Time and date of complaint.
 - B. Name of employee who has received complaint.
 - C. Weather conditions at time of complaint, including wind direction.
 - D. Specific nature of the complaint i.e. what does the complaint involve, strong odor, weak odor, intermittent odor, continuous odor, and other details.
 - E. Name, address, phone number, of complainant location and distance from the 2160 Ogulin Canyon Road facilities.
 - F. Action taken at the time of complaint including indicating who the complaint has been referred to and any the results of any initial investigation that may have been conducted.
 - G. Investigation of complaint – manager will investigate the complaint and determine the validity of it, including a determination as to equipment or mechanical failures or issues, operational issues, and or any other causes for the odor complaint.
 - H. Report on odor complaint – The managers will issue a report on the complaint, file it in the complaint logbook, and call the complainant within five working days to report findings and resolution actions.

Odor Mitigation

Cannabis odors are considered by some people to be objectional. The 2160 Ogulin Canyon Road site cultivation greenhouse and processing operations will use state-of-the-art air filtration systems, the most effective odor neutralizer for indoor and mixed light cultivation operations. Charcoal filters may be installed in the end or sidewall areas of the processing/manufacturing/greenhouse structures. And will also be installed within the mechanical air movers on the roof of the processing building.

Air from the cultivation areas will be mechanically vented through the structures using filters thus preventing nuisance odors from escaping the structures.

No significant odor impacts are anticipated from the cultivation and processing operations, due to the use of the filtration system, limited residential population in the area, the size of the cultivation operation, and the extensive setbacks from roads, property lines, and nearby parcels. The project may be provided with a back-up odor mitigation system – an ozone generator – which may be installed on the outside of the exhaust fans, if needed and recommended. Should additional odor mitigation be necessary, a high-pressure atomizing system could be installed outside of the exhaust fans. This type of system generates an aerosol water vapor that binds with the cannabis terpene compounds to reduce odors.

OWNER

OGULIN ESTATES HOLDINGS, LLC
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

SITE PLAN DATA

AREA OF PROPERTY 9.56 ACRES TOTAL
 ZONING I - INDUSTRIAL
 FLOOD ZONE X, AE, AO




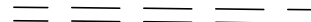
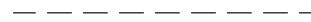



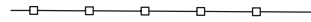



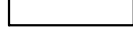

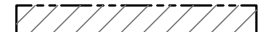
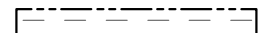
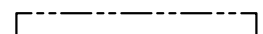
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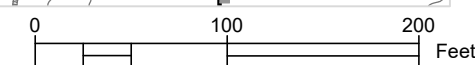
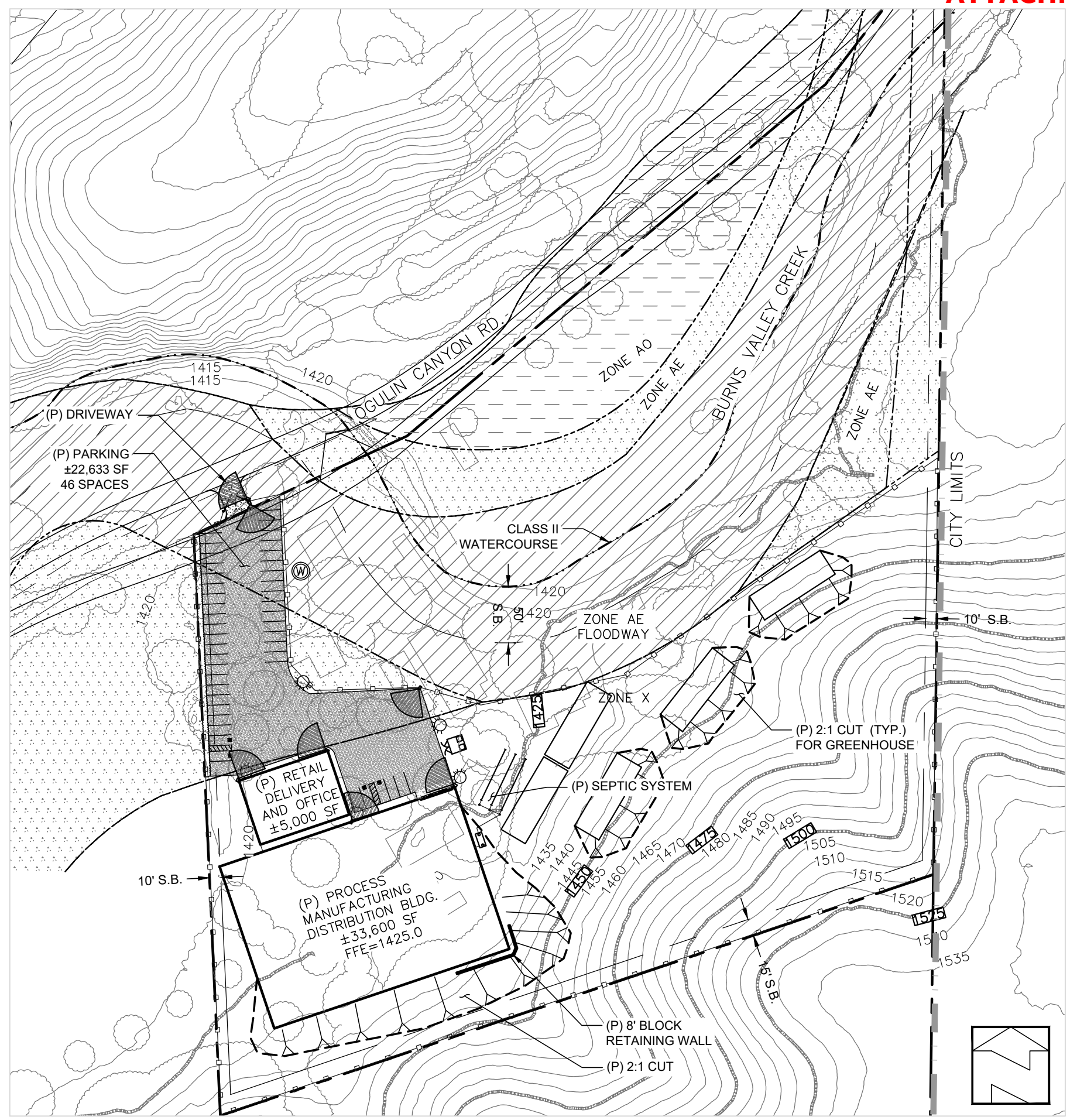
- 1) THIS IS NOT A BOUNDARY SURVEY. ALL LOT LINES SHOWN ARE BASED ON A.P.N. MAP.
- 2.) EACH GREENHOUSE TO BE EQUIPED WITH A THERMAL CAMERA.
- 3.) ELECTRIC, PHONE, AND CABLE LINES ARE PROPOSED TO BE UNDERGROUND ON SITE.

EARTHWORK QUANTITIES

CUT: 8,000 CY
 FILL: 4,000 CY
 NET: 4,000 CY EXPORT

LEGEND

-  PROPERTY LINE
-  SETBACK LINE
-  EASEMENT LINE
-  (P) ACCESS ROAD/DRIVEWAY
-  (E) ACCESS ROAD/DRIVEWAY
-  (E) TREE/BRUSH LINE
-  FEMA FLOOD ZONE BOUNDARY
-  (P) LANDSCAPE
-  (P) 6' CHAIN LINK FENCE
-  (P) TRASH ENCLOSURE
-  (P) THERMAL CAMERA
-  (P) LIGHT POLE
-  (P) GREENHOUSES (75'X25')
-  ZONE AE
-  ZONE AE FLOODWAY
-  ZONE AO
-  ZONE X



SUBMITTED TO:

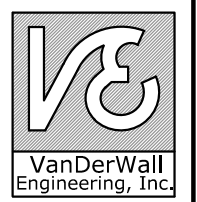
CITY OF CLEARLAKE
 COMMUNITY DEVELOPMENT DEPT.
 14050 OLYMPIC DRIVE
 CLEARLAKE, CA 95422

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Ogulin Cannabis Facilities II
 SITE PLAN

APN: 010-044-21
 2160 Ogulin Canyon Road
 CLEARLAKE, CALIFORNIA

VanDerWall
 Engineering, Inc.



VERIFY SCALE	
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DATE	JAN. 2021
PROJ	21-02
DWG	135
SHEET	OF 2

**BIOLOGICAL RESOURCE ASSESSMENT
WITH BOTANICAL SURVEY**

For

Ogulin Cannabis Facilities II

2160 Ogulin Canyon Road

Lake County, California

June 25, 2021

Prepared for: Ogulin Estates Holdings, LLC
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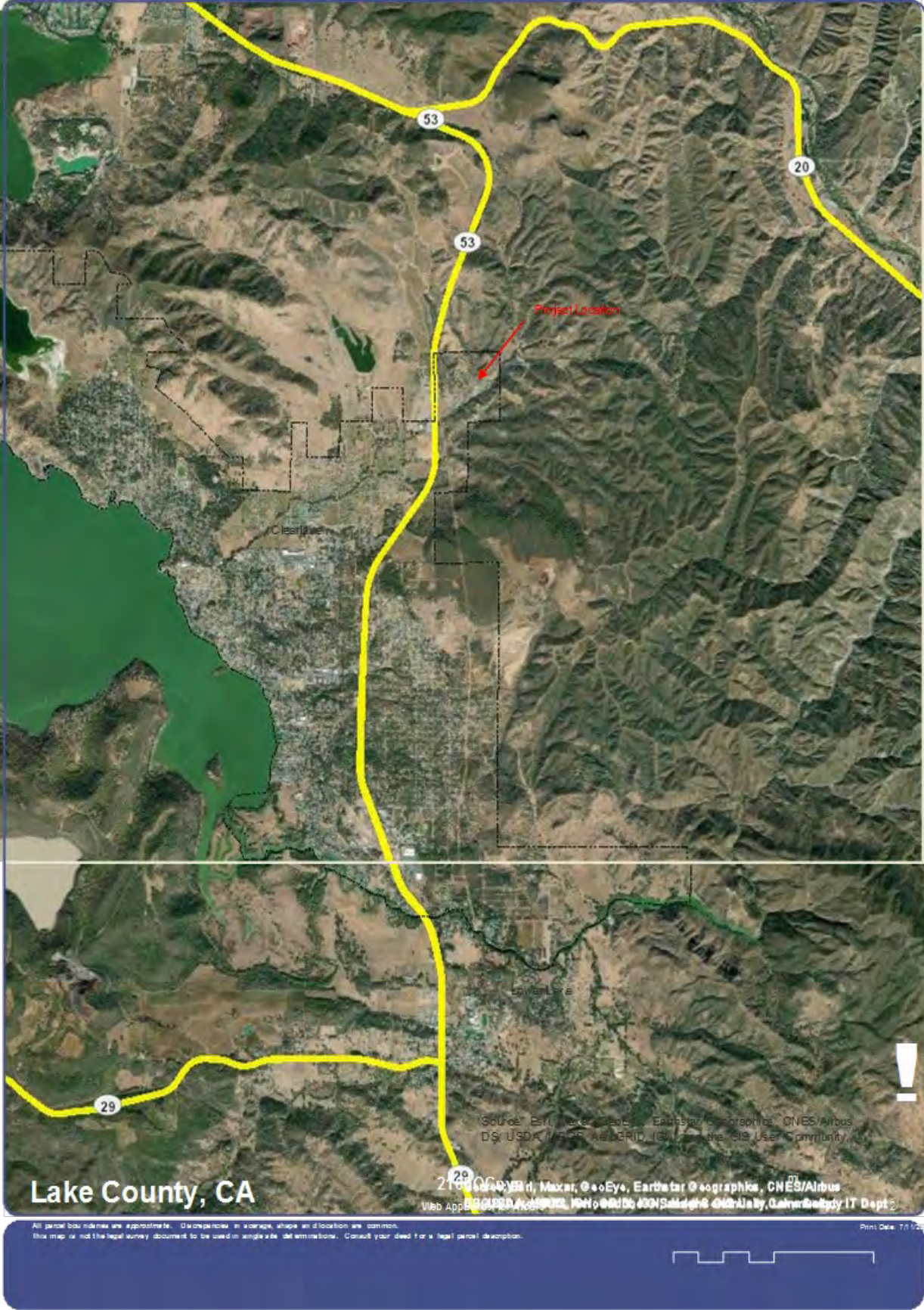
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APPENDIX A CWHR Results

1.0 PROJECT DESCRIPTION

1.1 The parcel is located 2160 Ogulin Canyon Road, north-east of Clearlake, CA and approximately ½ mile east of CA State Highway 53. See **Figure 1** attached.

Figure 1;
Location



The local permitting agency is requesting completion of a botanical survey and assessment of biological resources on the property as part of the California Environmental Quality Act (CEQA) review required for new development. The initial phase of this assessment evaluates the potential of the property to contain sensitive plant and wildlife habitat. The second phase consists of field surveys, including a botanical survey listing all plant taxa¹. The biological resource assessment will determine whether the property contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA). As used here, the terms sensitive plant or wildlife includes all state or federal rare, threatened, or endangered species and all species listed in the California Natural Diversity Database (CNDDDB) list of "Special Status Plants, Animals, and Natural Communities".

A delineation of waters of the U.S. was not conducted due to the lack of water and hydric soil not present on the parcel. A wetland is defined as 1. The presence of water 2. Hydric soils and 3. Wetland plants. The presence of woody riparian species and the evidence of water flow does qualify as potential wetland. Riparian areas are considered sensitive areas and are to be protected. Setback requirements would be needed for the existing riparian area (depicted in **Section 3.3, Vegetation Types and graphically on Figure 3, Vegetation Types**). **Figure 2** of this report illustrates that the riparian area will not be altered or encroached upon in any significant way from the actions proposed in the project. All wetlands and drainages within the project area are depicted in Table 5.

1.2 Proposed Project: This survey covers 1 parcel totaling approximately 9.56 acres in the east central part of Lake County APN: 010-044-21. Ogulin Estates Holdings, LLC is the landholder of the parcel located in the Burns Valley creek watershed. The area proposed for development comprise approximately 2 to 3 acres in size. The area is comprised of an existing set of buildings with associated roads and service ways. Proposed project drawing is attached, see **Figure 2**.

2.0 ASSESSMENT METHODOLOGY

The basis of the biological resource assessment is a comparison of existing habitat conditions within the project boundaries to the geographic range and habitat requirements of sensitive plants and wildlife. It includes all sensitive species that occupy habitats similar to those found in the project area and whose known geographic ranges encompass it. The approach is conservative in that it tends to over-estimate the actual number of species present. The analysis includes the following site characteristics:

- Location of the project area with regard to the geographic range of sensitive plant and wildlife species
- Location(s) of known populations of sensitive plant and wildlife species as mapped in the California Natural Diversity Database (CNDDDB)
- Soils of the project area
- Elevation
- Presence or absence of special features such as vernal pools and serpentine soils
- Plant communities existing within the project area

In addition to knowledge of the local plants and wildlife, the following computer databases were used to analyze the suitability of the site for sensitive species:

- California Department of Fish and Wildlife (CDFW), *California Natural Diversity Database (CNDDDB)*; RareFind 5, 2021
- California Native Plant Society's (CNPS) *Electronic Inventory of Rare and Endangered Vascular Plants of California (v9-01 0.0)*
- California Department of Fish and Wildlife, *California Wildlife Habitat Relationships System (CWHR Version 9.0)*

The CNDDDB and RareFind 5 databases consist of maps and records of all known populations of sensitive plants and wildlife in California. This data is continually updated by the CDFW with new sensitive species population data.

The CNPS database produces a list of sensitive plants potentially occurring at a site based on the various site characteristics listed above. While use of the CNPS inventory does not in itself eliminate the need for an in-season botanical survey, it can, when used in conjunction with other information, provide a very good indication of the suitability of a site as habitat for sensitive plant species.

The CWHR database operates on the same basis as the CNPS inventory. Input includes geographic area, plant community (including development stage), soil structure, and special features such as presence of water, snags, cover, and food (fruit, seeds, insects, etc.).

¹ Many sensitive plants and wildlife are subspecies or varieties which are taxonomic subcategories of species. The term

“taxa” refers to species and their sub-specific categories.

2.1 Botanical Survey Methods: An in-season botanical survey was conducted for the project site. The CNDDDB report and maps for the Lower Lake, CA quadrangle were referenced prior to the survey. Vegetation communities were identified based on the nomenclature of *A Manual of California Vegetation* (Sawyer, Keeler-Wolf, and Evens, 2009), and mapped on a 1"=600' aerial photo (due to the large size of the survey area). Vegetation type names are based on an assessment of dominant cover species.

Plants occurring on the site were identified using *The Jepson Manual, Higher Plants of California*, 2012. Where necessary, species names were updated based on the 6th edition, *CNPS Inventory of Rare and Endangered Plants of California*. A map of the vegetation types at the site is provided in **Figure 2**.

2.2 Survey Dates: Site visits for the plant surveys, vegetation mapping, and the delineation were conducted on May 10, 18, and June 10,11, 2021.

2.3 Biological Assessment Staff: The field surveys, plant taxonomy, and vegetation mapping, were conducted by Lawrence Ray principal biologist. Mr. Ray has a Master of Science Degree in Ecology from the Antioch University/UC Berkeley and a Bachelor of Science Degree in Environmental Studies from the Antioch University. He has over 35 years of experience as a biologist in the government and private sectors. Support staff was provided by Austin Ray who holds an AA Degree in Horticulture from Cabrillo College.

3.0 SITE CHARACTERISTICS

3.1 Site Topography and Drainage: The parcel occupies a relatively flat topography from 1,418 (mean sea level) at the entrance on Ogulin Canyon Road to 1,513 feet msl at the southeast corner. Drainage from the surrounding slopes is to Burns Valley Creek which is drains southwest to Clear Lake. Topography is shown in **Figure 1**.

3.2 Soils: Based on the *Soil Surveys of Lake County and Mendocino County (Eastern Part), California* prepared by the U.S. Resource Conservation Service, the survey area contains the following soil types:

161-Manzanita loam, 15 to 25 percent slopes. This very deep, well drained soil is on terraces. It formed in alluvium derived from mixed rock sources. The vegetation is oak, manzanita, and annual grasses.

Elevation is 1,400 to 1,600 feet. The average annual precipitation is 25 to 35 inches, the average annual air temperature is 55 to 59 degrees F, and the average frost-free period is 160 to 200 days.

Typically, the upper 5 inches of the surface layer is light yellowish brown loam and the lower 14 inches is strong brown loam. The upper 9 inches of the subsoil is strong brown loam, and the lower 56 inches is variegated strong brown and yellowish red clay loam.

197-Phipps complex, 30 to 50 percent slopes.

This map unit is on uplifted, dissected hills. These soils are susceptible to slumping and gullyng. The vegetation is mainly oak and annual grasses. Elevation is 1,100 to 2,000 feet. The average annual precipitation is about 25 to 35 inches, the average annual air temperature is about 55 to 59 degrees F, and the average frost-free period is about 160 to 200 days.

This unit is about 50 percent Phipps clay loam, loam substratum, and 15 percent Phipps loam. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Bally and Forbesville soils. Also included are small areas of olive gray clayey soils that form deep, wide cracks when dry and are 20 to 40 inches deep over unconsolidated sediment; highly eroded or gullied soils in steep ravines; soils on north-facing slopes that are similar to these Phipps soils but are cooler or have slopes of 50 to 75 percent; and soils that are similar to these Phipps soils but have a thick, dark-colored surface layer, have more clay throughout the profile, or have less clay in the subsoil. Included areas make up about 35 percent of the total acreage. The percentage varies from one area to another.

The Phipps clay loam is very deep and well drained. It formed in alluvium derived from mixed rock sources.

Typically, the surface layer is pale brown clay loam about 7 inches thick. The upper 11 inches of the subsoil is pale brown and light yellowish brown clay loam, and the lower 24 inches is yellowish brown clay. The substratum to a depth of 60 inches or more is light yellowish brown clay loam.

246- Wolfcreek gravelly loam. This very deep, well drained soil is on flood plains. It formed in alluvium derived from mixed rock sources. Slope is 0 to 2 percent. The vegetation is mainly annual grasses and forbs. Elevation is 1,300 to 2,600 feet. The average annual precipitation is 25 to 40 inches, the average annual air

temperature is 55 to 59 degrees F, and the average frost-free period is 150 to 205 days.

Typically, the surface layer is pale brown gravelly loam 10 inches thick. The underlying material to a depth of 72 inches is stratified, brown clay loam, sandy clay loam, and very gravelly sandy clay loam.

Included in this unit are small areas of Talmage soils. Also included are small areas of soils that are similar to this Wolfcreek soil but are non-gravelly, have a darker colored surface layer and more clay, or are in low areas that are subject to occasional flooding. Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

Permeability of this Wolfcreek soil is moderately slow. Available water capacity is 7.5 to 10.0 inches. Effective rooting depth is 60 inches or more. Surface runoff is very slow, and the hazard of erosion is slight. This soil is subject to rare periods of flooding during prolonged, high-intensity storms.

249-Xerofluvents-Riverwash complex. This map unit is on narrow flood plains adjacent to stream channels and in active stream channels. Slope is 0 to 2 percent. The vegetation is mainly sparse annual grasses and forbs. Elevation is 750 to 2,800 feet. The average annual precipitation is 25 to 40 inches, the average annual air temperature is 54 to 59 degrees F, and the average frost-free period is 135 to 200 days.

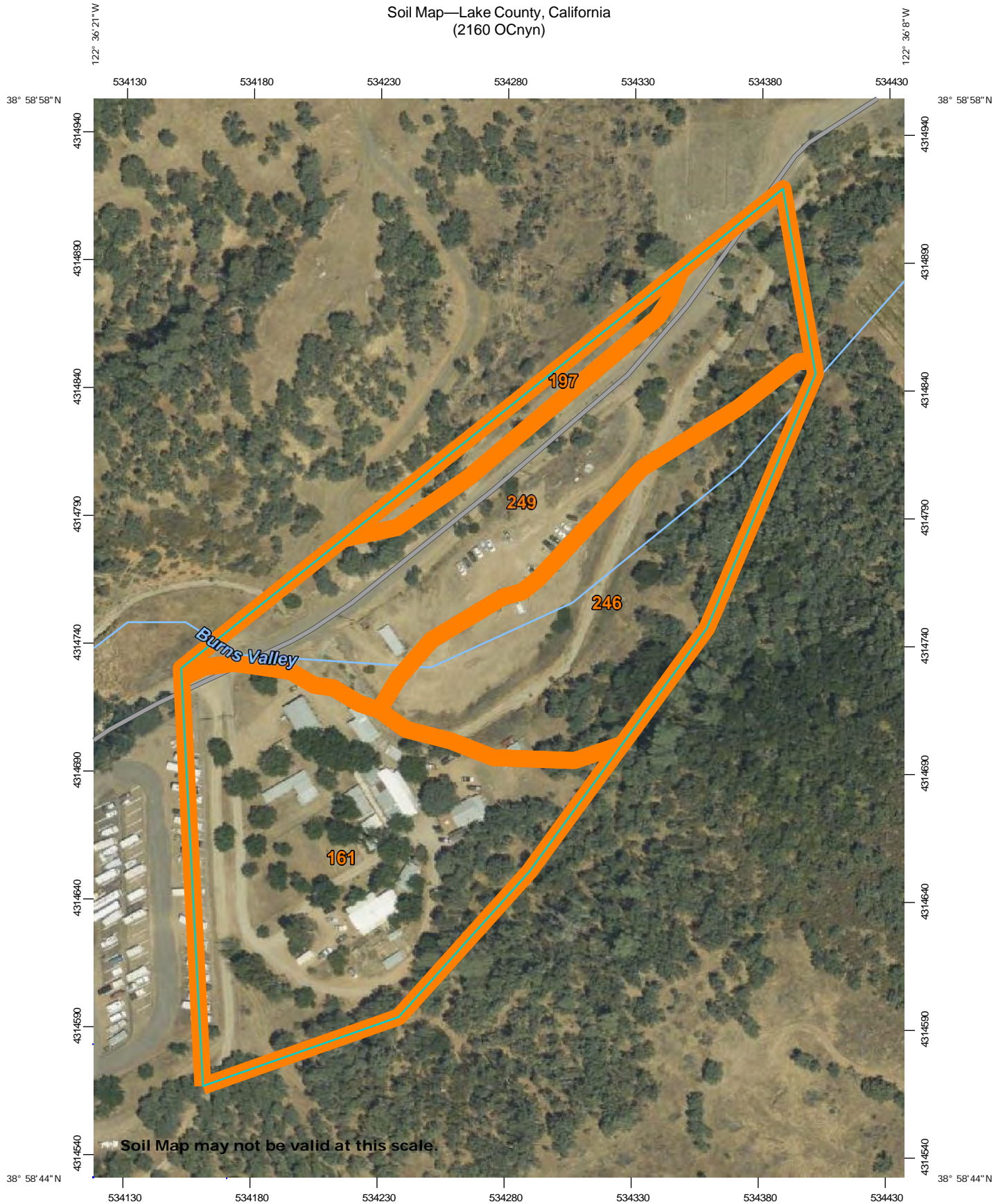
This unit is about 55 percent Xerofluvents and 30 percent Riverwash. The components of this unit are so intricately intermingled that it was not practical to map them separately at the scale used.

Included in this unit are small areas of Kelsey, Maywood Variant, and Talmage soils. Included areas make up about 15 percent of the total acreage. The percentage varies from one area to another.

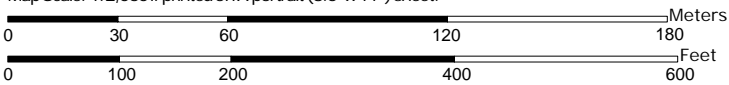
Xerofluvents consist of very deep, excessively drained soils that formed in alluvium derived from mixed rock sources. No single profile of Xerofluvents is typical, but one commonly observed in the survey area has a surface layer of grayish brown very gravelly sandy loam 5 inches thick. The underlying material to a depth of 84 inches is stratified, light brownish gray very gravelly loamy coarse sand and very gravelly coarse sand.

Figure 4; Soils Map

Soil Map—Lake County, California
(2160 OCnyn)



Map Scale: 1:2,060 if printed on A portrait (8.5" x 11") sheet.



Map projection: WebMercator Corner coordinates: WGS84 Edge ticks: UTM Zone 10N WGS84

3.3 Vegetation Types: This project contains five distinct plant communities or vegetation types based on or derived from the "Standardized Classification" scheme described in the California Native Plant Society (CNPS) *A Manual of California Vegetation*. These vegetation types and other cover types are listed in **Table 1**. They are described below and shown in the vegetation map provided in **Figure 2**.



Figure 2; Vegetation Map

1. Blue Oak Alliance/Developed Areas with Blue Oak

2. Ruderal/Waste area dominated by *Eriogonum* sp

3. Chamise chaparral Shrub Alliance

4. Brome Grasslands

5. Riparian Area-*Salix lasiolepis* Shrub Alliance

TABLE 1. PLANT COMMUNITIES AND OTHER COVER TYPES PRESENT

COVER TYPE	Total Acres of Cover Type on Property	Percent of Property Supporting Cover Type
Blue Oak Woodland- <i>Quercus douglasii</i> Woodland Alliance	6.25	66
Ruderal non-specific waste area (<i>Eriogonum</i>)	0.94	9.8
Chamise chaparral- <i>Adenostoma fasciculatum</i> Shrubland Alliance	0.39	3.5
Annual brome grasslands - <i>Bromus</i> (<i>diandrus</i> , <i>hordeaceus</i>)	1.52	16
Riparian- <i>Salix lasiolepis</i> Shrubland Alliance	0.46	4.7
Total	9.56	100.00

1. Blue Oak Woodland/*Quercus douglasii* Woodland Alliance. *Quercus douglasii* is dominant or co-dominant in the tree canopy *Aesculus californica*, *Juniperus californica*, *Pinus sabiniana*, *Quercus agrifolia*, *Q. lobata*, and *Q. wislizeni*. Trees < 20 m; with conifers 35m; canopy is intermittent to continuous, or savanna-like; it may be one or two tiered. Shrub layer is sparse to intermittent. Herbaceous layer is sparse or grassy, and forbs are present seasonally. **Habitats:** Valley bottoms, foothills, rocky outcroppings. Soils are shallow, low in fertility, moderately to excessively drained with extensive rock fragments. **Elevation:** 30-1900 m.

2. Ruderal/non-specific waste area. This area is dominated by extremely sparse vegetation due to high compaction of soils and extreme disturbance from industrial use. Two dominant natives cover the greatest percentage of the area; *Eriogonum nudum* and *Eriogonum wrightii*. Some scattered grasses and forbs are also present included in the Annual Brome Grassland section and are present around the margins and sparsely throughout the area.

3. Chamise chaparral/*Adenostoma fasciculatum* Shrub Alliance. *Adenostoma fasciculatum* is dominant in the shrub canopy with *A. sparsifolium*, *Arctostaphylos glandulosa*, *A. manzanita*, *A. viscida*, *Ceanothus* spp., *Diplacus aurantiacus*, *Eroidictyon californicum*, *Eriogonum fasciculatum*, *Hesperoyucca whipplei*, *Heteromeles arbutifolia*, *Quercus berberidifolia*, *Q. wislizeni*, *Salvia apiana*, *S. leucophylla*, *S. mellifera*, and *Toxicodendron diversilobum*. Emergent trees may be present at low cover. Shrubs < 4 m; canopy is intermittent to continuous. Herbaceous layer is sparse to intermittent. **Habitats:** Varied topography. Soils are commonly shallow over colluvium and many kinds of bedrock. **Elevation:** 10-1800 m.

4. Annual brome grasslands/*Bromus* (*diandrus*, *hordeaceus*) – *Brachypodium distachyon* *Bromus diandrus*, *B. hordeaceus*, or *Brachypodium distachyon* is dominant or co-dominant with non-natives in the herbaceous layer. Emergent trees and shrubs may be present at low cover. Herbs < 75 cm; cover is intermittent to continuous. **Habitats:** All topographic settings in foothills, waste places, rangelands, openings in woodlands. **Elevation:** 0-2200 m.

5. *Salix lasiolepis* Shrubland Alliance. Arroyo willow thickets are small and scattered in the riparian area of the parcel. Also scattered are a few Fremont cottonwood (*Populus fremontii*) as well as a few *Sambucus nigra*. Found along streambanks and benches, slope seeps and stringers along drainages. **The USFWS Wetland Inventory** (1996 national list) recognizes *Salix lasiolepis* as a **FACW plant**. **Elevation:** 0-2170

4.0 PRE-SURVEY RESEARCH RESULTS

4.1 CNPS On-Line Electronic Inventory Analysis: A California Native Plant Society (CNPS) analysis was conducted for all plants with federal and state regulatory status, and all non-status plants on the CNPS Lists 1B through 4. The query included all plants within this area of the county occurring within the plant communities identified on the project site. The inventory lists species potentially occurring at the site; these are listed in **Table 2**. These species were included in the list of potentially sensitive species specifically searched for during field surveys. It is important to note that this list includes species for which appropriate habitat is not present on the parcel. The CNPS database search does not allow fine tuning for specific soil types and many specific habitats.

***Note:** The CNPS list is used to broaden the list of sensitive species considered during the subsequent field surveys; however, it must be used with discretion because the database search does not allow fine-tuning for specific soil types or for many specific habitats required by sensitive plant taxa. Consequently, the CNPS list generated for a site may include several taxa for which the required habitat is not present.*

4.2 California Natural Diversity Database: The California Natural Diversity Database (CNDDDB) and CDFW RareFind 5 data and maps for the Purdy's Gardens 7½' and adjacent quadrangles were reviewed for this project. **Table 3** presents a list of sensitive plant and wildlife species known to occur within this quadrangle. In addition to listing the species present within the quadrangle, the table provides a brief descriptor of the habitat requirements and blooming season, along with an assessment of whether the project area contains the necessary habitat requirements for each species. **Appendix A** at the end of this report lists the species within the nine quadrangles in the vicinity of this property.

- 4.3 **California Natural Diversity Database:** The California Natural Diversity Database (CNDDDB) and CDFW RareFind 5 data and maps for the Lower Lake 7½' and adjacent quadrangles were reviewed for this project. **Table 3** presents a list of sensitive plant and wildlife species known to occur within this quadrangle. In addition to listing the species present within the quadrangle, the table provides a brief descriptor of the habitat requirements and blooming season, along with an assessment of whether the project area contains the necessary habitat requirements for each species. **Appendix A** at the end of this report lists the species within the nine quadrangles in the vicinity of this property.

TABLE 2. CALIFORNIA NATIVE PLANT SOCIETY'S INVENTORY OF RARE AND ENDANGERED PLANTS

Selected CNPS Plants by Scientific Name

Ogulin Cannabis Facilities II

Scientific Name	Common Name	Family	Lifeform	CRPR	CESA	FESA	Blooming Period	Habitat
<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	Boraginaceae	annual herb	1B.2	None	None	Mar-Jun	Coastal bluff scrub, Cismontane woodland, Valley and foothill grassland
<i>Arctostaphylos manzanita ssp. elegans</i>	Konocti manzanita	Ericaceae	perennial evergreen shrub	1B.3	None	None	(Jan)Mar-May(Jul)	Chaparral, Cismontane woodland, Lower montane coniferous forest; volcanic
<i>Astragalus breweri</i>	Brewer's milk-vetch	Fabaceae	annual herb	4.2	None	None	Apr-Jun	Chaparral, Cismontane woodland, Meadows and seeps, Valley and foothill grassland (open, often gravelly); often serpentinite, volcanic
<i>Calystegia collina ssp. oxyphylla</i>	Mt. Saint Helena morning-glory	Convolvulaceae	perennial rhizomatous herb	4.2	None	None	Apr-Jun	Chaparral, Lower montane coniferous forest, Valley and foothill grassland; serpentinite
<i>Ceanothus confusus</i>	Rincon Ridge ceanothus	Rhamnaceae	perennial evergreen shrub	1B.1	None	None	Feb-Jun	Closed-cone coniferous forest, Chaparral, Cismontane woodland; volcanic or serpentinite

Scientific Name	Common Name	Family	Lifeform	CRPR	CESA	FESA	Blooming Period	Habitat
<i>Clarkia gracilis ssp. tracyi</i>	Tracy's clarkia	Onagraceae	annual herb	4.2	None	None	Apr-Jul	Chaparral (openings, usually serpentinite)
<i>Collomia diversifolia</i>	serpentine collomia	Polemoniaceae	annual herb	4.3	None	None	May-Jun	Chaparral, Cismontane woodland serpentinite, rocky or gravelly
<i>Cryptantha dissita</i>	serpentine cryptantha	Boraginaceae	annual herb	1B.2	None	None	Apr-Jun	Chaparral (serpentinite)
<i>Eryngium constancei</i>	Loch Lomond button celery		Annual herb	1B.1	endangered	endangered		Vernal pool, wetland
<i>Fritillaria purdyi</i>	Purdy's fritillary	Liliaceae	perennial bulbiferous herb	4.3	None	None	Mar-Jun	Chaparral, Cismontane woodland, Lower montane coniferous forest; usually serpentinite
<i>Gratiola heterosepala</i>	Boggs Lake hedge-hyssop	Plantaginaceae	annual herb	1B.2	CE	None	Apr-Aug	Marshes and swamps (lake margins), Vernal pools; clay
<i>Hesperolinon adenophyllum</i>	glandular western flax	Linaceae	annual herb	1B.2	None	None	May-Aug	Chaparral, Cismontane woodland, Valley and foothill grassland; usually serpentinite
<i>Horkelia bolanderi</i>	Bolander's horkelia	Rosaceae	perennial herb	1B.2	None	None	(May)Jun-Aug	Chaparral, Lower montane coniferous forest, Meadows and seeps, Valley and foothill grassland; edges, vernal mesic areas
<i>Lasthenia burkei</i>	Burke's goldfields		Annual herb	1B.1	endangered	endangered		Meadow, seeps, vernal pool, wetland
<i>Layia septentrionalis</i>	Colusa layia	Asteraceae	annual herb	1B.2	None	None	Apr-May	Chaparral, Cismontane woodland, Valley and foothill grassland; sandy, serpentinite
<i>Lilium rubescens</i>	redwood lily	Liliaceae	perennial bulbiferous herb	4.2	None	None	Apr-Aug(Sept)	Broadleaved upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest. Sometimes serpentinite, sometimes roadsides
<i>Monardella viridis</i>	green monardella	Lamiaceae	perennial rhizomatous herb	4.3	None	None	Jun-Sep	Broadleaved upland forest, Chaparral, Cismontane woodland

<i>Streptanthus glandulosus</i> ssp. <i>hoffmanii</i>	Hoffman's bristly jewelflower	Brassicaceae	annual herb	1B.3	None	None	Mar-Jul	Chaparral, Cismontane woodland, Valley and foothill grassland (often serpentinite); rocky
<i>Streptanthus hesperidis</i>	green jewelflower	Brassicaceae	annual herb	1B.2	None	None	May-Jul	Chaparral (openings), Cismontane woodland; serpentinite, rocky
<i>Tracyina rostrata</i>	beaked tracyina	Asteraceae	annual herb	1B.2	None	None	May-Jun	Chaparral, Cismontane woodland, Valley and foothill grassland
<i>Viburnum ellipticum</i>	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	2B.3	None	None	May-Jun	Chaparral, Cismontane woodland, Lower montane coniferous forest

KEY FOR TABLE 2:**CNPS Rare Plant-Threat Rank Definitions:**

1B.1 = Rare, threatened, or endangered in California and elsewhere; seriously threatened in California

1B.2 = Rare, threatened, or endangered in California and elsewhere; moderately threatened in California

1B.3 = Rare, threatened, or endangered in California and elsewhere; not very threatened in California

2A = Presumed extinct in California, but extant elsewhere

2B.1 = Rare, threatened, or endangered in Calif., but more common elsewhere; seriously threatened in Calif.

2B.2 = Rare, threatened, or endangered in Calif., but more common elsewhere; moderately threatened in Calif.

2B.3 = Rare, threatened, or endangered in Calif., but more common elsewhere; not very threatened in Calif.

3 = Plants about which we need more information (Review List)

3.1 = Plants about which we need more information (Review List); seriously threatened in California

3.2 = Plants about which we need more information (Review List); moderately threatened in California

3.3 = Plants about which we need more information (Review List); not very threatened in California

4.1 = Plants of limited distribution (watch list); seriously threatened in California

4.2 = Plants of limited distribution (watch list); moderately threatened in California

4.3 = Plants of limited distribution (watch list); not very threatened in California

State and Federal Status:

CESA = California Endangered Species Act

FESA = Federal Endangered Species Act

SR = State. Rare

SE = State Endangered.

ST = State. Threatened

SD = State Delisted

SSC = CDFW Species of Special Concern

FP = CDFW Fully Protected

WL = CDFW Watch List

FE = Federal Endangered

FT = Federal Threatened

FD = Federal Delisted

TABLE 3. CNDDDB SENSITIVE PLANT AND WILDLIFE SPECIES WITHIN THE LOWER LAKE AND ADJACENT CALIFORNIA 7½' QUADRANGLES

Habitat Type	Habitat Present
<i>Northern Interior Cypress Forest</i>	No
<i>Serpentine Bunchgrass</i>	No

Plant Species	Common Name	Habitat Requirements/ Fed-State-CNPS* Status	Blooming Season/Form	Habitat Present
<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	Coastal bluff scrub, cismontane woodland, valley & foothill grassland; --/--/1B.2	March-June ann. herb	Habitat present but not found during surveys
<i>Antirrhinum virga</i>	twig-like snapdragon	Chaparral, lower montane coniferous forest./rocky, openings, often serpentinite; --/--/4.3	June-July per. herb	Poor habitat present
<i>Arctostaphylos manzanita ssp. elegans</i>	Konocti manzanita	Chaparral, cismontane woodland, lower montane conif. forest/volcanic; --/--/1B.3	March-May everg. shrub	Poor habitat present
<i>Arctostaphylos stanfordiana ssp. raichei</i>	Raiche's manzanita	Chaparral, lower montane coniferous forest/rocky, often serpentinite; --/--/1B.1	Feb.-April ann. herb	Poor habitat present
<i>Astragalus breweri</i>	Brewer's milk-vetch	Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland (open, often gravelly)/often serpentinite, volcanic; --/--/4.2	April-June ann. herb	Poor habitat present
<i>Brasenia schreiberi</i>	watershield	Marshes & swamps/freshwater; --/--/2B.3	March-Sept rhizom. herb	Habitat not present
<i>Calystegia collina ssp. oxyphylla</i>	Mt. Saint Helena morning-glory	Chaparral, lower montane conif. forest, valley & foothill grassland/serpentinite; --/--/4.2	April-June rhizom. herb	Habitat not present
<i>Carex comosa</i>	bristly sedge	Coastal prairie, marshes and swamps (lake margins), valley and foothill grassland; --/--/2B.1	May-Sept. per. rhizom. herb	Habitat not present
<i>Ceanothus confusus</i>	Rincon ridge ceanothus	Closed cone conif. forest, chaparral, cismontane woodland/volcanic; --/--/1B.1	Feb.-April everg. shrub	Poor habitat present
<i>Clarkia gracilis ssp. tracyi</i>	Tracy's clarkia	Chaparral (openings, usually serpentinite); --/--/4.2	April-June ann. herb	Habitat not present
<i>Collomia diversifolia</i>	serpentine collomia	Chaparral, cismontane woodland/serpentinite, rocky or gravelly; --/--/4.3	May-June ann. herb	Habitat not present
<i>Cryptantha dissita</i>	serpentine cryptantha	Chaparral/serpentine outcrops; --/--/1B.2	April-June ann. herb	Habitat not present

Plant Species	Common Name	Habitat Requirements/ Fed-State-CNPS* Status	Blooming Season/Form	Habitat Present
<i>Entosthodon kochii</i>	Koch's cord moss	Cismontane woodland (soil); --/--/1B.3	moss	Habitat present but not found during surveys
<i>Erythranthe nudata</i>	bare monkeyflower	Chaparral, cismontane woodland, serpentinite seeps; --/--/4.3	May-June ann. herb	Habitat not present
<i>Fritillaria purdyi</i>	Purdy's fritillary	Chaparral, cismontane woodland, lower montane coniferous forest; usually serpentinite; --/--/4.3	March-June bulb. herb	Habitat not present
<i>Gratiola heterosepala</i>	Boggs Lake hedge-hyssop	Freshwater marsh, marshes & swamps (freshwater), vernal pools, sometimes lake margins/clay; --/SE/1B.2	April-Aug. ann. herb	Habitat not present
<i>Hesperolinon adenophyllum</i>	glandular western flax	Chaparral, cismontane woodland, valley & foothill grassland/usually serpentine chaparral; --/--/1B.2	May-Aug. ann. herb	Habitat not present
<i>Horkelia bolanderi</i>	Bolander's horkelia	Lower montane conif. forest, chaparral, meadows & seeps, valley & foothill grassland/grassy margins of vernal pools and meadows; --/ --/1B.2	June-Aug. per. herb	Habitat present but not found during surveys
<i>Kopsiopsis hookeri</i>	small groundcone	North Coast coniferous forest/redwood forest; --/-- /2B.3 (parasitic)	April-August per. rhizom. herb	Habitat not present
<i>Layia septentrionalis</i>	Colusa layia	Chaparral, cismontane woodland, valley & foothill grassland/sandy or serpentine; --/--/1B.2	April-May ann. herb	Habitat present, not found during surveys
<i>Leptosiphon acicularis</i>	bristly leptisiphon	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland; --/--/4.2	April-July ann. herb	Habitat present but not found during surveys
<i>Monardella viridis</i>	green monardella	Broadleaved upland forest, chaparral, cismontane woodland; --/--/4.3	June-Sept. rhizom. herb	Habitat present but not found during surveys
<i>Plagiobothrys lithocaryus</i>	Mayacamas popcorn-flower	Chaparral, cismontane woodland, valley & foothill grassland/mesic; --/--/1A (presumed extinct)	April-May ann. herb	No habitat present
<i>Ranunculus lobbii</i>	Lobb's aquatic buttercup	Cismontane woodland, North Coast coniferous forest, valley and foothill grassland, vernal pools/mesic--/-- /4.2	Feb.-May ann. herb (aquatic)	Habitat not present
<i>Sidalcea keckii</i>	Keck's checkerbloom	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland; Endangered/1B1/	April- May annual herb	Poor habitat present, not found

<i>Streptanthus glandulosus ssp. hoffmanii</i>	Hoffman's bristly jewelflower	Chaparral, cismontane woodland, valley and foothill grassland/rocky, often serpentinite; --/--/1B.3	March-July ann. herb	Habitat not present
<i>Tracyina rostrata</i>	beaked tracyina	Cismontane woodland, valley & foothill grassland; --/--/1B.2	May-June ann. herb	Habitat present but not found during surveys

Plant Species	Common Name	Habitat Requirements/ Fed-State-CNPS* Status	Blooming Season/Form	Habitat Present
<i>Viburnum ellipticum</i>	oval-leaved viburnum	Chaparral, cismontane woodland, lower montane coniferous forest; --/--/2B.3	May-June decid. shrub	Habitat present but not found during surveys

*See CNPS list for key

Wildlife Species	Common Name	Habitat Requirements, Status	Season Present	Habitat Present
<i>Bombus occidentalis</i>	western bumblebee	Once common in the western U.S., these bees are important pollinators of both wild plants and crops. Threats to be bee include insecticides, loss of habitat, climate change and diseases from commercial bee rearing. G4/S1	year-round	Habitat may be present
<i>Bombus caliginosus</i>	obscure bumble bee	A black and yellow bee found in California, Oregon, Washington. Food plant genera: Baccharis, Cirsium, Lupinus, Lotus, Grindelia, Phacelia; G3G4/CA-SNR	year-round	Poor habitat present
<i>Taricha rivularis</i>	red-bellied newt	Occurs near high to moderate gradient streams and rivers, riffles, pools. Burrows in soil or debris near water, emerges during fall rains to water to breed; G4/SNR	year-round	No Habitat present
<i>Rana boylei</i>	foothill yellow-legged frog	Riparian/aquatic: partly-shaded, shallow streams & riffles with a rocky substrate in variety of habitats; SSC/SCT/G3/S2S3	year-round	No Habitat present
<i>Emys marmorata</i>	western pond turtle	Aquatic turtle found in ponds, lakes, rivers, creeks, marshes & irrigation ditches with abundant vegetation and rocky or muddy bottoms; In woodland, forest, & grasslands; SSC/G3G4/S3	year-round	No Habitat present
<i>Elanus leucurus</i>	white-tailed kite	Open areas near woodlands and water; SFP/G5/S3	year-round	Habitat is present
<i>Circus cyaneus</i>	northern harrier	Coastal salt and freshwater marshes, meadows, grasslands near wetlands; nests in brush on ground; SSC/G5/S3	migratory	Habitat is present
<i>Pandion haliaetus</i>	osprey	Large, fish-bearing waters usually in mixed conifer habitats/typically nests are within 15 miles of good fish-producing body of water; WL/G5/S4	sometimes migratory	Habitat not present

Wildlife Species	Common Name	Habitat Requirements, Status	Season Present	Habitat Present
<i>Agelaius tricolor</i>	tricolored blackbird	Fresh emergent wetland (marshes) with cattails, tules, sedges. Largely endemic to California; SCE//G2G3/S1S2	year-round	No Habitat is present
<i>Ammodramus savannarum</i>	grasshopper sparrow	Prefers open grassland habitats with patches of bare ground and shrubby vegetation. Breeds in various types of grassland vegetation. Eats insects, grain, and seeds on the ground; SSC/G5/S3	sometimes migratory	Habitat is present
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	Roosts in open near relatively mesic sites, mainly montane forest habitats; SSC/G3/S2	local migrant	Habitat is present
<i>Antrozous pallidus</i>	pallid bat	Open, dry habitats, forest habitats, in caves, tunnels, buildings, bridges; sensitive to human disturbance; SSC/G5/S3	local migrant	Habitat is present
<i>Pekania pennanti</i>	fisher, West Coast DPS	No. Coast conifer forest: old-growth conifer or riparian forests; cavities, snags, logs, rocky areas; SCT/SSC/G5/S3	year-round	Poor habitat present
<i>Taxidea taxus</i>	American badger	Dryer open stages of shrub, forest, & herbaceous habitats. Needs friable soils for burrows and open uncultivated ground; SSC/G5/S3	year-round	Habitat is present
<i>Erethizon dorsatum</i>	North American porcupine	Occurs in a wide variety of coniferous and mixed woodland habitats in Sierra Nevada, Cascade, and Coast Ranges/ uses fallen and standing dead trees as cover; G5/S3	year-round	No Habitat present

KEY FOR TABLE 3:State and Federal:*SE/ST/SD=State Endangered/Threatened/Delisted**SC/SCD=State Candidate for Listing/Delisting**SSC=CDFW Species of Special Concern**SFP=CDFW Fully Protected**WL=CDFW Watch List**FE/FT/FD=Federal Endangered/Threatened/Delisted**FPE/FPT/FPD/FP=Federal Proposed Endangered/Threatened/Delisting**FC=Federal Candidate*NatureServe Conservation Status:*G1/S1 = Global/State Critically Imperiled**G2/S2 = Global/State Imperiled**G3/S3 = Global/State Vulnerable**G4/S4 = Global/State Apparently Secure**G5/S5 = Global/State Secure**SNR=Not rated*

4.4 Wildlife Habitat Analysis Results: The California Wildlife Habitat Relationships analysis lists a number of native species with sensitive and non-sensitive status as potentially occurring on the site based on the geographic location and wildlife habitats present. This list is included as **Appendix B**.

4.5 Wildlife Assessment: Based on the pre-survey research conducted for this study, a total of 15 sensitive wildlife species need to be accounted for within the project area. These consist of the species identified as present within and adjacent to the Lower Lake quadrangle by the CNDDDB. Accepted protocol requires that all CNDDDB species in the surrounding U.S.G.S. quadrangle be discussed even though suitable habitat may not occur on the site.

▪ **Western bumble bee (*Bombus occidentalis*):**

Once common in the western and northwestern U.S., these bees are important pollinators of both wild plants and crops and has been commercially reared to pollinate crops such as greenhouse tomatoes and cranberries; they also have been an important pollinator of alfalfa, avocado, apples, cherries, blackberries, and blueberry. Since 1998 populations have declined due to insecticides, loss of habitat, climate change and diseases from commercial bee rearing. This bumblebee is a generic forager and its habitat requirements are non-specific. Identification of bees is based on their sex and markings.

▪ **Obscure bumble bee (*Bombus oliginosus*):**

This bumblebee is native to the west coast; in the Coast Range it inhabits meadows. It is similar in appearance and co-exists with the common *Bombus vosnesenskii* and may be mistaken for this bee. *B. oliginosus* is threatened by climate change and loss of habitat, and does not thrive in developed urban or agricultural areas. Its food sources include plant genera *Baccharis*, *Cirsium*, *Lupinus*, *Lotus*, *Grindelia*, and *Phacelia*. There is a low potential for it to occur on the property.

▪ **Red-bellied newt (*Taricha rivularis*):**

This species is often found under rocks, logs, soil or duff, or in rodent burrows in coastal woodlands and redwood forests. Newts occur near high to moderate gradient streams and rivers, in riffles, and pools. Newts burrow in soil or debris near water, and emerge during fall rains to breed; and may migrate up to a mile or more between terrestrial habitat and stream breeding sites. They usually breed in flowing water, from late February through May. Appropriate habitat for newts does not occur within the streams on the project site. Streams on the surrounding slopes are short-term seasonal drainages, these drainages generally are unsuitable for this species.

▪ **Foothill yellow-legged frog (*Rana boylei*):**

These frogs are relatively common along the shaded banks of perennial headwater streams. They are heavily dependent on the presence of perennial water and are seldom far from pools where they can seek shelter from predation. The larvae require three to four months to mature, making most ephemeral (seasonal) streams unsuitable as breeding sites. Burns Valley Creek may provide suitable habitat for this species. These frogs may spend dry summer months in shallows and backwaters after stream channels become dry, which do not occur in this watershed.

▪ **Western pond turtle (*Emys marmorata*):**

These turtles prefer slow or ponded water with sheltering vegetation but will range widely through less suitable habitat in search of these sites. Eggs are laid on land in sheltered nests. Stream channels are often used as movement corridors between waterways or ponds. While turtles may use the stream corridor, there is no suitable habitat on this parcel for them to remain.

▪ **White-tailed kite (*Elanus leucurus*):**

Usually found near agricultural areas, the kite prefers open terrain near woodlands and water. These raptors hunt over open country and prefer large, deciduous trees surrounded by expanses of grassland, meadows, farmland, and/or wetlands for nesting and roosting sites. The property contains woodlands adjacent to expanses of open grasslands with nearby water (Clearlake); this would provide marginal habitat for kites for both nesting and hunting. This is a California Fully Protected species. All raptors are protected under the Migratory Bird Treaty Act and California Department of Fish and Wildlife code.

▪ **Northern harrier (*Circus cyaneus hudsonius*):**

This raptor occurs in annual grassland and is also found at high elevations. It inhabits meadows, open grasslands and rangelands, and emergent wetlands; it prefers habitat such as the broad, open grasslands and wetlands of the Sacramento Valley where this species is commonly seen. It is seldom found in wooded or agricultural areas. Formerly called the "marsh hawk", it nests on the ground in dense shrubby vegetation in and near wetlands. The harrier feeds on insects and small mammals, birds, etc., and competes with the red-tailed hawk for food. These raptors nest from April to August and have California Species of Concern status during that period. This parcel does not provide habitat for harriers.

- **Osprey (*Pandion haliaetus*):**

This species occurs near large, fish-bearing waters in ponderosa pine or mixed conifer habitats where it feeds on open waters for fish, although it also takes small birds and mammals. It hunts over wide expanses of open water and usually nests in the tops of large isolated trees near shorelines. Nests are made on platforms of sticks on top of large snags, dead-topped trees, or man-made structures. Nests are usually within close proximity of large fish-producing water bodies. The stick nests constructed by this species are readily apparent when present. Ospreys prefer to nest near large bodies of water and are unlikely to nest on the property.

- **Tricolored blackbird (*Agelaius tricolor*):**

These blackbirds are colony nesters in fresh emergent wetland habitat (tule or cattail marsh), but may also occur in dense blackberry or willow shrub communities adjacent to water. Cover is required for nesting. Proximity to insects is preferred, although food includes seeds and grain. Breeding occurs April through June. The species is usually readily observed when present and has a distinctive call. This site does not contain suitable habitat for this species.

- **Grasshopper sparrow (*Ammodramus savannarum*):**

This sparrow is a summer resident in foothills and lowlands west of the Cascade-Sierra Nevada crest from Mendocino and Trinity counties to southern California. It occurs in dry, dense grasslands with scattered shrubs for singing perches. Grasshopper sparrows are secretive in winter. They need thick grasslands and forbs for cover, and nest in small depressions on the ground. They breed from April to mid-July. Sparrows feed primarily on insects but also eat other invertebrates, grains, and forb seeds. They search for food on the ground. They may be present in the grasslands.

- **Townsend's western big-eared bat (*Corynorhinus townsendii ssp. townsendii*):**

This bat is a California Species of Special Concern. Physical traits include bilateral nose lumps and very large ears. The most restrictive resource required by this species is daytime roosting habitat. This bat prefers caves and mines and is easily observed when present, hanging from open surfaces in mines and caves. Less frequently it will roost in tunnels, bridges, or other human-made structures, or hollow trees. Roost sites may vary from year to year. These bats typically prefer relatively mesic (moist) habitat such as streams near woodland habitats and may travel long distances for foraging. The majority of their diet consists of moths. This species is extremely sensitive to disturbance of roosting sites: These sites are frequently abandoned after being visited by humans. This property contains a riparian corridor, however it is low quality habitat for this species.

- **Pallid bat (*Antrozous pallidus*):**

Optimal habitat for these bats consists of open, dry habitats with rocky areas, but the bats are also found in oak savanna grasslands, and in open forest and woodlands with access to riparian and open water for feeding and drinking. Foraging occurs over open country. These bats prefer the cool summer temperatures of caves, crevices, and mines as roosting sites where they are known to wedge themselves into small spaces; they will also roost in buildings, bridges, and hollow trees. Preferred roosts are high above the ground and inaccessible to terrestrial predators, although they are occasionally found roosting on the ground underneath sacks, tarps, and other objects left by humans.

The bats have a home range of 1 to 3 miles and are known to roost with other bat species. This species of bat does not migrate long distances between seasons. It is extremely sensitive to human disturbance of roosting sites. Populations in California have declined due to habitat destruction and use of pesticides. The project site contains oak woodlands with limited water, which may provide some habitat for this species.

- **Pacific fisher, West Coast DPS (*Martes pennanti*):**

Fishers are found mostly in dense coniferous or deciduous riparian habitats that include older trees and snags. Fishers are mainly carnivorous, eating smaller mammals, rodents, birds, carrion, and fruits. They hunt for prey on the ground and in trees. Cover is provided by cavities in large trees, snags and logs and their nests are built in protected cavities, brush-piles or logs. Young are born between February and May. Fishers are listed for a distant quad in the CNDDDB near Scotts Creek, but the species has not been reported in this area since 1941. While there is no chance that they occur on this parcel due to no dense forest on this parcel.

- **American badger (*Taxidea taxus*):**

Badgers are found mostly in drier open stages of shrub, forest, and herbaceous habitats with friable soils such as open grasslands, fields, and pastures. They are found from high alpine meadows to sea level and occur throughout the state except for the northern North Coast. This species is carnivorous, eating mostly fossorial rodents; they also will eat reptiles, insects, birds, eggs, and carrion. They dig burrows in friable or sandy soil for cover and nesting, and often reuse old burrows. Breeding occurs in late summer or fall. Nests are in areas with little overstory cover, often a grass-lined den, and young are born mostly in March and April. Young become independent in 5 or 6 months. The single occurrence mapped by CNDDDB within the Lakeport quadrangle is near the west boundary of the City of Lakeport on an unknown date. They would be unlikely to occur on this property.

- **North American porcupine (*Erethizon dorsatum*):**

This large, primarily nocturnal rodent prefers conifer and hardwood forests and woodlands, but is also found in forested wetlands and chaparral. They can withstand extreme cold temperatures. Porcupines use downed logs and debris, as well as snags and tree hollows, as cover and dens. Food is vegetation including twigs, berries, roots, seeds, needles, and bark; porcupines commonly climb trees for food. The porcupine breeds from September to November or December, giving birth in the spring. Lifespan is relatively long.

Porcupines may occur in the area and on the property. This species is listed in the CNDDDB as "G5" (Global Secure) and "SNR" (Species Not Rated-California). It is therefore not a species with sensitive regulatory status although its local accounts are included in the database.

Raptors and passerines lacking sensitive regulatory status but otherwise protected under the Migratory Bird Treaty Act may also be present on the property in their sensitive status.

5.0 FIELD SURVEY RESULTS

5.1 Botanical Field Survey Results: Table 4 presents the results of the botanical survey for the project. Each of the sensitive plant species potentially occurring at the site and listed in Tables 2 and 3 was specifically searched for during the surveys. The surveys identified a total of 61 plant taxa on the property.

TABLE 4. Flora of 2160 Ogulin Canyon Road

Habit	Species	Common Name	Family	Origin
forb	<i>Chlorogalum pomeridianum</i>	Wavyleaf soap plant	Agavaceae	N
forb	<i>Andostoma fasciculatum</i>	chamise	Alismataceae	N
forb	<i>Allium serra</i>	jeweled onion	Alliaceae	N
forb	<i>Conium maculatum</i>	poison hemlock	Apiaceae	A
forb	<i>Lomatium dasycarpum ssp. dasycarpum</i>	woolly-fruited lomatium	Apiaceae	N
forb	<i>Lomatium macrocarpum</i>	Large fruited lomatium	Apiaceae	N
forb	<i>Sanicula bipinnata</i>	Poison sanicle	Apiaceae	N
forb	<i>Agoseris apargioides var apargioides</i>	coast dandelion	Asteraceae	N
forb	<i>Chamomilla suaveolens</i>	pineapple weed	Asteraceae	A
forb	<i>Centaurea solstitialis</i>	Yellow star thistle	Asteraceae	A
forb	<i>Eriogonum nedum</i>	Naked buckwheat	Polygonaceae	N
forb	<i>Eriophyllum lanatum var. lanatum</i>	common woolly sunflower	Asteraceae	N
forb	<i>Madia gracilis</i>	gumweed, slender tarweed	Asteraceae	N
forb	<i>Micropus californicus</i>	cottontop	Asteraceae	N
forb	<i>Wyethia angustifolia</i>	narrow-leaved mule ears	Asteraceae	N
forb	<i>Cynoglossum grande</i>	grand hound's tongue	Boraginaceae	N
forb	<i>Lepidium nitidum var. nitidum</i>	shining peppergrass	Brassicaceae	N
forb	<i>Dichelostemma capitatum</i>	Blue dicks	Brodiaea	N
forb	<i>Lonicera interrupta</i>	Chaparral honeysuckle	Caprifoliaceae	N
forb	<i>Cerastium glomeratum</i>	mouse-ear chickweed, sticky mouse-ear	Caryophyllaceae	A

Habit	Species	Common Name	Family	Origin
forb	<i>Acemisson glaber</i>	deerweed	Fabaceae	N
forb	<i>Lupinus bicolor</i>	miniature lupine	Fabaceae	N
forb	<i>Trifolium hirtum</i>	rose clover	Fabaceae	A
forb	<i>Vicia americana var. americana</i>	American vetch	Fabaceae	N
forb	<i>Erodium cicutarium</i>	red-stem storksbill	Geraniaceae	A
forb	<i>Geranium dissectum</i>	cut-leaved geranium	Geraniaceae	A

Habit	Species	Common Name	Family	Origin
forb	<i>Toxicoscordion fremontii</i>	Fremont's death camas	Liliaceae	
forb	<i>Clarkia purpurea</i>	purple clarkia, winecup clarkia, four-spot	Onagraceae	N
forb	<i>Eschscholzia californica</i>	California poppy	Papaveraceae	N
forb	<i>Delphinium hesperium</i>	foothill larkspur	Ranunculaceae	N
forb	<i>Galium divaricatum</i>	Lamarck's bedstraw	Rubiaceae	N
forb	<i>Penstemon heterophyllus</i>	foothill penstemon	Scrophulariaceae	N

Habit	Species	Common Name	Family	Origin
grass	<i>Avena barbata</i>	slender wild oat	Poaceae	A
grass	<i>Briza minor</i>	small quaking grass	Poaceae	A
grass	<i>Bromus diandrus</i>	ripgut grass, ripgut brome	Poaceae	A
grass	<i>Bromus hordeaceus</i>	soft chess	Poaceae	A
grass	<i>Bromus jinermis</i>	smooth brome	Poaceae	A
grass	<i>Bromus laevipes</i>	woodland brome	Poaceae	N
grass	<i>Bromus madritensis ssp. rubens</i>	red brome	Poaceae	A
grass	<i>Elymus caput-medusae</i>	medusahead	Poaceae	A
grass	<i>Elymus glaucus ssp. glaucus</i>	blue wildrye	Poaceae	N
grass	<i>Festuca myuros</i>	rattail sixweeks grass	Poaceae	A
shrub	<i>Sambucus nigra ssp. caerulea</i>	blue elderberry	Adoxaceae	N
shrub	<i>Toxicodendron diversilobum</i>	poison oak	Anacardiaceae	N
shrub	<i>Baccharis pilularis</i>	coyote brush, chaparral broom	Asteraceae	N
shrub	<i>Symphoricarpos albus var. laevigatus</i>	common snowberry	Caryophyllaceae	N

Habit	Species	Common Name	Family	Origin
shrub	<i>Arctostaphylos manzanita ssp. manzanita</i>	common manzanita	Ericaceae	N
shrub	<i>Arctostaphylos viscida</i>	white-leaf manzanita	Ericaceae	N
shrub	<i>Pickeringia montana</i>	chaparral pea	Fabaceae	N
shrub	<i>Eriodictyon californicum</i>	California yerba santa	Hydrophyllaceae	N
shrub	<i>Lepechinia calycina</i>	pitcher sage	Lamiaceae	N
shrub	<i>Ceanothus cuneatus var. cuneatus</i>	buckbrush	Rhamnaceae	N
shrub	<i>Adenostoma fasciculatum</i>	chamise	Rosaceae	N
shrub	<i>Cercocarpus betuloides var. betuloides</i>	birch-leaf mountain mahogany	Rosaceae	N
shrub	<i>Heteromeles arbutifolia</i>	toyon	Rosaceae	N
tree	<i>Quercus douglasii</i>	Blue oak	Fagaceae	N
Tree	<i>Quercus wislizeni</i>	interior live oak	Fagaceae	N
Tree	<i>Pinus sabiniana</i>	California foothill pine	Pinaceae	N
Tree	<i>Populus fremontii</i>	Fremont cottonwood	Salicaceae	N
Tree	<i>Salix lasiolepis</i>	Arroyo willow	Salicaceae	N

vine	<i>Calystegia occidentalis ssp. occidentalis</i>	western morning-glory	Convolvulaceae	N
	<i>N=Native A=Alien (non-native)</i>			

6.0 SUMMARY AND RECOMMENDATIONS

6.1 Summary: This biological resource assessment involved the following analyses and surveys for sensitive plants and wildlife potentially occurring in the vicinity of the project:

- Review of current California Natural Diversity Database (CNDDDB) mapping of known sensitive plant and wildlife populations within the region.
- An analysis of the suitability of the site for sensitive plants and wildlife using the California Native Plant Society *On-line Inventory of Rare and Endangered Vascular Plants of California*, and the California Department of Fish and Wildlife's *California Wildlife Habitat Relations System*.
- A California Department of Fish and Wildlife protocol, floristic-level field survey of the plants occurring within the property.
- A delineation of waters of the U.S.

Sensitive Plants: A total of 61 native and introduced plant taxa were identified within the survey areas during the in-season botanical survey. As used here, the term sensitive includes species having state or federal regulatory status, included on Lists 1B through 4 by the California Native Plant Society, or otherwise listed in the California Natural Diversity Database.

Sensitive Wildlife: A total of 15 sensitive wildlife species were assessed for potential occurrence at the site because of inclusion in the CNDDDB database for the quadrangle and the CWHR database. Based on the habitat assessment, the following conclusions are made regarding species with sensitive regulatory status:

- Sensitive status species that have a potential to be present in their sensitive state:
Obscure bumble bee, Foothill yellow legged frog; Western pond turtle; White-tailed kite; Northern harrier; Tricolored blackbird; Grasshopper sparrow; Townsend's big-eared bat; Pallid bat; American badger; Pacific fisher; North American porcupine

Possible Waters of the U.S.: A small riparian area is present on this parcel. It is of very low quality and does not exhibit all three criteria for designation as wetland.

6.2 Potential Impacts and Proposed Mitigation for Biological Resources:

(For all recommended mitigation measures accepted as conditions of approval, the text should be modified to use declarative language, i.e. “should” should become “shall”, etc.)

- **Habitat Fragmentation**

Potential Impacts: The proposed gardens and processing facility shown in Figure 2 are comparatively small and unlikely to significantly impair wildlife movement through the corridor. Use of outdoor lighting has a potential to disrupt wildlife movement, much of which occurs at night.

Proposed Mitigation for Habitat Fragmentation:

Measure 1: The use of deer fencing should be restricted to the perimeters of the proposed gardens. No deer fencing or other obstacles to wildlife passage should be installed that will restrict wildlife movement.

Measure 2: Outdoor lighting, if used, should be restricted to the processing facility and should be directed downward so as not to illuminate adjacent areas.

- **Woodland and Forest Resources**

Potential Impact: As shown in **Table 1**, the property contains a combined total of 6.25 acres of woodland. The proposed project design limits project components to the existing infrastructure areas and would not impact woodland resources.

Existing Blue Oaks within the development zone should be preserved when possible.

Proposed Mitigation for Impacts to Woodland and Forest: No mitigation recommended if the project is constructed within the area of existing infrastructure.

- Sensitive Plants and Wildlife

Potential Impacts:

Plants: No plants with sensitive regulatory status were found on the property during the floristic-level botanical survey.

Wildlife: The following wildlife species have a potential to be present on the Benmore Ranch property:

- Obscure bumble bee
- Western pond turtle
- White-tailed kite
- Northern harrier
- Grasshopper sparrow
- Pallid bat
- American badger
- North American porcupine

Use of pesticides resulting in drift has a potential to result in the incidental take of the obscure bumble bee, if present. Pesticide contamination of waterways or direct impacts to waterways has a potential to result in incidental take of foothill yellow-legged frog and/or western pond turtle downstream from the project area.

Other sensitive species listed above depend primarily on woodland, forest, and grassland habitats. Woodland and forest habitat would not be impacted by this project. Impacts to grasslands would be minimal based on the current project design.

[Proposed Mitigation for impacts to Wildlife:](#)

Measure 3: To mitigate potential impacts to obscure bumble bee, foothill yellow-legged frog, and western pond turtle, State and Federal regulations on pesticide selection and use should be strictly followed. Pesticide use should not occur during periods when winds may transport spray to adjacent areas. As an alternative, the operator may wish to use organic growing methods. It should be noted that State of California regulations for cannabis cultivation include strict standards for purity which may pre-empt use of pesticides.

- Waters of the U.S.

Potential Impacts: As shown in **Figure 2**, the development would not significantly alter the existing riparian area.

Placement of fill within Waters of the U.S. may require a Nationwide permit by the Corps of Engineers (possibly a non-reporting permit under the Nationwide Permit Program), along with a 401 Water Quality Certification from the Regional Water Quality Control Board, and 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife. The County of Lake may require stream setbacks.

Erosion Control:

Potential Impacts: Vegetation clearing and grading activities have a potential to result in sediment runoff to Burns Valley Creek.

Proposed Mitigation: All work in or near waterways and wetlands should incorporate extensive erosion control measures consistent with Lake County Grading Regulations in order to avoid erosion and the potential for transport of sediments to Burns Valley Creek. Coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) may be required.

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APPENDIX A

**CALIFORNIA WILDLIFE HABITAT RELATIONSHIP SYSTEM
RESULTS**



CALIFORNIA WILDLIFE HABITAT RELATIONSHIPS SYSTEM

supported by the

CALIFORNIA INTERAGENCY WILDLIFE TASK GROUP

and maintained by the

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Database Version: 9.0

SPECIES SUMMARY REPORT

FE = Federal Endangered CF = California Fully Protected PT = Federally-Proposed Threatened CD = CDF Sensitive
 FT = Federal Threatened CP = California Protected FC = Federal Candidate HA = Harvest
 CE = California Endangered SC = California Species of Special Concern BL = BLM Sensitive
 CT = California Threatened PE = Federally-Proposed Endangered FS = USFS Sensitive

Note: Any given status code for a species may apply to the full species or to only one or more subspecies or distinct population segments.

ID	Species Name	Status	Native/Introduced
A004	CALIFORNIA GIANT SALAMANDER		NATIVE
A006	ROUGH-SKINNED NEWT		NATIVE
A007	CALIFORNIA NEWT	SC	NATIVE
A012	COMMON ENSATINA	SC BL FS	NATIVE
A014	CALIFORNIA SLENDER SALAMANDER		NATIVE
A020	SPECKLED BLACK SALAMANDER		NATIVE
A022	ARBOREAL SALAMANDER		NATIVE
A032	WESTERN TOAD		NATIVE
A039	PACIFIC TREEFROG		NATIVE
A048	COASTAL GIANT SALAMANDER		NATIVE
A071	CALIFORNIA RED-LEGGED FROG	FT SC	NATIVE
B003	COMMON LOON	SC	NATIVE
B049	AMERICAN BITTERN		NATIVE
B050	LEAST BITTERN	SC	NATIVE
B051	GREAT BLUE HERON		CD NATIVE
B052	GREAT EGRET		CD NATIVE
B053	SNOWY EGRET		NATIVE
B057	CATTLE EGRET		NATIVE
B058	GREEN HERON		NATIVE
B059	BLACK-CROWNED NIGHT HERON		NATIVE
B067	TUNDRA SWAN		NATIVE
B071	SNOW GOOSE		HA NATIVE
B075	CANADA GOOSE		HA NATIVE
B076	WOOD DUCK		HA NATIVE
B077	GREEN-WINGED TEAL		HA NATIVE
B079	MALLARD		HA NATIVE

B080	NORTHERN PINTAIL		HA	NATIVE
B083	CINNAMON TEAL		HA	NATIVE
B084	NORTHERN SHOVELER		HA	NATIVE
B085	GADWALL		HA	NATIVE
B086	EURASIAN WIGEON		HA	NATIVE

ID	Species Name	Status			Native/Introduced
B087	AMERICAN WIGEON			HA	NATIVE
B089	CANVASBACK			HA	NATIVE
B091	RING-NECKED DUCK			HA	NATIVE
B093	GREATER SCAUP			HA	NATIVE
B094	LESSER SCAUP			HA	NATIVE
B101	COMMON GOLDENEYE			HA	NATIVE
B102	BARROW'S GOLDENEYE		SC	HA	NATIVE
B103	BUFFLEHEAD			HA	NATIVE
B104	HOODED MERGANSER			HA	NATIVE
B105	COMMON MERGANSER			HA	NATIVE
B106	RED-BREASTED MERGANSER			HA	NATIVE
B107	RUDDY DUCK			HA	NATIVE
B108	TURKEY VULTURE				NATIVE
B110	OSPREY			CD	NATIVE
B111	WHITE-TAILED KITE		CF	BL	NATIVE
B113	BALD EAGLE	CE	CF	BL FS CD	NATIVE
B114	NORTHERN HARRIER		SC		NATIVE
B115	SHARP-SHINNED HAWK				NATIVE
B116	COOPER'S HAWK				NATIVE
B117	NORTHERN GOSHAWK		SC	BL FS CD	NATIVE
B119	RED-SHOULDERED HAWK				NATIVE
B123	RED-TAILED HAWK				NATIVE
B124	FERRUGINOUS HAWK				NATIVE
B125	ROUGH-LEGGED HAWK				NATIVE
B126	GOLDEN EAGLE		CF	BL CD	NATIVE
B127	AMERICAN KESTREL				NATIVE
B128	MERLIN				NATIVE
B129	PEREGRINE FALCON		CF	CD	NATIVE
B131	PRAIRIE FALCON				NATIVE
B140	CALIFORNIA QUAIL		SC	HA	NATIVE
B141	MOUNTAIN QUAIL			HA	NATIVE
B145	VIRGINIA RAIL				NATIVE
B146	SORA				NATIVE
B148	COMMON GALLINULE			HA	NATIVE
B149	AMERICAN COOT			HA	NATIVE
B158	KILLDEER				NATIVE
B165	GREATER YELLOWLEGS				NATIVE
B166	LESSER YELLOWLEGS				NATIVE
B199	WILSON'S SNIPE				NATIVE

B251	BAND-TAILED PIGEON		HA	NATIVE
B255	MOURNING DOVE		HA	NATIVE
B259	YELLOW-BILLED CUCKOO	CE	PT BL FS	NATIVE
B260	GREATER ROADRUNNER			NATIVE

ID	Species Name	Status			Native/Introduced
B262	BARN OWL				NATIVE
B263	FLAMMULATED OWL				NATIVE
B264	WESTERN SCREECH OWL				NATIVE
B265	GREAT HORNED OWL				NATIVE
B267	NORTHERN PYGMY OWL				NATIVE
B269	BURROWING OWL		SC	BL	NATIVE
B270	SPOTTED OWL	FT	SC	BL FS CD	NATIVE
B272	LONG-EARED OWL		SC		NATIVE
B273	SHORT-EARED OWL		SC		NATIVE
B274	NORTHERN SAW-WHET OWL				NATIVE
B277	COMMON POORWILL				NATIVE
B281	VAUX'S SWIFT		SC		NATIVE
B282	WHITE-THROATED SWIFT				NATIVE
B287	ANNA'S HUMMINGBIRD				NATIVE
B291	RUFOUS HUMMINGBIRD				NATIVE
B292	ALLEN'S HUMMINGBIRD				NATIVE
B293	BELTED KINGFISHER				NATIVE
B294	LEWIS' S WOODPECKER				NATIVE
B296	ACORN WOODPECKER				NATIVE
B299	RED-BREASTED SAPSUCKER				NATIVE
B302	NUTTALL'S WOODPECKER				NATIVE
B303	DOWNY WOODPECKER				NATIVE
B304	HAIRY WOODPECKER				NATIVE
B305	WHITE-HEADED WOODPECKER				NATIVE
B307	NORTHERN FLICKER				NATIVE
B309	OLIVE-SIDED FLYCATCHER		SC		NATIVE
B311	WESTERN WOOD-PEWEE				NATIVE
B317	HAMMOND'S FLYCATCHER				NATIVE
B318	DUSKY FLYCATCHER				NATIVE
B320	PACIFIC-SLOPE FLYCATCHER				NATIVE
B321	BLACK PHOEBE				NATIVE
B323	SAY'S PHOEBE				NATIVE
B326	ASH-THROATED FLYCATCHER				NATIVE
B333	WESTERN KINGBIRD				NATIVE
B337	HORNED LARK				NATIVE
B338	PURPLE MARTIN		SC		NATIVE
B339	TREE SWALLOW				NATIVE
B340	VIOLET-GREEN SWALLOW				NATIVE

B341	NORTHERN ROUGH-WINGED SWALLOW		NATIVE
B342	BANK SWALLOW	CT	BL
B343	CLIFF SWALLOW		NATIVE
B346	STELLER'S JAY		NATIVE

ID	Species Name	Status	Native/Introduced
B348	WESTERN SCRUB-JAY		NATIVE
B350	CLARK'S NUTCRACKER		NATIVE
B352	YELLOW-BILLED MAGPIE		NATIVE
B353	AMERICAN CROW		HA
B354	COMMON RAVEN		NATIVE
B356	MOUNTAIN CHICKADEE		NATIVE
B357	CHESTNUT-BACKED CHICKADEE		NATIVE
B358	OAK TITMOUSE		NATIVE
B360	BUSHTIT		NATIVE
B361	RED-BREASTED NUTHATCH		NATIVE
B362	WHITE-BREASTED NUTHATCH		NATIVE
B363	PYGMY NUTHATCH		NATIVE
B364	BROWN CREEPER		NATIVE
B367	CANYON WREN		NATIVE
B368	BEWICK'S WREN		SC
B369	HOUSE WREN		NATIVE
B370	WINTER WREN		NATIVE
B372	MARSH WREN		SC
B375	GOLDEN-CROWNED KINGLET		NATIVE
B376	RUBY-CROWNED KINGLET		NATIVE
B377	BLUE-GRAY GNATCATCHER		NATIVE
B380	WESTERN BLUEBIRD		NATIVE
B381	MOUNTAIN BLUEBIRD		NATIVE
B382	TOWNSEND'S SOLITAIRE		NATIVE
B385	SWAINSON'S THRUSH		NATIVE
B386	HERMIT THRUSH		NATIVE
B389	AMERICAN ROBIN		NATIVE
B390	VARIED THRUSH		NATIVE
B391	WRENTIT		NATIVE
B393	NORTHERN MOCKINGBIRD		NATIVE
B398	CALIFORNIA THRASHER		NATIVE
B404	AMERICAN PIPIT		NATIVE
B407	CEDAR WAXWING		NATIVE
B408	PHAINOPEPLA		NATIVE
B410	LOGGERHEAD SHRIKE	FE	SC
B415	CASSIN'S VIREO		NATIVE
B417	HUTTON'S VIREO		SC

B418	WARBLING VIREO		NATIVE
B425	ORANGE-CROWNED WARBLER		NATIVE
B426	NASHVILLE WARBLER		NATIVE
B430	YELLOW WARBLER	SC	NATIVE
B435	YELLOW-RUMPED WARBLER		NATIVE
B436	BLACK-THROATED GRAY WARBLER		NATIVE

ID	Species Name	Status	Native/Introduced
B437	TOWNSEND'S WARBLER		NATIVE
B438	HERMIT WARBLER		NATIVE
B460	MACGILLIVRAY'S WARBLER		NATIVE
B461	COMMON YELLOWTHROAT	SC	NATIVE
B463	WILSON'S WARBLER		NATIVE
B467	YELLOW-BREASTED CHAT	SC	NATIVE
B471	WESTERN Tanager		NATIVE
B475	BLACK-HEADED GROSBEAK		NATIVE
B477	LAZULI BUNTING		NATIVE
B482	GREEN-TAILED TOWHEE		NATIVE
B483	SPOTTED TOWHEE	SC	NATIVE
B484	CALIFORNIA TOWHEE	FT CE	NATIVE
B487	RUFIOUS-CROWNED SPARROW	SC	NATIVE
B489	CHIPPING SPARROW		NATIVE
B493	BLACK-CHINNED SPARROW		NATIVE
B495	LARK SPARROW		NATIVE
B497	BELL'S SPARROW	FT SC	NATIVE
B499	SAVANNAH SPARROW	CE SC	NATIVE
B501	GRASSHOPPER SPARROW	SC	NATIVE
B504	FOX SPARROW		NATIVE
B505	SONG SPARROW	SC	NATIVE
B506	LINCOLN'S SPARROW		NATIVE
B509	GOLDEN-CROWNED SPARROW		NATIVE
B510	WHITE-CROWNED SPARROW		NATIVE
B512	DARK-EYED JUNCO		NATIVE
B519	RED-WINGED BLACKBIRD	SC	NATIVE
B520	TRICOLORED BLACKBIRD	SC BL	NATIVE
B521	WESTERN MEADOWLARK		NATIVE
B522	YELLOW-HEADED BLACKBIRD	SC	NATIVE
B524	BREWER'S BLACKBIRD		NATIVE
B528	BROWN-HEADED COWBIRD		NATIVE
B532	BULLOCK'S ORIOLE		NATIVE
B536	PURPLE FINCH		NATIVE
B537	CASSIN'S FINCH		NATIVE
B538	HOUSE FINCH		NATIVE
B539	RED CROSSBILL		NATIVE

B542	PINE SISKIN		NATIVE
B543	LESSER GOLDFINCH		NATIVE
B544	LAWRENCE'S GOLDFINCH		NATIVE
B545	AMERICAN GOLDFINCH		NATIVE
B546	EVENING GROSBEAK		NATIVE
B548	CLARK'S GREBE		NATIVE
B554	PLUMBEOUS VIREO		NATIVE

ID	Species Name	Status		Native/Introduced
B656	RED PHALAROPE			NATIVE
B699	BARRED OWL			NATIVE
B773	AMERICAN REDSTART			NATIVE
B798	WHITE-THROATED SPARROW			NATIVE
B799	HARRIS'S SPARROW			NATIVE
B809	INDIGO BUNTING			NATIVE
M006	ORNATE SHREW	FE	SC	NATIVE
M012	TROWBRIDGE'S SHREW			NATIVE
M015	SHREW-MOLE			NATIVE
M018	BROAD-FOOTED MOLE		SC	NATIVE
M023	YUMA MYOTIS		BL	NATIVE
M025	LONG-EARED MYOTIS		BL	NATIVE
M027	LONG-LEGGED MYOTIS			NATIVE
M028	CALIFORNIA MYOTIS			NATIVE
M030	SILVER-HAIRED BAT			NATIVE
M031	CANYON BAT			NATIVE
M033	WESTERN RED BAT		SC FS	NATIVE
M034	HOARY BAT			NATIVE
M037	TOWNSEND'S BIG-EARED BAT		SC BL FS	NATIVE
M038	PALLID BAT		SC BL FS	NATIVE
M039	BRAZILIAN FREE-TAILED BAT			NATIVE
M045	BRUSH RABBIT	FE CE		HA NATIVE
M047	AUDUBON'S COTTONTAIL			HA NATIVE
M051	BLACK-TAILED JACKRABBIT		SC	HA NATIVE
M055	YELLOW-PINE CHIPMUNK			NATIVE
M057	SHADOW CHIPMUNK			NATIVE
M059	SONOMA CHIPMUNK			NATIVE
M072	CALIFORNIA GROUND SQUIRREL			NATIVE
M075	GOLDEN-MANTLED GROUND SQUIRREL			NATIVE
M077	WESTERN GRAY SQUIRREL			HA NATIVE
M079	DOUGLAS' SQUIRREL			HA NATIVE
M080	NORTHERN FLYING SQUIRREL		SC FS	NATIVE
M081	BOTTA'S POCKET GOPHER			NATIVE
M084	MAZAMA POCKET GOPHER			NATIVE

M105	CALIFORNIA KANGAROO RAT		SC			NATIVE
M112	AMERICAN BEAVER				HA	NATIVE
M113	WESTERN HARVEST MOUSE					NATIVE
M117	DEER MOUSE		SC			NATIVE
M119	BRUSH MOUSE					NATIVE
M127	DUSKY-FOOTED WOODRAT	FE	SC			NATIVE
M134	CALIFORNIA VOLE	FE	CE	SC	BL	NATIVE
M139	COMMON MUSKRAT				HA	NATIVE

ID	Species Name	Status				Native/Introduced
M146	COYOTE				HA	NATIVE
M147	RED FOX		CT		FS HA	NATIVE
M149	GRAY FOX				HA	NATIVE
M151	BLACK BEAR				HA	NATIVE
M152	RINGTAIL		CF			NATIVE
M153	RACCOON				HA	NATIVE
M154	MARTEN		SC		FS	NATIVE
M155	FISHER		SC		FC BL FS	NATIVE
M156	ERMINE				HA	NATIVE
M157	LONG-TAILED WEASEL				HA	NATIVE
M158	AMERICAN MINK				HA	NATIVE
M160	AMERICAN BADGER		SC		HA	NATIVE
M162	STRIPED SKUNK				HA	NATIVE
M163	NORTHERN RIVER OTTER		SC			NATIVE
M165	MOUNTAIN LION		SC			NATIVE
M166	BOBCAT				HA	NATIVE
M177	ELK				HA	NATIVE
M181	MULE DEER				HA	NATIVE
R004	WESTERN POND TURTLE		SC		BL FS	NATIVE
R022	WESTERN FENCE LIZARD					NATIVE
R023	COMMON SAGEBRUSH LIZARD				BL	NATIVE
R036	WESTERN SKINK		SC		BL	NATIVE
R039	TIGER WHIPTAIL					NATIVE
R040	SOUTHERN ALLIGATOR LIZARD					NATIVE
R042	NORTHERN ALLIGATOR LIZARD					NATIVE
R046	NORTHERN RUBBER BOA		CT		FS	NATIVE
R048	RING-NECKED SNAKE				FS	NATIVE
R049	COMMON SHARP-TAILED SNAKE					NATIVE
R051	NORTH AMERICAN RACER					NATIVE
R053	STRIPED RACER	FT	CT			NATIVE
R057	GOPHERSNAKE		SC			NATIVE
R058	EASTERN KINGSNAKE					NATIVE
R059	CALIFORNIA MOUNTAIN KINGSNAKE		SC		BL FS	NATIVE

R060	LONG-NOSED SNAKE						NATIVE
R061	COMMON GARTERSNAKE	FE	CE	CF	SC		NATIVE
R062	TERRESTRIAL GARTERSNAKE						NATIVE
R071	DESERT NIGHTSNAKE						NATIVE
R076	WESTERN RATTLESNAKE						NATIVE
R078	AQUATIC GARTERSNAKE						NATIVE

Total Number of Species: 283

Query Parameters

Included Locations

Lake Co

Included Location Seasons

Migrant, Summer, Winter, Yearlong

Included Habitats & (Stages)

Annual Grassland, Closed-cone Pine-cypress, Fresh Emergent Wetland, Lacustrine, Mixed Chaparral, MontaneHardwood, Ponderosa Pine, Valley Foothill Riparian, Wet Meadow

Habitat Suitability Threshold

Reproduction - Low, Cover - Low, Feeding - Low

Included Habitat Seasons

Migrant, Summer, Winter, Yearlong

Excluded Elements

Barren, Bogs, Brush Pile, Buildings, Campground, Cave, Dump, Fences, Jetty, Lakes, Lithic, Mine, Mud Flats, NestBox, Nest Island, Nest Platform, Pack Stations, Rivers, Salt Ponds, Sand Dune, Shrub/agriculture, Soil - Saline, Soil -Sandy, Springs - Hot, Springs - Mineral, Talus, Tidepools, Transmission Lines, Trees - Fir, Vernal Pools, Water - Fast,Wharf

Included Species AllSpecies Included

Included Special Statuses

Native

1

2

3

4

OWNER

OGULIN ESTATES HOLDINGS, LLC
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

SITE PLAN DATA

AREA OF PROPERTY 9.56 ACRES TOTAL
 ZONING I - INDUSTRIAL
 FLOOD ZONE X, AE, AO

NOTES

- 1) THIS IS NOT A BOUNDARY SURVEY. ALL LOT LINES SHOWN ARE BASED ON A.P.N. MAP.
- 2.) EACH GREENHOUSE TO BE EQUIPPED WITH A THERMAL CAMERA.
- 3.) ELECTRIC, PHONE, AND CABLE LINES ARE PROPOSED TO BE UNDERGROUND ON SITE.

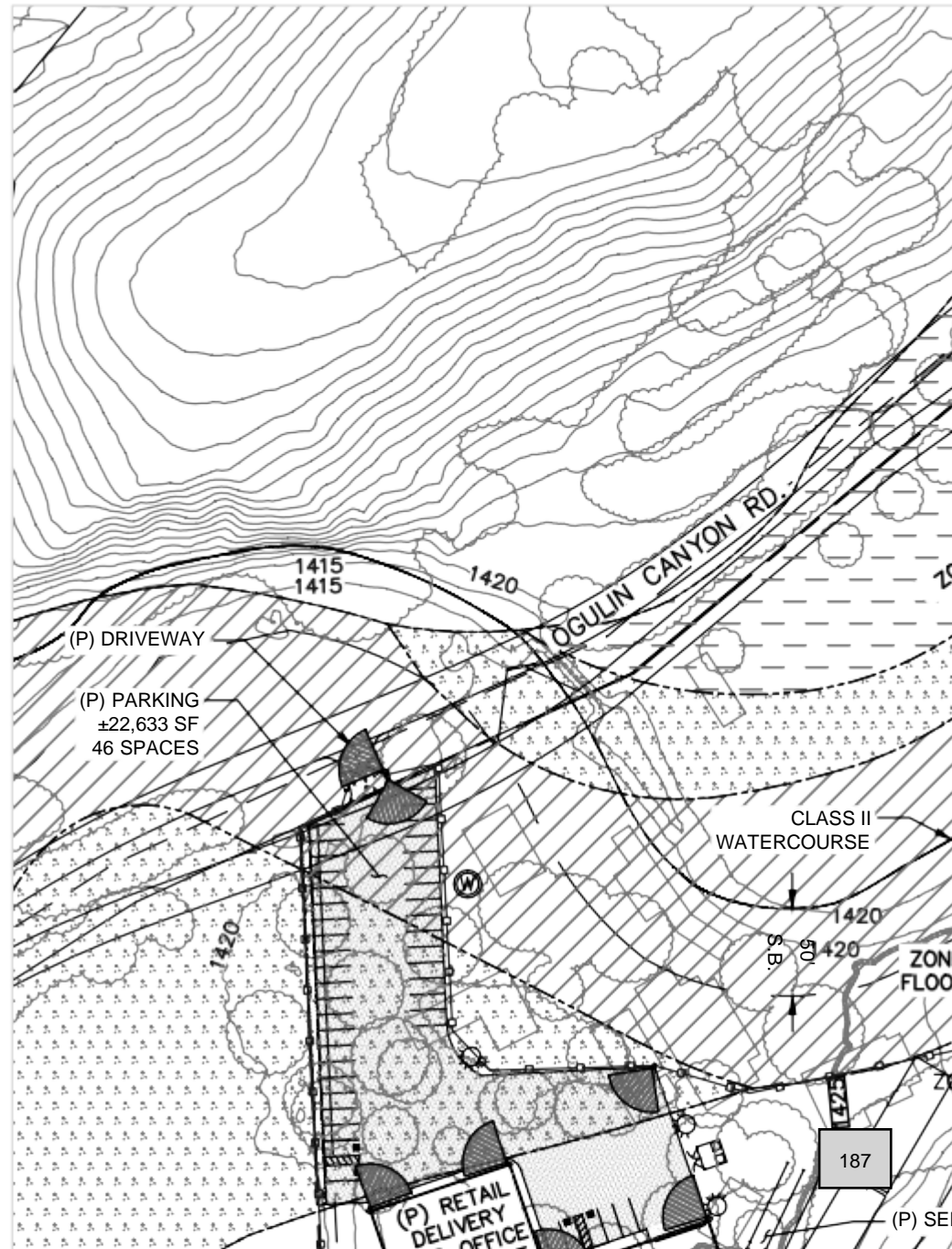
EARTHWORK QUANTITIES

CUT: 8,000 CY
 FILL: 4,000 CY

 NET: 4,000 CY EXPORT

LEGEND

- — — — — PROPERTY LINE
- — — — — SETBACK LINE
- - - - - EASEMENT LINE
- == == == == (P) ACCESS ROAD/DRIVEWAY
- ==== (E) ACCESS ROAD/DRIVEWAY
- ~~~~~ (E) TREE/BRUSH LINE
- _____ FEMA FLOOD ZONE BOUNDARY



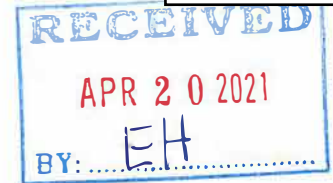
A

B

C



City of Clearlake
 14050 Olympic Drive, Clearlake, California 95422
 (707) 994-8201 Fax (707) 995-2653



DISTRIBUTION DATE: April 20, 2020

REQUEST FOR REVIEW (RFR)

	CITY DEPARTMENTS		LOCAL AGENCIES		STATE/FEDERAL AGENCIES
@	<i>Building Dept</i>	@	<i>Air Quality Management</i>	@	<i>CalTrans</i>
@	<i>Code Enforcement</i>	@	<i>Assessor's/Recorders Office</i>		<i>BLM</i>
@	<i>Police Department</i>	@	<i>Environmental Health Dept.</i>		<i>CA Dept. of Fish & Wildlife</i>
@	<i>Public Works/Engineering.</i>		<i>Lakebed Management</i>		<i>Army Core of Eng.</i>
		@	<i>Lake County Special Districts</i>		<i>U.S Fish & Wildlife Serv.</i>
			<i>Lake County Water Resources</i>	@	<i>Sonoma State (NWIC)</i>
			<i>Lake County Tax Collector</i>		<i>CHP</i>
@	<i>PG&E</i>		<i>Lake Transit</i>	@	<i>CA Dept. of Drinking Water</i>
			<i>Lake Area Planning Council</i>		<i>Cal Fire</i>
					<i>ABC</i>
			WATER DISTRICT		
			<i>Golden State Water</i>		CANNABIS PROJECTS
		@	<i>Konocti Water Co,</i>	@	<i>Cal Cannabis</i>
			<i>Highlands Water Co.</i>	@	<i>CA Dept. Public Health (Manufacturing)</i>
				@	<i>Bureau of Cannabis Control (retailers, distributors, 3rd party testing laboratories and microbusinesses)</i>

REQUEST: REQUEST: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by May 7, 2020. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

APPLICATIONS:

- UP 2021-23 – Cultivation
- UP 2021-24 – Manufacturing
- UP 2021-25 – Distribution
- UP 2021-26 – Processing
- UP 2021-27 – Retail Delivery
- UP 2021-28 – Nursery

LOCATION(S): 2160 Ogulin Canyon Road; Clearlake, CA 95422

APPLICANT: Ogulin Hills Holdings, LLC c/o Brian Pensack

APN(s): 010-044-210-000

LAND USE DESIGNATION(S): Commercial

GENERAL PLAN DESIGNATION(S): Commercial

PROPOSAL: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.**

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

- Proposed Structures:
 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75’ X 25’ (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

COMMENTS:

_____ *See attached memorandum* _____

NAME: *Lina Rubin*

DATE: *5/28/21*



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



Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: Multiple Use Permits
Commercial Cannabis
APN: 010-044-21 2160 Ogulin Canyon Rd, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-21 – a 1974 septic permit 3402-S designed to service a 3 bedroom residence. The permit also indicates there is a well on the property.

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

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

Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

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

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

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

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



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

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

May 6, 2021

File No.: 20-2099

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

re: UP 2021-23, UP 2021-24, UP 2021-25, UP 2021-26, UP 2021-27, UP 2021-28 / APN 010-044-210, 2160 Ogulin Canyon Road / Ogulin Hills Holdings, LLC c/o Brian Pensack

Dear Mark Roberts,

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

Project Description: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. Hours of Operation: Monday Through Saturday: 8:00AM to 5:00PM. Up to 35 employees. Up to +/- 4 managers. Proposed Structures: 33,600 SQFT cannabis processing, manufacturing, and distribution building. 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space. Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each) Proposed Parking: +/- 46 Parking Spaces.

Previous Studies:

XX This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

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

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

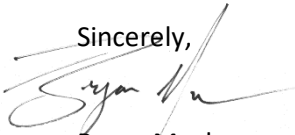
Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

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

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

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

Sincerely,

Bryan Much
Coordinator

From: [Fahmy Attar](#)
To: [Mark Roberts](#)
Cc: [Doug Gearhart](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Monday, June 7, 2021 11:42:19 AM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mark,

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

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation

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

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

Best Regards,

Fahmy Attar

Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
fahmya@lcaqmd.net

On Apr 20, 2021, at 10:44 AM, Mark Roberts <mroberts@clearlake.ca.us> wrote:

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.** If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021.** –

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

From: [Andrew White](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 10:05:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good Morning,

The Police Department opposes the application as presented for failing to demonstrate compliance with City Ordinances related to the proposed operation. Additionally, although the application seems to represent that a criminal history check has been completed and approved by me. I have not reviewed or approved any criminal history check with regards to this applicant.

The security plan, consisting of one sentence, is wholly inadequate and requires further review in the interest of public safety, health and welfare.

We look forward to the applicant submitting a complete application that sufficiently demonstrates compliance with the City Code. We are also open to meeting with the applicant to address any questions or concerns as they revise their submittal.

Thank you



Andrew White | *Chief of Police*
Clearlake Police Department
14050 Olympic Dr | Clearlake, CA 95422
(O) 707 994-8251 x301 | (C) 707 681-5688 | Dispatch: 707 994-8251



From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following:

Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021. –**

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

- Proposed Structures:
 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75’ X 25’ (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,



Mark Roberts | Senior Planner

City of Clearlake

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

From: [Lori Baca](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 9:49:25 AM
Attachments: [image003.png](#)
[image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Parcel 010-044-210 is outside of any Special Districts service area, no impact.

Have a wonderful day!

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



From: Mark Roberts [mailto:mroberts@clearlake.ca.us]
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: [SUSPICIOUS MESSAGE] RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for**

From: kcwd@mchsi.com
To: [Mark Roberts](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Friday, April 23, 2021 9:48:03 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Konocti County Water District has no comments. This area is not in our district. Thank you, Frank.

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

From: "Mark Roberts" <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:44:30 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them no later than May 7th, 2021.

· Hours of Operation:

- o Monday Through Saturday: 8:00AM to 5:00PM.
- o Up to 35 employees
- o Up to +/- 4 managers

· Proposed Structures:

- o 33,600 SQFT cannabis processing, manufacturing, and distribution building
- o 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
- o Five (5) Greenhouse - Each greenhouse will be 75' X 25' (1,875 SQFT Each)

· Proposed Parking:

- o +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Water Availability Report

2160 Ogulin Canyon Road

Cannabis Processing and Cultivation Project

The subject property is a 9.65-acre parcel located at 2160 Ogulin Canyon Road in Clearlake, California (APN 010-044-21).



The proposed project is a cannabis processing and cultivation facility that will include a 33,600 ft.² manufacturing, processing, distribution building, an attached 5,000 ft.² office and retail delivery building, and five (5) - 25' x 75' mixed light cultivation greenhouses.

- A. The water source for both domestic and irrigation uses will be delivered from a new water well as noted on the site plan below. The well was drilled in late September/early October of 2021 and is approximately 300 feet deep, with a supply capacity of 100+ gallons per minute (see attached well completion report).

Water Availability Report

2160 Ogulin Canyon Road

Cannabis Processing and Cultivation Project

- B. The water system will use ground water pumped from the well into a proposed new elevated 50,000-gallon water tank for distribution to the building(s) plumbing system and to the greenhouses for irrigation.
- C. A water meter will be installed in the water system and water consumption will be logged. Water use efficiency will be analyzed on a regular basis and a water budget will be generated for each new grow cycle.
- D. Water Demand - The California Department of Food and Agriculture (CDFA) in 2017 reported the following regarding the water use for cannabis. “According to Hammon et al. (2015), water use requirements for mixed light cannabis production (25-35 inches per year) are generally in line with water use for other agricultural crops, such as corn (20-25 inches per year), alfalfa (30-40 inches per year), tomatoes (15-25 inches per year), peaches (30-40 inches per year), and hops (20-30 inches per year).
- E. Irrigation Water Demand - is from the CDFA - CalCannabis Environmental Impact Report (CDFA 2017) = 3,000 gallons per day for 1 acre of cannabis canopy. The combined land area associated with the five (5) proposed greenhouses is less than ½ acre. The daily requirement is about 1 gallon of water per minute for .5 acres of cannabis canopy (1,440 gallons per day). Using 1,440 gallons per day for .5 acre of cannabis canopy, with a grow season of 300 irrigation days annually, the annual irrigation water demand for the project is estimated to be 432,000 gallons per year.
- F. Domestic Water Demand - for the light industrial warehouse and distribution land uses is estimated using the following formula: 38,600 square feet of floor area x 3.4 gallons/square foot/year = 131,240 gallons per year (+) plus 50 gallons/employee x 35 employees x 300 work days/year = 525,000 gallons /year = Total estimated water use for the 2160 Ogulin Canyon Road Processing Building = 656,240 gallons per year.
- G. Total Water Demand - the estimated total water demand for the project is 1,088,240 gallons per year (Irrigation - 432,000 gallons + Domestic - 656,240 gallons).
- H. Total Water Supply Capacity - the well report yield is 100 gallons per minute, which results in a supply capacity of 9+ million gallons per year (40 hours/week [2,400 minutes/week] x 52 weeks/year x 80 gallons/minute).
- I. The facility will implement water conservation practices, including:
 - Selection of plant varieties that are suitable for mixed light cultivation.
 - The use of driplines and drip emitters (instead of spray irrigation).
 - The use of mulch to reduce evaporation.
 - Water application rates modified from data from soil moisture meters and weather monitoring.

Water Availability Report

2160 Ogulin Canyon Road

Cannabis Processing and Cultivation Project

- Rooftop rainwater collection (where feasible and permitted).
 - Shutoff valves on hoses and water pipes.
 - Daily visual inspections of irrigation systems.
 - Immediate repair of leaking or malfunctioning equipment.
 - Water metering and budgeting.
 - Practices to prevent discharges from water supply equipment.
 - Water application rates minimized as necessary to prevent runoff and water equipment leaks repaired immediately.
 - Water filtration systems to be installed.
 - The elevated tank will supply gravitational flow to the irrigation system. PVC pipes will deliver the water to the plants.
 - Mixing tanks will be used to mix liquid fertilizers, which will then be injected into the irrigation system supply lines.
 - At each planting station, black polyvinyl flexible tubes and drip emitters will be used to irrigate the plants.
- I. Groundwater – The following information is from: **Lake County Watershed Protection District Lake County Groundwater Management Plan - March 31, 2006 - page 2-24 to 27.** The project site is in the Burns Valley Groundwater Basin. Burns Valley Basin is in the Shoreline Inventory Unit. The Franciscan Formation borders the Burns Valley Basin on the north, Clear Lake borders the basin on the west, and the Cache Formation borders the basin on the south and east.

Water-Bearing Formations:

Quaternary Alluvium

The valley lowlands contain stream channel gravel and adjacent floodplain deposits. These lowland deposits are Quaternary Alluvium and are composed of silt, sand, and gravel. The southern end of the valley has a maximum thickness of approximately 50 feet (DWR 2003). Groundwater in this formation is unconfined and typically provides water for domestic use.

Quaternary Terrace Deposits

Quaternary Terrace Deposits have been deposited on the sides of the alluvial plain in the Burns Valley Basin. The terrace deposits are approximately 15 feet above the valley

Water Availability Report

2160 Ogulin Canyon Road

Cannabis Processing and Cultivation Project

floor and slope up the valley to a similar elevation as the foothill exposures of the Cache Formation. Groundwater in this formation is not well understood.

Lower Lake Formation

The Lower Lake Formation, consisting of lake deposits, underlies the alluvial and terrace deposits in the Burns Valley Basin. The formation consists of fine sands, silts, and thick interbeds of marl and limestone (Rymer 1981) and has a maximum thickness of 200 feet (DWR 2003). The formation has low permeability and provides water to wells at up to a few hundred gallons per minute (DWR 2003).

Groundwater Hydrogeology

The Watershed Protection District monitors one well in the Burns Valley Basin. The monitoring well indicates that groundwater levels fluctuate from 2 feet below ground surface in the spring to 10 feet below ground surface in the fall. The well also indicates that water levels rose in the Burns Valley Basin in 1981-1983. No information on groundwater movement is available. DWR estimates the useable storage capacity to be 1,400-acre feet (DWR 1960). Average-year agricultural groundwater demand in the Burns Valley basin is approximately 14 acre-feet per year.

Groundwater Quality/Inelastic Land Surface Subsidence

DWR monitors a number of wells for water quality in the Burns Valley Basin. Monitoring is not extensive enough to determine trends in groundwater quality nor the overall character of groundwater in the basin. Information was not available from DHS for the Burns Valley Groundwater Basin. Current information regarding inelastic land surface subsidence is unavailable.

Groundwater Wells

There are 86 domestic wells and 13 irrigation wells in the Burns Valley Basin. Approximately 50 percent of domestic wells are shallower than 75 feet deep, and approximately 50 percent of irrigation wells are shallower than 250 feet deep.

Conclusion - Water Availability

Based on the fact that the new well will have a supply capacity of over 9,000,000 gallons per year and that the estimated water demand for the project is 1,088,240 gallons per year, there is adequate water availability for the project.



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

Denise Pomeroy
Health Services Director

Erin Gustafson
Public Health Officer

Jasjit Kang
Environmental Health Director

SEAL WITHOUT WITNESS

Permit Number: WE 5718-AG
Site Address: 2160 Ogulin Canyon RD Clarklake CA. 95422
Assessor's Parcel No: 010 - 044 - 21
Owner Name: Ogulin Hills Holdings LLC
Date: 10/1/21

REASON FOR SEAL WITHOUT WITNESS:

- Emergency Seal - Explain: _____
- Inspector unable to witness
- Other: _____

IMPERMEABLE LAYER in which annular space terminates:

2" at a depth of 20' feet.

SEALANT USED: Bentonite clay & concrete
METHOD OF PLACEMENT: pour down hole and mix and pour concrete cap

I hereby certify that I have installed the annular seal in accordance with the provisions of the Lake County Well Ordinance and unless otherwise specified in the Lake County Well Ordinance, with the California Department of Water Resources Bulletin 74-81 or as modified by subsequent revisions or supplements.

DRILLING CONTRACTOR SIGNATURE: [Signature]
COMPANY: Will Peterson well Drilling LICENSE NO: 1009053

The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

State of California Well Completion Report

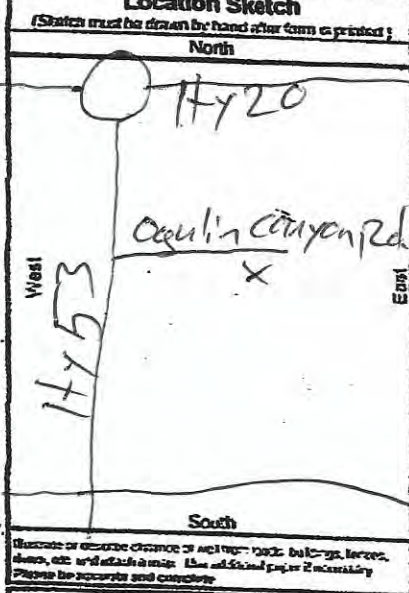
Section F, Item 2.

Page 1 of 1
 Owner's Well Number 2
 Date Work Began 9-29-21 Date Work Ended 10-1-21
 Local Permit Agency Lake County Environmental Health
 Permit Number WE-571846 Permit Date 9-28-21

DWR Use Only - Do Not	
State Well Number	Size Number
Latitude	Longitude
APN/TRS/Other	

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify		
Drilling Method <u>Air Rotary</u> Drilling Fluid <u>NA</u>		
Depth from Surface		Description
Feet	to Feet	
0	20	gravel and Brown clay
20	70	gravel & tan clay
70	220	fransiscan gravel track of sandstone
220	240	fransiscan gravel
240	300	green stone
Total Depth of Boring <u>305</u> Feet		
Total Depth of Completed Well <u>300</u> Feet		

Well Owner	
Name <u>Dawlin Hills Holdings</u>	
Mailing Address <u>637 Lindero St. Suite 201</u>	
City <u>San Rafael</u> State <u>CA</u> Zip <u>94901</u>	
Well Location	
Address <u>2160 Ogulin Canyon Rd</u>	
City <u>Clearlake CA</u> County <u>LAKE</u>	
Latitude _____ N Longitude _____	
Datum _____ Dec. Lat. _____ Dec. Long. _____	
APN Book <u>010</u> Page <u>044</u> Parcel <u>21</u>	
Township _____ Range _____ Section _____	



Activity	
<input checked="" type="radio"/> New Well	
<input type="radio"/> Modification/Repair	
<input type="radio"/> Deepen	
<input type="radio"/> Other	
<input type="radio"/> Destroy	<small>Describe size/ages and materials under CDFG 06C1.06</small>
Planned Uses	
<input checked="" type="checkbox"/> Water Supply	
<input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public	
<input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial	
<input type="checkbox"/> Cathodic Protection	
<input type="checkbox"/> Dewatering	
<input type="checkbox"/> Heat Exchange	
<input type="checkbox"/> Injection	
<input type="checkbox"/> Monitoring	
<input type="checkbox"/> Remediation	
<input type="checkbox"/> Sparging	
<input type="checkbox"/> Test Well	
<input type="checkbox"/> Vapor Extraction	
<input type="checkbox"/> Other	

Water Level and Yield of Completed Well			
Depth to first water	<u>80'</u>	(Feet below surface)	
Depth to Static			
Water Level	<u>30'</u>	(Feet)	Date Measured <u>9-30-21</u>
Estimated Yield	<u>100+</u>	(GPM)	Test Type <u>Air Lift</u>
Test Length	<u>2hs</u>	(Hours)	Total Drawdown _____ (Feet)
*May not be representative of a well's long term yield.			

Casings							
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size
Feet ± Feet	(Inches)			(Inches)	(Inches)		If Any (Inches)
0	80	PVC	PVC	1/2"	4 1/2"	None	None
80	100	PVC	PVC	1/2"	4 1/2"	PCSS	.032
100	240	PVC	PVC	1/2"	4 1/2"	Blanks	N/A
240	300	PVC	PVC	1/2"	4 1/2"	Perfs	.032

Annular Material		
Depth from Surface	Fill	Description
Feet to Feet		
0	20	Concrete SEAL
21	21	Bentonite SEAL
21	300	21/2" Dia Gravel Pack

Attachments	
<input type="checkbox"/> Geologic Log	
<input type="checkbox"/> Well Construction Diagram	
<input type="checkbox"/> Geophysical Log(s)	
<input type="checkbox"/> Soil/Water Chemical Analyses	
<input type="checkbox"/> Other	
<small>Attach additional information if it exists</small>	

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>Will Peterson Well Drilling</u>			
Address <u>P.O. Box 6254</u>			
City <u>Kelseyville CA</u> State <u>CA</u> Zip <u>95451</u>			
Signed <u>[Signature]</u>	Date <u>10-1-21</u>	State <u>CA</u>	Zip <u>95451</u>
<small>C-57 Licensed Water Well Contractor</small>		Date Signed <u>10-1-21</u> License Number <u>7009053</u>	

OWNER

OGULIN ESTATES HOLDINGS, LLC
BRIAN D. PENSACK
637 LINDARD ST., SUITE 201
SAN RAFAEL, CA 94901

SITE PLAN DATA

AREA OF PROPERTY 9.56 ACRES TOTAL
ZONING I - INDUSTRIAL
FLOOD ZONE X, AE, AO

NOTES

- 1) THIS IS NOT A BOUNDARY SURVEY. ALL LOT LINES SHOWN ARE BASED ON A.P.N. MAP.
- 2.) EACH GREENHOUSE TO BE EQUIPED WITH A THERMAL CAMERA.
- 3.) ELECTRIC, PHONE, AND CABLE LINES ARE PROPOSED TO BE UNDERGROUND ON SITE.

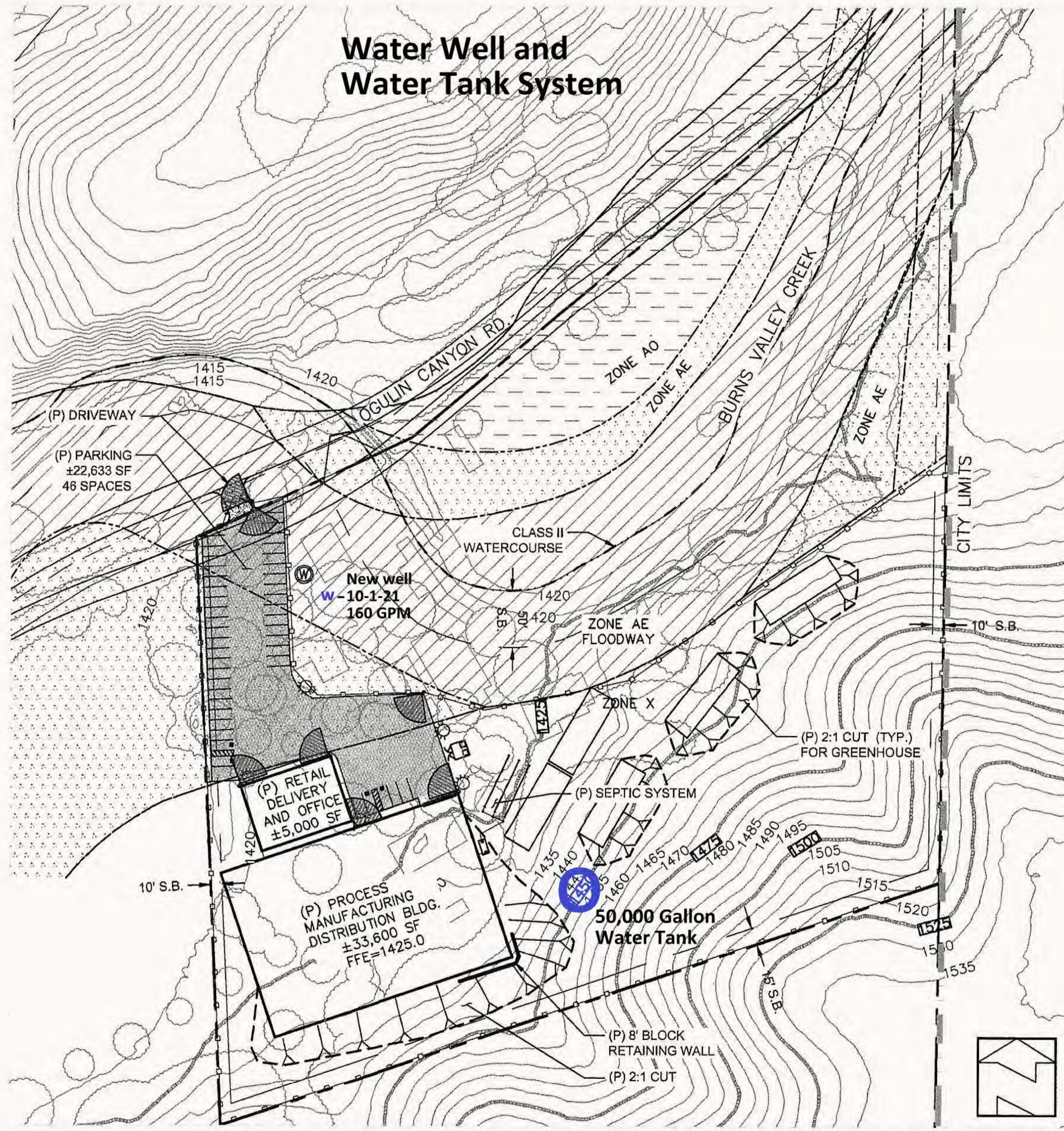
EARTHWORK QUANTITIES

CUT: 8,000 CY
FILL: 4,000 CY
NET: 4,000 CY EXPORT

LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- (P) ACCESS ROAD/DRIVEWAY
- (E) ACCESS ROAD/DRIVEWAY
- (E) TREE/BRUSH LINE
- FEMA FLOOD ZONE BOUNDARY
- (P) LANDSCAPE
- (P) 6' CHAIN LINK FENCE
- (P) TRASH ENCLOSURE
- (P) THERMAL CAMERA
- (P) LIGHT POLE
- (P) GREENHOUSES (75'X25')
- ZONE AE
- ZONE AE FLOODWAY
- ZONE AO
- ZONE X

Water Well and Water Tank System



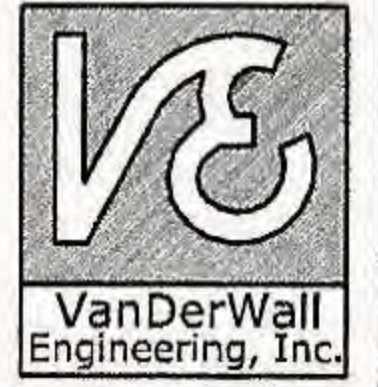
SUBMITTED TO:

CITY OF CLEARLAKE
COMMUNITY DEVELOPMENT DEPT.
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422

PO BOX 431
KELSEYVILLE, CA 95451
707-279-4887

Ogulin Cannabis Facilities II
SITE PLAN
APN: 010-044-21
2160 Ogulin Canyon Road
CLEARLAKE, CALIFORNIA

VanderWall
Engineering, Inc.



RKC Concept Plan 10-1-21	
VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	JAN. 2021
PROJ	21-02
DWG	
SHEET	OF 206



Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities



Prepared for the City of Clearlake and the County of Lake

Submitted by
W-Trans

September 23, 2021





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Appendices

- A. Intersection Level of Service Calculations
- B. Growth Rate Calculations





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Executive Summary

The proposed cannabis cultivation and support facilities would be located at 2185, 2160, 2050, and 1756 Ogulin Canyon Road to the east of SR 53. The two projects proposed at 2185 and 2160 Ogulin Canyon Road are at sites in the City of Clearlake and the two project sites at 2050 and 1756 are located in unincorporated Lake County. Cumulatively, the projects would include 749,995 square feet of cannabis cultivation area, 43,600 square feet of manufacturing, processing, and distribution facilities, and 8,000 square feet of office and delivery retail space. A maximum of 85 full- and part-time employees are anticipated during harvest seasons. The four proposed projects would be expected to result in a total of 259 new daily trips during the peak season, including 44 trips during the morning peak hour and 41 trips during the evening peak hour.

The operational analysis study area includes the intersection of SR 53 with Ogulin Canyon Road. Analysis indicates that the study intersection would be expected to operate acceptably at LOS A overall and LOS D or better on the stop-controlled Ogulin Canyon Road approach during both peak hours and under all scenarios evaluated, including with cumulative traffic from all four projects and upon buildout of the City of Clearlake General Plan. Each individual project was therefore determined to have an acceptable effect on operation of the surrounding roadway network.

As of the date of this analysis, the City of Clearlake and County of Lake have not yet adopted thresholds of significance related to VMT, though the *Senate Bill 743 Vehicle Miles Traveled Regional Baseline Study* was prepared for Lake Area Planning Council (LAPC) in November 2020. Many of the recommendations in the Regional Baseline Study are consistent with guidance published by the California Governor's Office of Planning and Research (OPR) in the publication *Technical Advisory on Evaluating Transportation Impacts in CEQA*, 2018. As a result, individual project-related VMT impacts were assessed based on OPR guidance. Under this guidance, each of the four proposed projects can be presumed to have a less-than-significant transportation impact on VMT under the "small project" screening threshold since each individual project would result in fewer than 110 new daily trips during the peak season and even less when averaged over the course of the year.

There were no collisions recorded at the intersection of SR 53/Ogulin Canyon Road or on Ogulin Canyon Road during the most recent five-year study period indicating that there are no readily apparent safety issues in the study area. With the increase in trips from the four projects, the entirety of Ogulin Canyon Road would have an annual ADT below the AASHTO 400-trip threshold that defines a "Very Low Volume Roadway" and since the roadway has been operating acceptably in terms of safety, it is reasonable to expect the facility to continue doing so. Additionally, adequate stopping sight distance is available on Ogulin Canyon Road for the anticipated travel speeds at the project driveways. To maintain available sight lines, it is recommended that any new landscaping or signage planned for the project frontages be placed outside the driver's vision triangle at the driveways.

Although there are no pedestrian, transit, or bicycle facilities in the vicinity of the project sites, the existing condition is acceptable given that the project sites are located in an automobile-oriented rural area without any expected demand for walking or transit and limited demand for bicycling.

The City of Clearlake and County of Lake do not have published parking requirements for cannabis cultivation and support uses so the anticipated peak parking demand was estimated based on the proposed employee count and the number of company-owned vehicles proposed for the distribution uses. It was determined that the proposed parking supply for each project would be more than adequate to meet the anticipated peak parking demand.

Introduction

This report presents an analysis of the potential transportation impacts and traffic effects that would be associated with development of four cannabis cultivation projects on Ogulin Canyon Road, with two in the City of Clearlake and two in unincorporated Lake County. The traffic study was completed in accordance with the criteria established by the City of Clearlake and County of Lake, reflects a scope of work approved by City staff, and is consistent with standard traffic engineering techniques. While a single traffic study report has been prepared for all four of the proposed projects, the CEQA-related issues have been assessed for each project individually.

Prelude

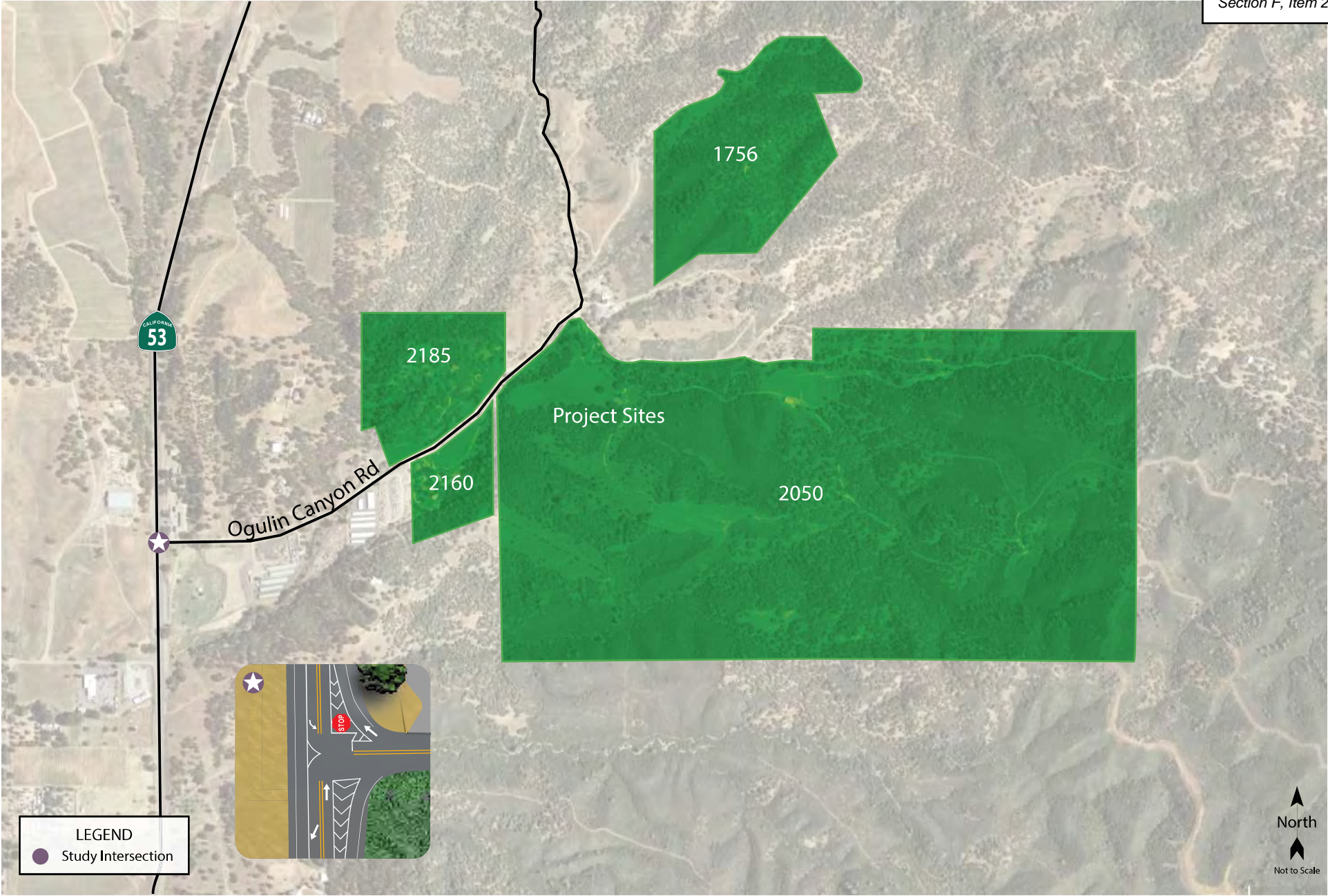
The purpose of a traffic impact study is to provide Agency staff and policy makers with data they can use to make an informed decision regarding the potential transportation impacts and traffic effects of a proposed project, and any associated improvements that would be required to mitigate these impacts to a level of insignificance under CEQA or reduce an adverse effect to an acceptable level under the jurisdiction’s General Plan or other policies. Impacts relative to access for pedestrians, bicyclists, and to transit are addressed in the context of the CEQA criteria. Consistent with SB 743, the project’s transportation impacts were analyzed using VMT. While no longer a part of the CEQA review process, vehicular traffic service levels at a key intersection were evaluated for consistency with General Plan policies by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on anticipated travel patterns specific to the proposed project, then analyzing the effect the new traffic would be expected to have on the operation of the study intersection.

Project Profile

The four proposed cannabis cultivation projects would be located at 2185, 2160, 2050, and 1756 Ogulin Canyon Road to the east of SR 53. The two projects proposed at 2185 and 2160 Ogulin Canyon Road are in the City of Clearlake and the two projects at 2050 and 1756 are located in unincorporated Lake County. Cumulatively, the projects include 749,995 square feet of cannabis cultivation, 43,600 square feet of manufacturing, processing, and distribution facilities, and 8,000 square feet of office and delivery retail space. A maximum of 85 full- and part-time employees are anticipated during harvest seasons. Detailed descriptions for each of the individual projects are provided in the “Project Description” section of this report.

The study area and location of the four project sites are shown in Figure 1.





Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
Figure 1 – Study Area and Existing Lane Configurations

Transportation Setting

Operational Analysis

Study Area and Periods

The operational analysis study area selected with input from City staff consists of the intersection of SR 53/ Ogulin Canyon Road. Operating conditions during the weekday a.m. and p.m. peak periods were evaluated to capture the highest potential volumes for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work commute, while the p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward-bound commute.

Study Intersection

SR 53/Ogulin Canyon Road is a tee intersection stop-controlled on the westbound Ogulin Canyon Road approach. The intersection has a left-turn lane on the southbound approach and channelized right-turn lanes on the northbound and westbound approaches. The westbound right-turn channelization feeds into a dedicated lane on northbound SR 53. Additionally, an acceleration lane is provided for traffic turning left from Ogulin Canyon Road onto southbound SR 53; this allows motorists to complete their left-turn movement in two stages.

The location of the study intersection and the existing lane configurations and control are shown in Figure 1.

Study Roadway

Ogulin Canyon Road is located on the east side of SR 53 and generally runs east-west with a width ranging between 16 and 25 feet. The section between SR 53 and the project driveway at the 2185 address is paved and does not have a posted speed limit. The section to the east of 2185 transitions to a mostly gravel surface with a speed limit of 15 miles per hour (mph) indicated by signing that appears to have been erected by landowners and not the County. Based on traffic count data collected on April 6, 2021 specifically for this study, Ogulin Canyon Road has an average daily traffic (ADT) volume of approximately 220 vehicles to the west of the mini storage facility and 60 vehicles to the east.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision records were obtained from the California Highway Patrol (CHP) as published in their Statewide Integrated Traffic Records System (SWITRS) reports. For the five-year study period between April 1, 2015 through March 31, 2020, there were no recorded collisions at the study intersection of SR 53/ Ogulin Canyon Road or on the entire segment of Ogulin Canyon Road, indicating that there are no readily apparent safety issues in the study area.

Alternative Modes

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. Consistent with the rural location of the study area, there are no dedicated pedestrian facilities in the vicinity of the project sites, nor would such facilities be appropriate in this setting.

Bicycle Facilities

The *Highway Design Manual*, Caltrans, 2017, classifies bikeways into four categories:

- **Class I Multi-Use Path** – a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- **Class II Bike Lane** – a striped and signed lane for one-way bike travel on a street or highway.
- **Class III Bike Route** – signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- **Class IV Bikeway** – also known as a separated bikeway, a Class IV Bikeway is for the exclusive use of bicycles and includes a separation between the bikeway and the motor vehicle traffic lane. The separation may include but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

There are no existing dedicated bicycle facilities on Ogulin Canyon Road or SR 53, nor are there any plans to provide such facilities in the *Active Transportation Plan for Lake County* (ATP), Lake County/ City Area Planning Council, December 2016. However, bicyclists are able to ride on the shoulders of SR 53 and share the roadway with motorists on Ogulin Canyon Road.

Transit Facilities

Transit Services in the City of Clearlake, and throughout Lake County, are provided by Lake Transit. The nearest transit stop is located approximately 2.5 miles southwest of the project sites near the intersection of Olympic Drive/Burns Valley Road, which is not within a walkable distance; therefore, the project sites are not readily accessible by transit.

Although there is a lack of transit service in the project vicinity, dial-a-ride, also known as paratransit or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. Lake Transit offers dial-a-ride service in Clearlake, Lower Lake, and Lakeport during the same days and hours as the local bus routes. Passengers certified as eligible for the Americans with Disabilities Act (ADA) paratransit service receive reservation priority when calling one day or more in advance. Additionally, passengers in areas that are not served by dial-a-ride can use the “flex-stop” service and the bus will travel up to one mile off of its regular route, as needed.

Capacity Analysis

Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free-flow conditions and Level of Service F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

The Levels of Service for the intersection of SR 53/Ogulin Canyon Road were analyzed using the “Two-Way Stop-Controlled” intersection capacity method from the *Highway Capacity Manual (HCM)*, Transportation Research Board, 6th Edition, 2018. This methodology determines a level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. Results are presented for individual movements together with the weighted overall average delay for the intersection.

The ranges of delay associated with the various levels of service are indicated in Table 1.

LOS A	Delay of 0 to 10 seconds. Gaps in traffic are readily available for drivers exiting the minor street.
LOS B	Delay of 10 to 15 seconds. Gaps in traffic are somewhat less readily available than with LOS A, but no queuing occurs on the minor street.
LOS C	Delay of 15 to 25 seconds. Acceptable gaps in traffic are less frequent, and drivers may approach while another vehicle is already waiting to exit the side street.
LOS D	Delay of 25 to 35 seconds. There are fewer acceptable gaps in traffic, and drivers may enter a queue of one or two vehicles on the side street.
LOS E	Delay of 35 to 50 seconds. Few acceptable gaps in traffic are available, and longer queues may form on the side street.
LOS F	Delay of more than 50 seconds. Drivers may wait for long periods before there is an acceptable gap in traffic for exiting the side streets, creating long queues.

Reference: *Highway Capacity Manual*, Transportation Research Board, 6th Edition, 2018

Traffic Operation Standards

City of Clearlake

The City of Clearlake established a Level of Service (LOS) Standard of LOS D for all intersections and roadways in Policy CI 1.3.4 of *City of Clearlake 2040 General Plan Update*, City of Clearlake, 2017. Exceptions to this may be considered by the City Council when an unacceptable LOS (E or F) would result in clear public benefit. Such circumstances may include when improvements to achieve the LOS standard would result in impacts to unique historic resources or highly sensitive environmental areas; if right-of-way acquisition is infeasible; and/or if there are overriding economic or social circumstances.

Caltrans

While the study intersection is on a State highway, Caltrans does not have a standard of significance relative to operation as this is no longer a CEQA issue. The new *Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG)*, published in May 2020, replaced the *Guide for the Preparation of Traffic Impact Studies*, 2002. As

indicated in the TISG, the Department is transitioning away from requesting LOS or other vehicle operations analyses of land use projects and will instead focus on Vehicle Miles Traveled (VMT).

Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes during the weekday a.m. and p.m. peak periods. This condition does not include project-generated traffic volumes. Volume data for the study intersection was collected on April 6, 2021. Peak hour factors (PHFs) were calculated based on the counts obtained and used in the analysis.

Intersection Levels of Service

Under Existing Conditions, SR 53/Ogulin Canyon Road operates acceptably at LOS A overall and LOS B or C on the stop-controlled westbound approach during both peak hours. A summary of the intersection Level of Service calculations is contained in Table 2, the Existing traffic volumes are shown in Figure 2, and copies of the Level of Service calculations for all evaluated scenarios are provided in Appendix A.

Table 2 – Existing Peak Hour Intersection Levels of Service				
Study Intersection <i>Approach</i>	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
SR 53/Ogulin Canyon Rd	0.2	A	0.7	A
<i>Westbound (OCR) Approach</i>	10.2	B	21.1	C

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; OCR = Ogulin Canyon Road

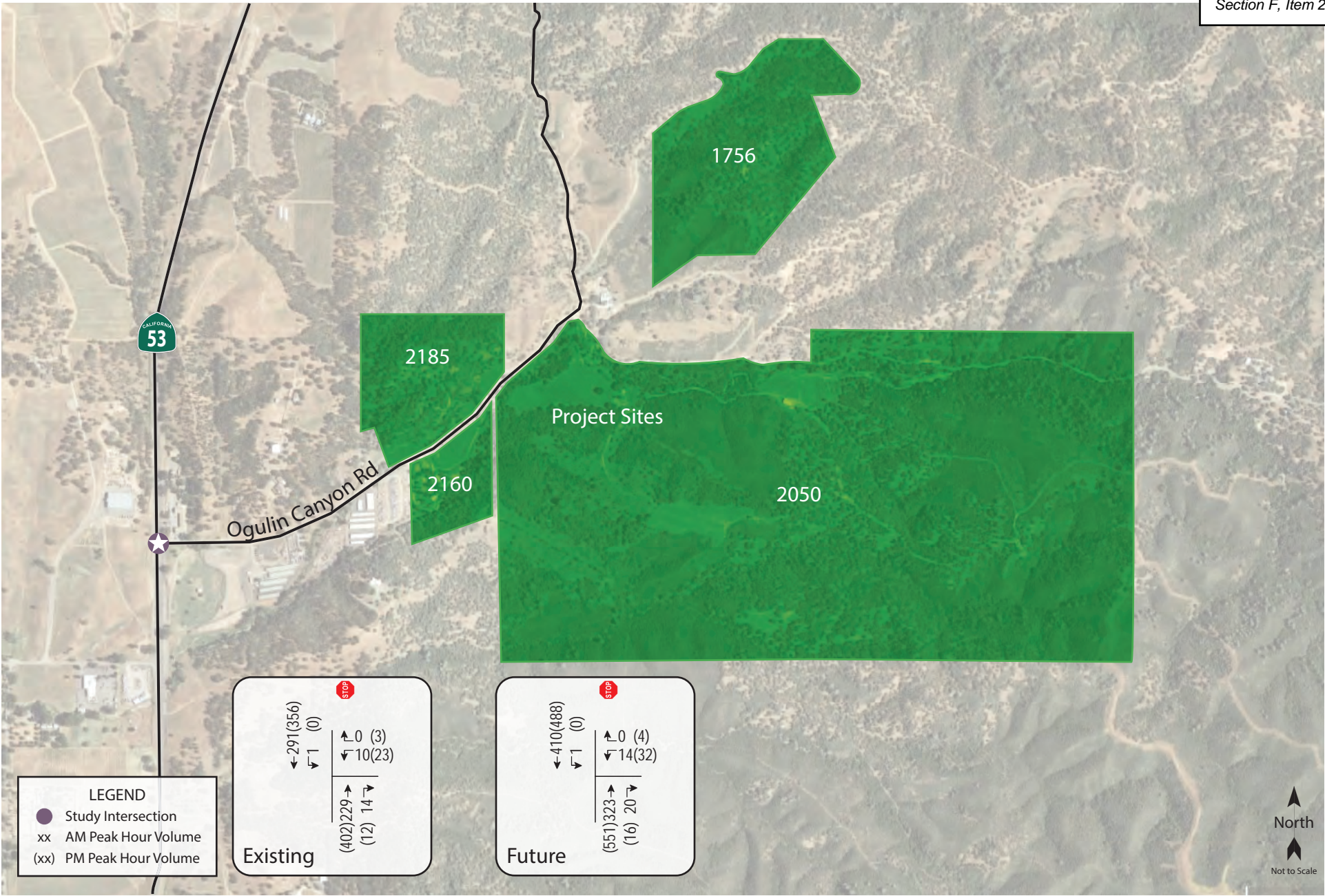
Future Conditions

Future volumes for the horizon year 2040 were developed for the study intersection using information contained in the traffic analysis that was prepared for the *City of Clearlake 2040 General Plan Update*. The study intersection was not analyzed as part of the General Plan update so a growth factor was calculated between existing and future volume projections for the nearest intersection on the SR 53 corridor that was analyzed in the General Plan analysis and then applied to the existing volumes at the study intersection in order to project likely future volumes. Anticipated General Plan buildout volumes for the intersection of SR 53/Olympic Drive, which is approximately one mile south of the study intersection, indicate a growth factor of 1.51 for the a.m. peak hour and 1.46 for the p.m. peak hour. After adjusting for the four years of growth that have already occurred since the General Plan analysis, a growth factor of 1.41 and 1.37 was applied to the existing 2021 counts in order to estimate 2040 volumes. The growth factors were applied uniformly to all movements at the study intersection. A spreadsheet indicating the growth factor calculations is provided in Appendix B.

Intersection Levels of Service

Under the anticipated Future volumes, the intersection of SR 53/Ogulin Canyon Road is expected to continue operating acceptably at LOS A overall and LOS D or better on stop-controlled westbound approach during both peak hours. Future volumes are shown in Figure 2 and operating conditions are summarized in Table 3.





Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
Figure 2 – Existing and Future Traffic Volumes

Table 3 – Future Peak Hour Intersection Levels of Service

Study Intersection Approach	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
SR 53/Ogulin Canyon Rd	0.2	A	0.9	A
Westbound (OCR) Approach	10.8	B	28.3	D

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; OCR = Ogulin Canyon Road

Project Description

The four proposed cannabis cultivation projects would be located at 2185, 2160, 2050, and 1756 Ogulin Canyon Road; the 2185 and 2160 addresses are in the City of Clearlake, while the properties at 2050 and 1756 are in unincorporated Lake County. Following are detailed descriptions of each individual project:

- 2185 Ogulin Canyon Road** – The first phase of the project includes 10,000 square feet of cannabis manufacturing, processing, and distribution uses, 3,000 square feet for office and retail delivery space, and ten greenhouses for mixed light cultivation totaling 18,750 square feet. During typical operation, an average of ten full-time employees are anticipated, which would increase to a total of 25 employees during harvest season.
- 2160 Ogulin Canyon Road** – The proposed project includes the development of 5,000 square feet of delivery and office space and 33,600 square feet of cannabis processing, manufacturing, and distribution uses. Five greenhouses are also proposed for indoor cannabis cultivation totaling 9,375 square feet. During the harvest season a maximum of 35 employees are anticipated.
- 2050 Ogulin Canyon Road** – The proposed Lake Vista Farms project includes 15 acres of outdoor cultivation canopy across five sites. There would be eight full-time employees during typical operation and up to 20 employees during the planting and harvesting seasons.
- 1756 Ogulin Canyon Road** – The proposed Blue Oaks Farm project consists of approximately two acres of cannabis canopy and associated storage facilities. During typical operation, there would be two employees on-site and an additional three crew members would be hired during the harvest season.

The project site plans are shown in Figures 3 through 6.

Trip Generation

To be consistent with traffic studies that have been prepared for other similar cannabis cultivation projects in Humboldt County and Sonoma County, the trip generation for the proposed projects were estimated using standard rates for “General Light Industrial” (Land Use #110) published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual*, 10th Edition, 2017. Experience indicates that the application of rates using employees as the independent variable, rather than floor area, is better suited for cultivation projects since the cultivation, processing, manufacturing, and distribution of cannabis generally requires a substantially lower number of employees for a given floor area compared to other industrial uses. The proposed projects would be expected to generate more trips during harvest than non-harvest operation so as is typical for uses that have a “high season” the trip generation for the project was estimated using harvest employment projections considering both full-time and seasonal employees so that the resulting analysis reflects worst-case impacts during the peak season.

Based on a total of 85 employees across all four project sites, collectively the proposed projects would be expected to result in 259 trips per day on Ogulin Canyon Road during the peak season, including 44 trips during the weekday a.m. peak hour and 41 trips during the weekday p.m. peak hour. As is the case with all standard trip generation rates, although employees are the independent variable, trips generated by all aspects of the uses are included,



OWNER

OGULIN HILLS HOLDINGS, LLC
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

SITE PLAN DATA

AREA OF PROPERTY 21.25 ACRES TOTAL
 ZONING C-4 CITY OF CLEARLAKE
 FLOOD ZONE X

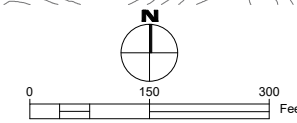
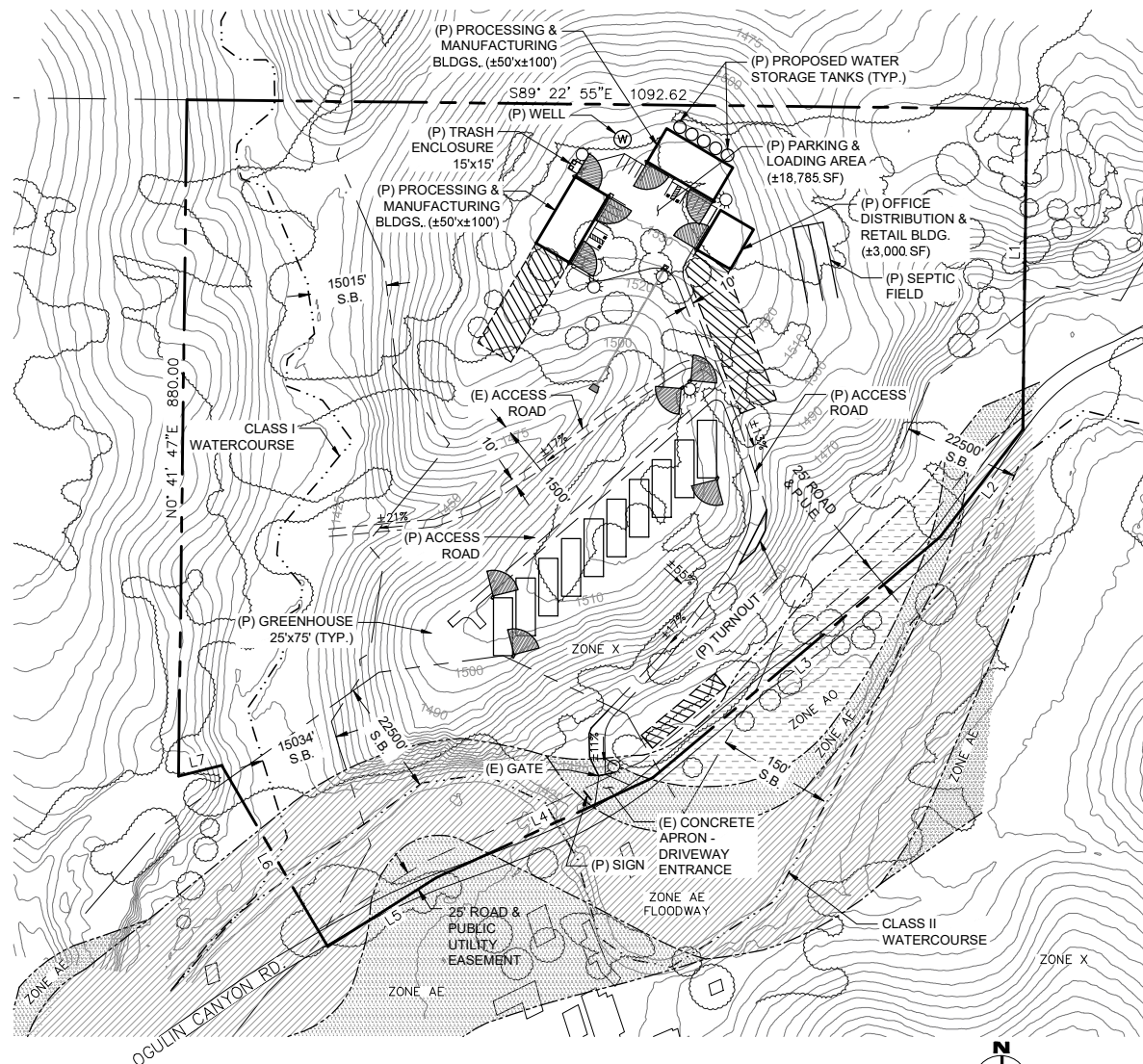
NOTES

1) THIS IS NOT A BOUNDARY SURVEY. ALL LOT LINES SHOWN ARE BASED ON A.P.N. MAP.

Parcel Line Table		
Line #	Length	Direction
L1	417.23	N0° 43' 08"E
L2	176.50	N37° 35' 16"E
L3	487.57	S50° 02' 51"W
L4	310.04	N65° 13' 21"E
L5	167.51	S57° 33' 36"W
L6	273.07	N30° 16' 00"W
L7	57.82	N75° 56' 03"E

LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- (P) ACCESS ROAD/DRIVEWAY
- (E) ACCESS ROAD/DRIVEWAY
- (E) TREE/BRUSH LINE
- FEMA FLOOD ZONE BOUNDARY
- (P) THERMAL CAMERA
- (P) LIGHT POLE
- (P) BUILDINGS
- (P) GREENHOUSES
- AREA FOR FUTURE BUILDINGS
- ZONE AE
- ZONE AE FLOODWAY
- ZONE AO
- ZONE X



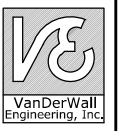
SUBMITTED TO:

CITY OF CLEARLAKE
 COMMUNITY DEVELOPMENT DEPT.
 14050 OLYMPIC DRIVE
 CLEARLAKE, CA 95422

PO BOX 431
 KELSEYVILLE, CA 95451
 707-279-4887

VanDerWall
 Engineering, Inc.

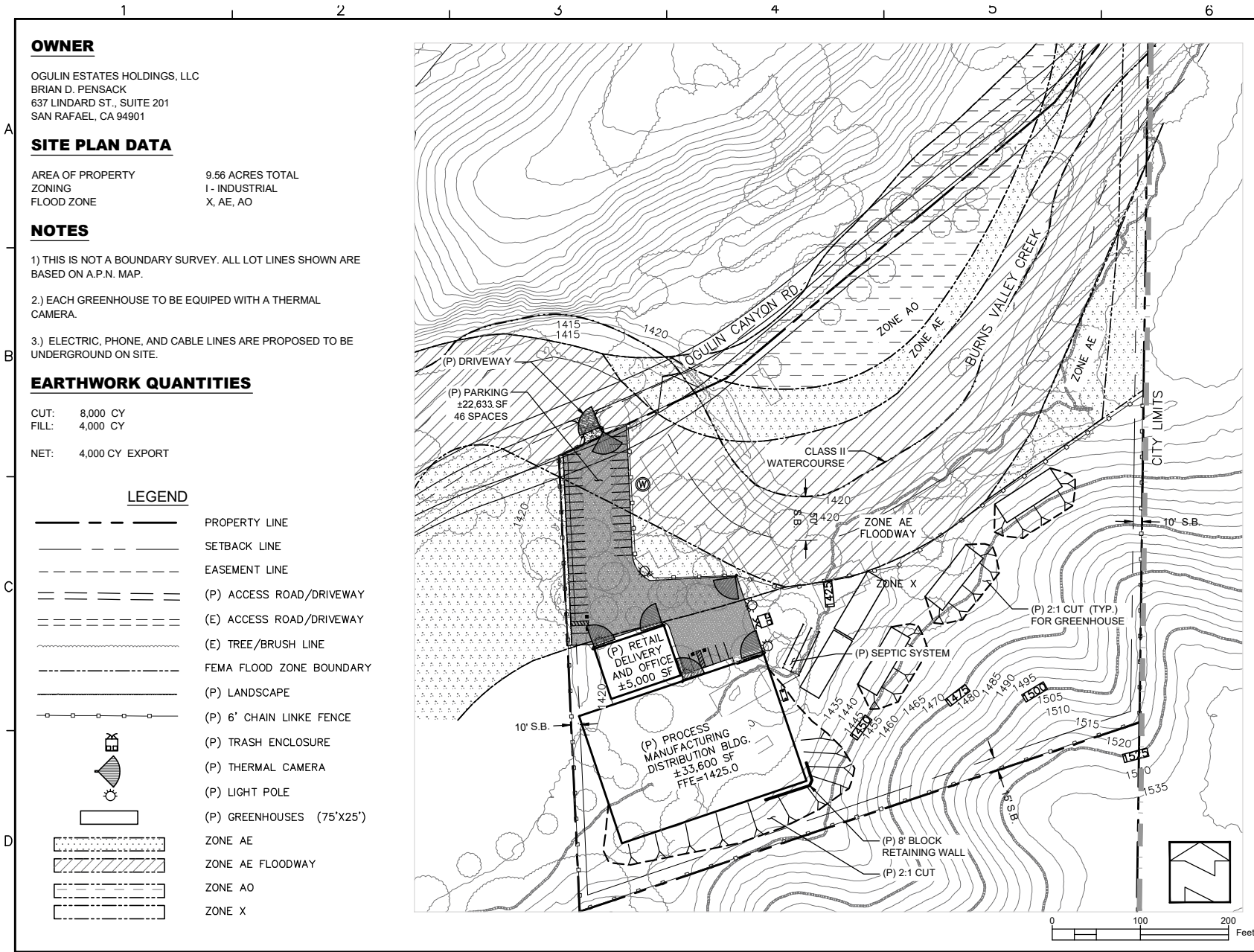
Ogulin Cannabis Facilities
 SITE PLAN
 APN: 010-044-17
 2185 Ogulin Canyon Road
 CLEARLAKE, CALIFORNIA



VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	
DATE	DEC 2020
PROJ	20-60
DWG	
SHEET	1 OF 2

Source: VanDerWall Engineering, Inc. 7/2

Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
Figure 3 – 2185 Site Plan



OWNER

OGULIN ESTATES HOLDINGS, LLC
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

SITE PLAN DATA

AREA OF PROPERTY 9.56 ACRES TOTAL
 ZONING I - INDUSTRIAL
 FLOOD ZONE X, AE, AO

NOTES

- 1) THIS IS NOT A BOUNDARY SURVEY. ALL LOT LINES SHOWN ARE BASED ON A.P.N. MAP.
- 2.) EACH GREENHOUSE TO BE EQUIPED WITH A THERMAL CAMERA.
- 3.) ELECTRIC, PHONE, AND CABLE LINES ARE PROPOSED TO BE UNDERGROUND ON SITE.

EARTHWORK QUANTITIES

CUT: 8,000 CY
 FILL: 4,000 CY
 NET: 4,000 CY EXPORT

LEGEND

- PROPERTY LINE
- - - SETBACK LINE
- - - EASEMENT LINE
- (P) ACCESS ROAD/DRIVEWAY
- (E) ACCESS ROAD/DRIVEWAY
- (E) TREE/BRUSH LINE
- - - FEMA FLOOD ZONE BOUNDARY
- (P) LANDSCAPE
- (P) 6" CHAIN LINK FENCE
- (P) TRASH ENCLOSURE
- (P) THERMAL CAMERA
- (P) LIGHT POLE
- (P) GREENHOUSES (75'X25')
- ZONE AE
- ZONE AE FLOODWAY
- ZONE AO
- ZONE X

SUBMITTED TO:
 CITY OF CLEARLAKE
 COMMUNITY DEVELOPMENT DEPT.
 14050 OLYMPIC DRIVE
 CLEARLAKE, CA 95422

P.O. BOX 431
 KELSEYVILLE, CA 95451
 707-279-4887

VanDerWall Engineering, Inc.
 Ogulin Cannabis Facilities II
 SITE PLAN
 APN: 010-044-21
 2160 Ogulin Canyon Road
 CLEARLAKE, CALIFORNIA



VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING. 1" = 100'	
DATE	JAN. 2021
PROJ	21-02
DWG	
SHEET	OF 2

Source: VanDerWall Engineering, Inc. 7/2

Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
Figure 4 – 2160 Site Plan

COVER SHEET - Five (5) Cultivation Area Site Plans

APN'S: 010-053-01 & 02 2050 and 2122 OGULIN CANYON RD
CLEARLAKE, CA

SITE PLAN DATA

AREA OF PROPERTY	010-053-01 145.81	010-053-02 156.64 acres
ZONING	RL	RL
FLOOD ZONE	D	D

PROPERTY OWNER

Brian D Pensack &
Garrett W. Burdick
637 Lindarost
Petaluma, CA 94952
(415) 637-6456
lakeviewfarms@gmail.com

APPLICANT

Lake Vista Farms LLC
Brian Pensack
141 Upham Street
Petaluma, CA 94952
(415) 317-2365

WELL LOCATIONS

WELL #	LATITUDE	LONGITUDE
WELL #1	38°58'55.24" N...	122°35'59.64" W
WELL #2	38°58'55.32" N...	122°35'39.05" W
WELL #3	38°58'51.53" N...	122°35'10.39" W
WELL #4	38°58'46.45" N...	122°35'44.75" W
WELL #5		

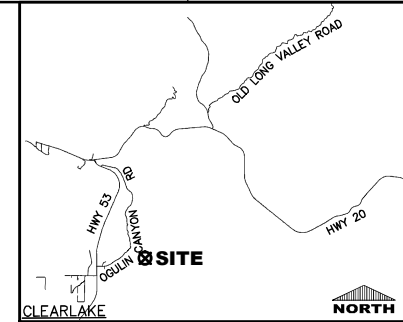
CULTIVATION LICENSE

THE INTENTION OF THIS SITE MAP IS FOR THE SUBMITTAL OF AN APPLICATION FOR A MAJOR USE PERMIT SUBMITTAL TO LAKE COUNTY CALIFORNIA AND FOR CALIFORNIA STATE LICENSE FOR 5 ACRES OF OUTDOOR CANOPY.

NOTE:
1) THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF ASSESSOR'S PARCEL MAPS. NO SURVEY MONUMENTS ARE FOUND NOR SHOWN.
2) CONTOURS SHOWN WERE IMPORTED FROM LAKE CO GIS MAPPING DEPARTMENT AND ALL AERIAL PHOTOS BY GOOGLE EARTH.

AGENT

Mike Mitzel, Consultant
3430 Gaddy Lane
Kelseyville, CA 95451
(707) 315-1764
konocdiag@gmail.com



LOCATION MAP

CULTIVATION AREA INDEX

NAME	CULTIVATION AREA	SHEETS
A Northwest Hops Field	3.4 ACRES	A-1 thru A-4
B Southwest Clearing	6.4 ACRES	B-1 thru B-4
C Northeast Hops Field	3.4 ACRES	C-1 thru C-5
D Central Hops Field	4.2 ACRES	D-1 thru D-4
E Chaparral Clearing	8.4 ACRES	E-1 thru E-4

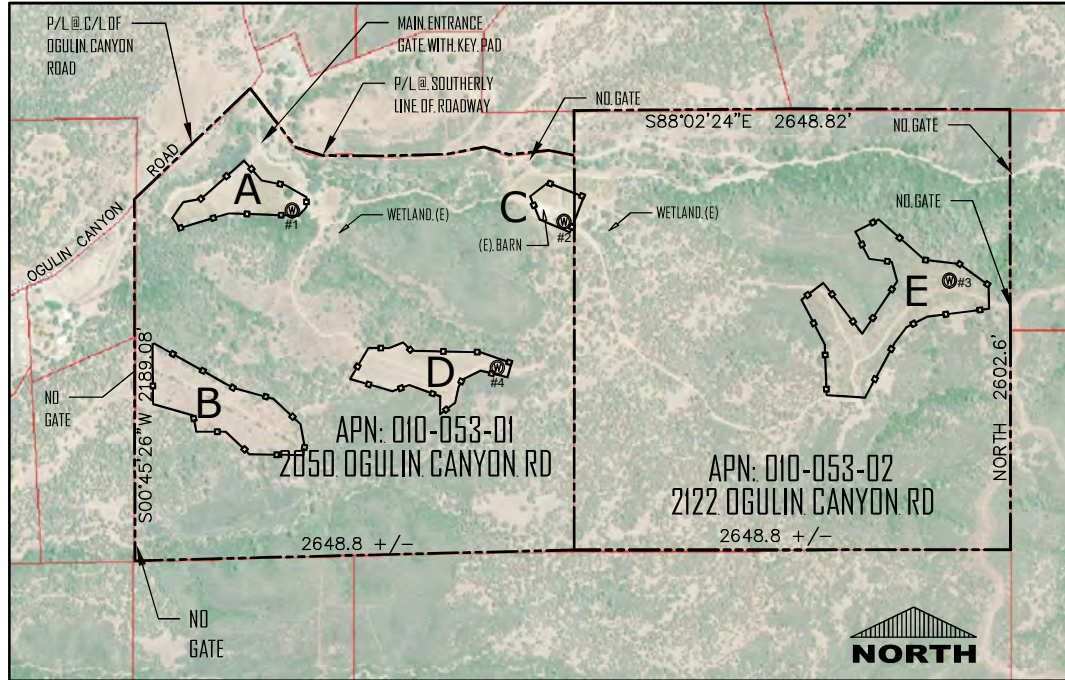
LEGEND

	PROPERTY LINE		WELL
	CREEKS		UTILITY POLE (P)
	SETBACK LINE		TREE (E)
	CULTIVATION FENCE (P)		LANDSCAPING TREE (P)
	FENCE (E)		STREET LIGHT (P)
	ACCESS ROAD/DRIVEWAY		THERMAL CAMERA VIEW SHED (P)
	TREE LINE		NON-THERMAL CAMERA VIEW SHED (P)

STORMWATER BMPS LEGEND*

	FR — FR — FIBER ROLLS (SE-5)		CHEM CHEMICAL HANDLING BMP (WM-1,2,3,4,5,6)
	SURFACE STABILIZATION (EC-2,6,7,8,15,16)		SWALE SWALE MGT (EC-9, SE-6,8,9)
	SF — SF — SILT FENCE (SE-1)		WASTE WASTE MANAGEMENT (WM-5,6,7, SC-3,4)
	ROAD/PARKING LOT MGT (SC-40,43,44)		SED SEDIMENT TRAP/BASEIN (SE-2,3)
	PILE STOCK PILE MGT (WE-1, WM-1,3)		WATER QUALITY MONITORING LOCATION

* ALL STORMWATER BMPS SHALL BE INSTALLED AND MAINTAINED AS PER CALIFORNIA STORMWATER BMP HANDBOOK.



SITE MAP



SUBMITTED TO:

LAKE COUNTY
COMMUNITY DEVELOPMENT DEPT
COUNTY OF LAKE
LAKEPORT, CA

P.O. BOX 431
KELSEYVILLE, CA 95451
707-279-4887

VanDerWall
Engineering, Inc.



COVER SHEET
APN'S: 010-053-01 & 02
2050 & 2122 OGULIN CANYON RD
CLEARLAKE, CALIFORNIA

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING. 1"

DATE	SEPT 2019
PROJ	19-37
DWG	
SHEET	1

COVER SHEET - Blue Oaks Farms Cultivation Site Plan

1756 OGULIN CANYON RD., CLEARLAKE, CA... APN: 010-055-46

SITE PLAN DATA

AREA OF PROPERTY	46.52 +/- ACRES
CULTIVATION AREA	2.0 ACRE (P)
ZONING	RL - RURAL LANDS

PROPERTY OWNER & APPLICANT

Brian Pensack, Kim Gardner
 Blue Oaks Farms LLC
 637 Lindero Street Suite 201
 San Rafael, CA 94901

PHONE: (415) 317-2345
 EMAIL: homehelpforyou@gmail.com

CULTIVATION LICENSE

THE INTENTION OF THIS SITE MAP IS FOR THE SUBMITTAL APPLICATION FOR CALIFORNIA STATE LICENSE TYPE 3 OUTDOOR-SMALL OUTDOOR.



LOCATION MAP

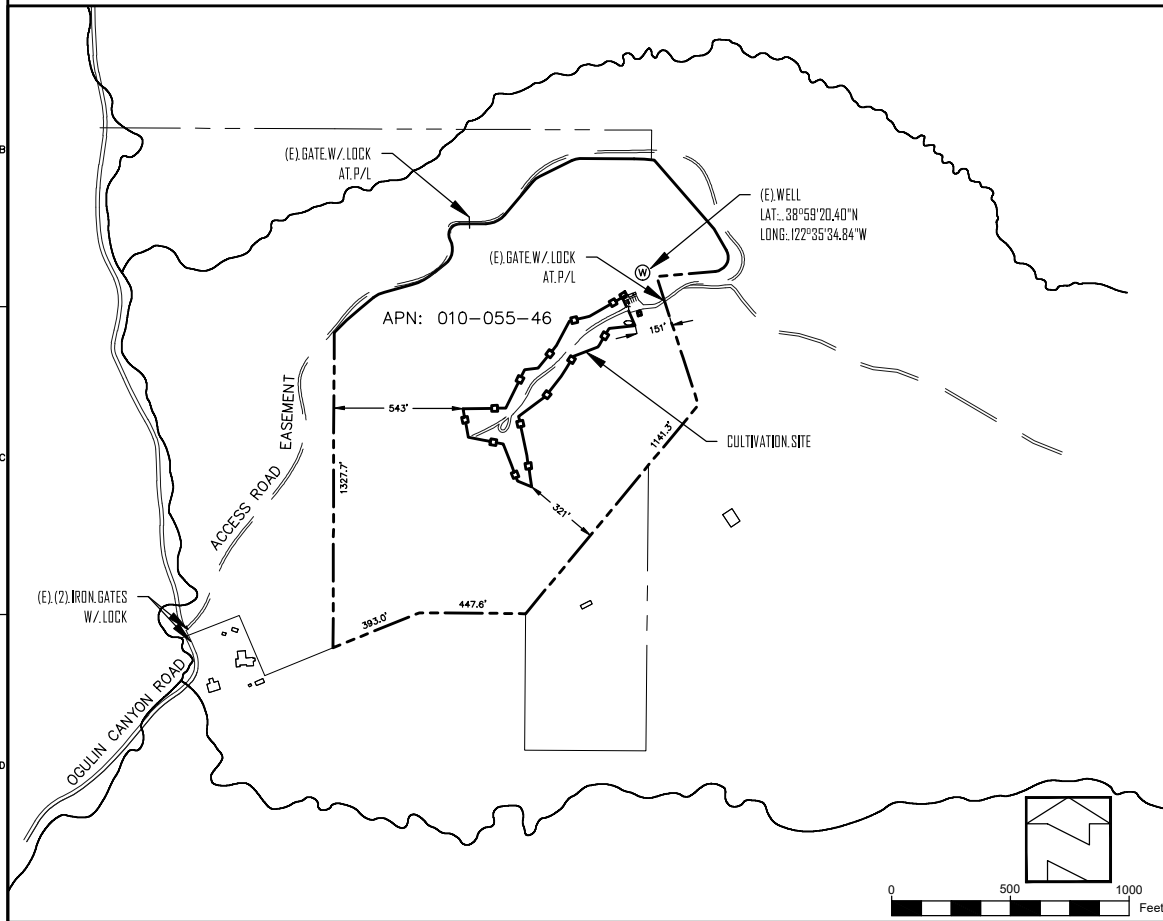
LEGEND

- — — — — PROPERTY LINE
- - - - - SETBACK LINE
- - - - - CULTIVATION FENCE (P)
- x x x x x WIRE FENCE (E)
- - - - - ACCESS ROAD/DRIVEWAY
- ~~~~~ TREE/BRUSH LINE
- - - - - IRRIGATION LINE (E)
- W IRRIGATION WELL
- Security Camera Symbol SECURITY CAMERA

NOTE:
 1.) THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF ASSESSOR'S PARCEL MAPS. NO SURVEY MONUMENTS ARE FOUND NOR SHOWN.

SITE PLAN INDEX

- SHEET 1 COVER SHEET
- SHEET 2 SURROUNDING AREA AERIAL
- SHEET 3 CANNABIS CULTIVATION SITE
- SHEET 4 CANNABIS CULTIVATION IMPROVEMENTS
- SHEET 5 DETAIL DRAWINGS



SUBMITTED TO:

LAKE COUNTY COMMUNITY DEVELOPMENT DEPT.
 COUNTY OF LAKE LAKEPORT, CA

PO BOX 431
 KELSEYVILLE, CA 95451
 707-279-4887

VanDerWall Engineering, Inc.

Cover Sheet
 Blue Oaks Farm
 APN: 010-055-46
 1756 OGULIN CANYON ROAD



VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	NOV 2021
PROJ	19-38
DWG	
SHEET	1 C

Source: VanDerWall Engineering, Inc. 7/2

Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
 Figure 6 – 1756 Site Plan



so trips associated with deliveries, visitors, shipments, and other activities are reflected in the rate and resulting trip estimates. The trip generation estimates for each project, as well as the sum for all four projects, are summarized in Table 4.

Table 4 – Trip Generation Summary – Harvest Conditions									
Land Use	Units	Daily		AM Peak			PM Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
2185 Ogulin Canyon Rd									
General Light Industrial	25 empl	3.05	76	13	11	2	12	3	9
2160 Ogulin Canyon Rd									
General Light Industrial	35 empl	3.05	107	18	15	3	17	4	13
2050 Ogulin Canyon Rd (Lake Vista Farms)									
General Light Industrial	20 empl	3.05	61	10	9	1	10	2	8
1756 Ogulin Canyon Rd (Blue Oaks Farm)									
General Light Industrial	5 empl	3.05	15	3	2	1	2	1	1
Total Trips			259	44	37	7	41	10	31

Note: empl = employees

It should be noted that under typical non-harvest operations approximately 40 employees are anticipated across all four projects and would be expected to result in 122 daily trips on average, including 21 trips during the a.m. peak hour and 20 trips during the p.m. peak hour.

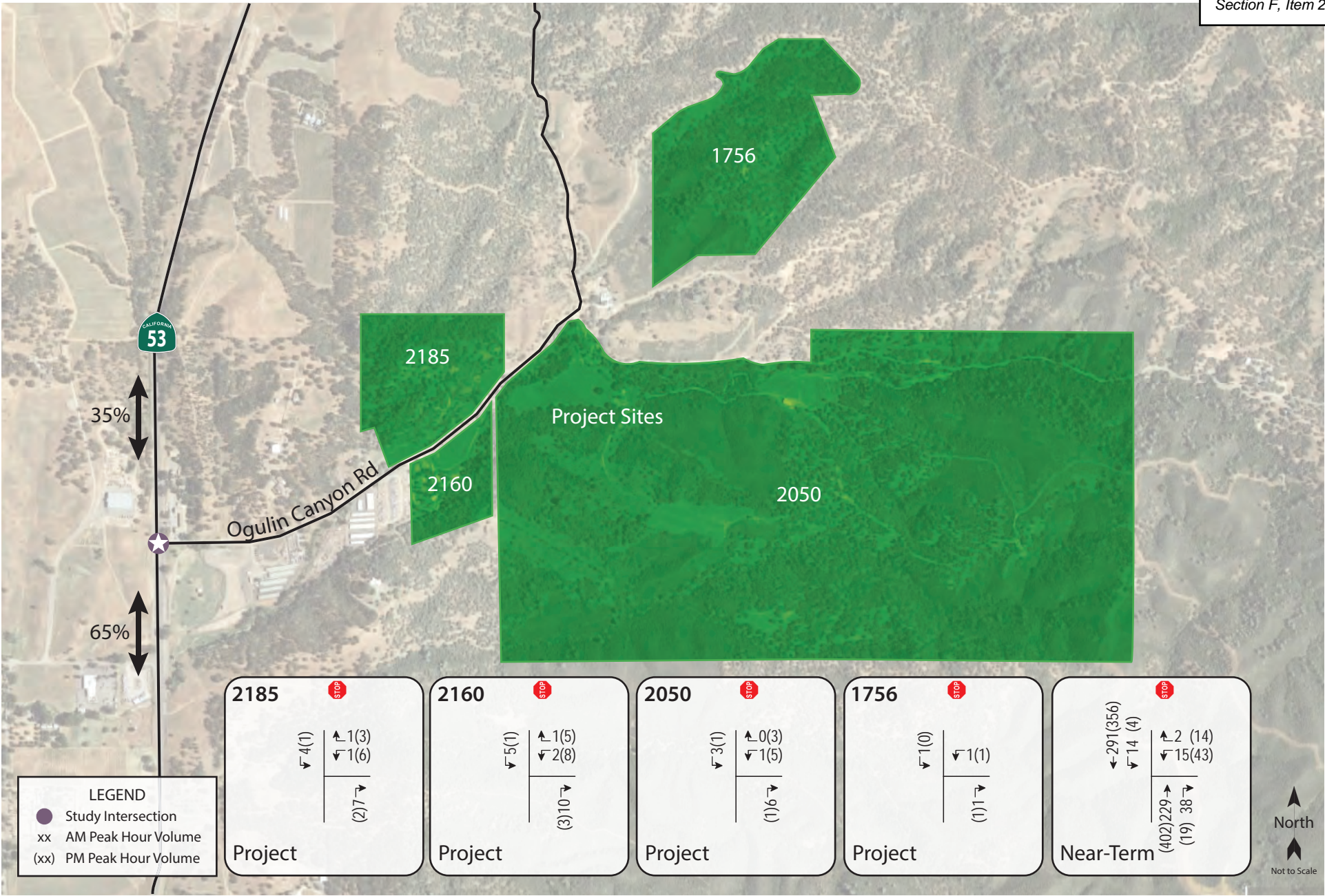
Trip Distribution

The pattern used to allocate new project trips to the street network was based on a review of the intersection turning movement volumes at SR 53/Ogulin Canyon Road and knowledge of the area and the surrounding region as well as the anticipated travel patterns for the project employees and deliveries. A distribution of 35 percent of the project trips were assigned to SR 53 north of Ogulin Canyon Road and 65 percent were assigned to the south. This information is shown on Figure 7 along with the individual project traffic volumes.

Intersection Operation

Existing plus Project Conditions

Upon adding trips associated with each individual project to Existing volumes, the study intersection of SR 53/Ogulin Canyon Road would be expected to continue operating acceptably at LOS A overall and LOS B or C on the Ogulin Canyon Road approach during both peak hours, with minor increases in delay. Individual project traffic volumes are shown in Table 5.



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Traffic Impact Study for the Ogulin Canyon Road Cannabis Cultivation Facilities
Figure 7 – Project Traffic Volumes, Trip Distribution, and Near-Term Traffic Volumes

Table 5 – Existing and Existing plus Project Peak Hour Intersection Levels of Service at SR 53/Ogulin Canyon Road

Project Approach	Existing Conditions				Existing plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
2185 Ogulin Canyon Rd <i>Westbound (OCR) Approach</i>	0.2	A	0.7	A	0.3	A	0.9	A
	10.2	B	21.1	C	10.2	B	20.8	C
2160 Ogulin Canyon Rd <i>Westbound (OCR) Approach</i>	0.2	A	0.7	A	0.3	A	1.0	A
	10.2	B	21.1	C	10.2	B	20.6	C
2050 Ogulin Canyon Rd (Lake Vista Farms) <i>Westbound (OCR) Approach</i>	0.2	A	0.7	A	0.3	A	0.9	A
	10.2	B	21.1	C	10.2	B	20.5	C
1756 Ogulin Canyon Rd (Blue Oaks Farm) <i>Westbound (OCR) Approach</i>	0.2	A	0.7	A	0.2	A	0.7	A
	10.2	B	21.1	C	10.2	B	21.2	C

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; OCR = Ogulin Canyon Road

Finding – The study intersection of SR 53/Ogulin Canyon Road would continue operating acceptably with trips from each individual project added to Existing volumes and all four projects would have an acceptable effect on operation of the surrounding roadway network.

Near-Term Conditions

Near-Term operating conditions were assessed with traffic from all four proposed projects added to the Existing volumes. As shown in Table 6, upon the cumulative addition of traffic associated with all four proposed cannabis facilities, SR 53/Ogulin Canyon Road is expected to operate acceptably at LOS A overall and LOS B or C on the stop-controlled westbound approach during both peak hours. Near-term traffic volumes are shown in Figure 7.

Table 6 – Near-Term Peak Hour Intersection Levels of Service

Study Intersection Approach	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
SR 53/Ogulin Canyon Rd <i>Westbound (OCR) Approach</i>	0.5	A	1.5	A
	10.3	B	21.3	C

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; OCR = Ogulin Canyon Road

Finding – Under Near-Term conditions with trips from all four proposed projects added, SR 53/Ogulin Canyon Road would be expected to continue operating acceptably.

Future plus Project Conditions

Under the future traffic volumes that would be expected upon buildout of the City’s General Plan, and with cumulative traffic from the four proposed projects, the study intersection of SR 53/Ogulin Canyon Road is expected to continue operating acceptably at LOS A overall and at LOS D or better on the westbound approach during both peak hours. It should be noted that the proposed projects are consistent with the industrial land use assumptions applied in the General Plan traffic analysis, so project trips could reasonably be expected to be included in the Future traffic volumes; however, to provide a conservative assessment of the project’s potential traffic effects, trips from all four projects were added to Future volumes. The Future plus Project operating conditions are summarized in Table 7.

Table 7 – Future and Future plus Project Peak Hour Intersection Levels of Service

Study Intersection Approach	Future Conditions				Future plus Projects			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SR 53/Ogulin Canyon Rd	0.2	A	0.9	A	0.4	A	1.8	A
<i>Westbound (OCR) Approach</i>	<i>10.8</i>	<i>B</i>	<i>28.3</i>	<i>D</i>	<i>10.9</i>	<i>B</i>	<i>29.7</i>	<i>D</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; OCR = Ogulin Canyon Road

Finding – Under Future Conditions expected upon buildout of the City’s General Plan and with the addition of traffic from all four projects, SR 53/Ogulin Canyon Road is expected to continue operating acceptably.

Alternative Modes

Pedestrian Facilities

Given the rural location of the project sites, the lack of existing facilities, and the nature of the proposed projects, employees are not expected to want to walk to the site.

Finding – The lack of existing dedicated facilities for pedestrians in the project vicinity is consistent with the rural setting and is therefore considered acceptable.

Bicycle Facilities

There are no bicycle facilities within the vicinity of the project sites including along SR 53 and Ogulin Canyon Road. Given the rural context, the existing condition wherein cyclists ride on the roadway shoulders of SR 53 or share the travel lanes with motorists on Ogulin Canyon Road is considered acceptable.

Finding – The lack of dedicated bicycle facilities in the vicinity of the project sites is considered acceptable for the minimal number of trips anticipated.

Transit

The lack of transit facilities serving the four projects does not result in an impact given the location and type of projects proposed.

Finding – There are no transit facilities serving the project sites; however, there is not anticipated to be any demand.

Access and Circulation

Site Access

All of the proposed projects would be accessed from existing gated driveways on Ogulin Canyon Road, except the project proposed at the 2160 address where a new driveway would be constructed. The projects in the City of Clearlake would be accessed from the segment of Ogulin Canyon Road that is paved, while the two projects in unincorporated Lake County would be accessed from the section further east with a gravel surface. The roadway has a width that varies between 16 and 25 feet and has turnouts before or after sections where the width is narrow to allow motorists to pass one another.

Very Low Volume Roadways

The daily volume for Ogulin Canyon Road is 220 vehicle trips to the west of the mini storage facility and 60 vehicle trips to the east. Roadways with volumes of 400 vehicles per day or less are considered “Very Low Volume Roadways” under criteria published by the American Association of State Highway and Transportation Officials (AASHTO). Collectively, the four projects are anticipated to result in 122 daily trips during typical operation and 259 trips during harvest conditions. Assuming that harvest conditions will account for three months out of the year, the projects would result in an annual ADT volume of 156 daily trips so even with the addition of new project trips the entire section of Ogulin Canyon Road would still have a daily volume below 400 and the designation as a “very low volume” roadway would be retained.

In the AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads* published in 2001, design criteria are presented that are less restrictive than those applied to higher volume roads. These standards do not compromise safety, but discourage widening of lanes and shoulders, changes in horizontal and vertical alignment, and other roadside improvements except where such changes are likely to provide substantial safety benefits. To determine if the roadway has an existing safety issue that could be improved with widening, the collision history for the roadway was reviewed and it was determined that there were no collisions reported in the five-year period between April 1, 2015 and March 31, 2020, the most recent period for which data is available. While a roadway with a consistent width of at least 20 feet would be desirable, since users have been navigating the roadway safely under its current condition, no widening appears necessary.

Finding – With the increase in trips from the four projects, the entirety of Ogulin Canyon Road would have an annual ADT below the AASHTO threshold that defines a “Very Low Volume Roadway” and since the roadway has been operating acceptably in terms of safety, it is reasonable to expect the facility to continue doing so.

Sight Distance

Consideration was given to the adequacy of sight lines along Ogulin Canyon Road and the ability for opposing motorists to see one another in order to move to the side of the road for a passing maneuver to occur. Stopping sight distances were evaluated based on sight distance criteria published by AASHTO that are applicable for “Very Low Volume Roadways. These values are developed using a brake reaction time and driver deceleration that are in line with observed driver behavior on roadways with volumes below 400 vehicles per day. There is no posted speed limit on Ogulin Canyon Road between SR 53 and approximately 850 feet east of the driveway to the property at 2185 so a speed limit of 25 miles per hour (mph) was assumed for this section. The gravel section to the east has an indicated speed limit of 15 mph. For speeds of 15 and 25 mph, the recommended stopping sight distances needed for very low volume roadways are 65 and 125 feet, respectively. Based on a review of aerial photography, it was determined that sight lines between following and opposing motorists are expected to extend at least 150 feet along the paved roadway segment and 100 feet along the gravel section, which are both adequate for anticipated travel speeds.

Consideration was also given to adequacy of stopping sight distance at the project driveways. Sight lines were field measured at the two driveways within the City Limits and were determined to extend approximately 200 feet, which is more than adequate for anticipated travel speeds. Sight lines at the project driveways in unincorporated Lake County were measured using aerial imagery and determined to extend at least 100 feet, which is adequate for speeds of 15 mph, though it should be noted that given the low volume on this section of the roadway, turning movement conflicts would be minimal to non-existent.

Finding – Adequate stopping sight distance is available on Ogulin Canyon Road for the anticipated travel speeds and the very low volume roadway designation.

Recommendation – To maintain available sight lines on Ogulin Canyon Road, any new landscaping or signage planned for the project frontages should be placed outside the driver’s vision triangle at the driveways.

Vehicle Miles Traveled

Background and Threshold of Significance

Senate Bill (SB) 743 established a change in the metric to be applied to determining transportation impacts associated with development projects. Rather than the delay-based criteria associated with a Level of Service (LOS) analysis, the change in Vehicle Miles Traveled (VMT) as a result of a project is now the basis for determining impacts with respect to transportation and traffic under CEQA. As of the date of this analysis, the City of Clearlake and County of Lake have not yet adopted thresholds of significance related to VMT, though the *Senate Bill 743 Vehicle Miles Traveled Regional Baseline Study* was prepared for Lake Area Planning Council (LAPC) in November 2020. Many of the recommendations in the Regional Baseline Study are consistent with guidance published by the California Governor’s Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. As a result, individual project-related VMT impact were assessed based on OPR guidance.

Project Impact

The OPR Technical Advisory identifies several criteria that may be used by jurisdictions to identify certain types of projects that are unlikely to have a significant VMT impact and can be “screened” from further analysis. One of these screening criteria pertains to “small projects,” which OPR identifies as generating fewer than 110 new vehicle trips per typical weekday. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. As shown in Table 4, each of the four individual proposed projects is anticipated to generate less than the small project threshold of 110 daily vehicle trips during the peak season, and even less during non-harvest conditions. As a result, it is reasonable to conclude that each project can be presumed to have a less-than-significant transportation impact on VMT.

Finding – Based on OPR guidance, all four projects can be presumed to have a less-than-significant transportation impact on VMT under the small project screening threshold.

Parking

Each of the four projects was analyzed to determine whether the proposed vehicle parking supply would be sufficient for the anticipated peak parking demand. Since the City of Clearlake and County of Lake do not have published parking requirements for cannabis cultivation and support uses, the anticipated peak parking demand was estimated based on the employee count as well as the number of company-owned vehicles proposed for distribution uses. It is recommended that a minimum of one parking space be provided for each full- and part-time employee during the largest shift. Further, for the distribution components proposed for the projects located at 2185 and 2160 Ogulin Canyon Road, it is suggested that one parking space be provided for each company-owned vehicle.

Based on these rates, a minimum of 27 parking spaces would need to be provided at 2185, 37 spaces at 2160, 20 spaces at 2050, and five spaces at 1765 Ogulin Canyon Road in order to satisfy the anticipated peak demand. As shown in Table 8, the proposed parking supplies for all four projects are more than adequate for the anticipated peak demand.

Table 8 – Parking Analysis

Project	Units	Rate	Estimated Peak Demand	Proposed Supply
2185 Ogulin Canyon Rd	25 empl & 2 veh	1 space/empl & 1 space/veh	27	32
2160 Ogulin Canyon Rd	35 empl & 2 veh	1 space/empl & 1 space/veh	37	46
2050 Ogulin Canyon Rd	20 empl	1 space/empl	20	27
1756 Ogulin Canyon Rd	5 empl	1 space/empl	5	6

Notes: empl = employee; veh = company vehicle

Finding – The proposed parking supply for each project would be adequate to meet the anticipated peak season parking demand based on the proposed employee count and number of company-owned vehicles.

Conclusions and Recommendations

Conclusions

- The four proposed projects would be expected to result in a total of 259 new daily trips during the peak season, including 44 trips during the morning peak hour and 41 trips during the evening peak hour.
- Under Existing Conditions, SR 53/Ogulin Canyon Road operates acceptably at LOS A overall and LOS B or C on the stop-controlled approach and would be expected to continue operating at the same service levels with the addition of traffic from each individual project.
- Under Near-Term Conditions, which includes cumulative traffic from all four projects added to Existing volumes, SR 53/Ogulin Canyon Road would be expected to operate acceptably at LOS A overall and LOS B or C on stop-controlled westbound approach during both peak hours.
- The study intersection of SR 53/Ogulin Canyon Road would be expected to operate at LOS A overall and LOS D or better on stop-controlled approach during both peak hours under the anticipated Future volumes and with cumulative traffic from all four projects added.
- Based on OPR guidance, all four projects can be presumed to have a less-than-significant transportation impact on VMT under the small project screening threshold.
- There were no collisions recorded at the intersection of SR 53/Ogulin Canyon Road or on Ogulin Canyon Road during the most recent five-year study period indicating that there are no readily apparent safety issues in the study area.
- Although there are no pedestrian, transit, or bicycle facilities in the vicinity of the project sites, the existing condition is acceptable given that the project sites are located in an automobile-oriented rural area without any expected demand for walking or transit and limited demand for bicycling.
- With the increase in trips from the four projects, the entirety of Ogulin Canyon Road would have an annual ADT below the AASHTO 400-trip threshold that defines a “Very Low Volume Roadway” and since the roadway has been operating acceptably in terms of safety, it is reasonable to expect the facility to continue doing so.
- Adequate stopping sight distance is available on Ogulin Canyon Road for the anticipated travel speeds.
- The proposed parking supplies for all four projects are more than adequate to meet the anticipated peak parking demand.

Recommendation

- To maintain available sight lines on Ogulin Canyon Road, any new landscaping or signage planned for the project frontages should be placed outside the driver’s vision triangle at the driveways.

Study Participants and References

Study Participants

Principal in Charge	Dalene J. Whitlock, PE, PTOE
Associate Engineer	Cameron Nye, EIT
Assistant Planner	Jade Kim
Graphics	Cameron Wong
Editing/Formatting	Alex Scrobonia, Cameron Wong, Hannah Yung-Boxdell
Quality Control	Dalene J. Whitlock, PE, PTOE

References

2016 Collision Data on California State Highways, California Department of Transportation, 2017

Active Transportation Plan for Lake County, Lake County/City Area Planning Council, 2016

California Manual on Uniform Traffic Control Devices for Streets and Highways, California Department of Transportation, 2014

City of Clearlake 2040 General Plan Update, City of Clearlake, 2017

Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400), American Association of State Highway and Transportation Officials, 2001

Highway Capacity Manual, 6th Edition, Transportation Research Board, 2018

Highway Design Manual, 6th Edition, California Department of Transportation, 2017

Lake Transit Authority, <http://www.laketransit.org>

Municipal Code of the City of Clearlake, Coded Systems LLC, 2017

Senate Bill No. 743, California Legislative Information, http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2017201805B743

Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2015-2020

Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor's Office of Planning and Research, 2018

Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, 2017

Vehicle Miles Traveled-Focused Transportation Impact Study Guide, California Department of Transportation, 2020

CLE025



Appendix A

Intersection Level of Service Calculations





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Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.2
Level Of Service: B
Volume to Capacity (v/c): 0.016

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		←		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	14	1	291	10	0
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	4	0	80	3	0
Total Analysis Volume [veh/h]	252	15	1	320	11	0
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.78	0.00	10.18	9.58
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.05	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.06	0.00	1.19	0.00
d_A, Approach Delay [s/veh]	0.00		0.02		10.18	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.20			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type:	Two-way stop	Delay (sec / veh):	22.3
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.107

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		←		←	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	12	0	356	23	3
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	3	0	97	6	1
Total Analysis Volume [veh/h]	437	13	0	387	25	3
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.11	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	8.24	0.00	22.29	10.84
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.36	0.01
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	8.89	0.36
d_A, Approach Delay [s/veh]	0.00		0.00		21.06	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			0.68			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.8
Level Of Service: B
Volume to Capacity (v/c): 0.022

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.4100	1.4100	1.4100	1.4100	1.4100	1.4100
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	323	20	1	410	14	0
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	81	5	0	103	4	0
Total Analysis Volume [veh/h]	323	20	1	410	14	0
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.96	0.00	10.75	10.01
Movement LOS	A	A	A	A	B	B
95th-Percentile Queue Length [veh/in]	0.00	0.00	0.00	0.00	0.07	0.00
95th-Percentile Queue Length [ft/in]	0.00	0.00	0.06	0.00	1.68	0.00
d_A, Approach Delay [s/veh]	0.00		0.02		10.75	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.21			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 30.3
Level Of Service: D
Volume to Capacity (v/c): 0.184

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.3700	1.3700	1.3700	1.3700	1.3700	1.3700
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	551	16	0	488	32	4
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	138	4	0	122	8	1
Total Analysis Volume [veh/h]	551	16	0	488	32	4
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.00	0.00	0.18	0.01
d_M, Delay for Movement [s/veh]	0.00	0.00	8.58	0.00	30.35	11.79
Movement LOS	A	A	A	A	D	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.65	0.02
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	16.33	0.57
d_A, Approach Delay [s/veh]	0.00		0.00		28.29	
Approach LOS	A		A		D	
d_I, Intersection Delay [s/veh]			0.93			
Intersection LOS			D			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.2
Level Of Service: B
Volume to Capacity (v/c): 0.017

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		→		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	7	4	0	1	1
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	21	5	291	11	1
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	6	1	80	3	0
Total Analysis Volume [veh/h]	252	23	5	320	12	1
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.81	0.00	10.23	9.58
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.01	0.00	0.05	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.29	0.00	1.31	0.10
d_A, Approach Delay [s/veh]	0.00		0.12		10.18	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.28			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 23.0
Level Of Service: C
Volume to Capacity (v/c): 0.138

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		→		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	2	1	0	6	3
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	14	1	356	29	6
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	4	0	97	8	2
Total Analysis Volume [veh/h]	437	15	1	387	32	7
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.14	0.01
d_M, Delay for Movement [s/veh]	0.00	0.00	8.25	0.00	22.96	10.88
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.47	0.03
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.07	0.00	11.76	0.86
d_A, Approach Delay [s/veh]	0.00		0.02		20.79	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			0.93			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.3
Level Of Service: B
Volume to Capacity (v/c): 0.019

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		←		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	10	5	0	2	1
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	24	6	291	12	1
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	7	2	80	3	0
Total Analysis Volume [veh/h]	252	26	7	320	13	1
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.01	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.82	0.00	10.27	9.58
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.02	0.00	0.06	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.41	0.00	1.43	0.10
d_A, Approach Delay [s/veh]	0.00		0.17		10.22	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.32			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 23.1
Level Of Service: C
Volume to Capacity (v/c): 0.146

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		→		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	3	1	0	8	5
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	15	1	356	31	8
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	4	0	97	8	2
Total Analysis Volume [veh/h]	437	16	1	387	34	9
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.15	0.01
d_M, Delay for Movement [s/veh]	0.00	0.00	8.25	0.00	23.14	10.90
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.50	0.04
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.07	0.00	12.61	1.11
d_A, Approach Delay [s/veh]	0.00		0.02		20.58	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			1.01			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.2
Level Of Service: B
Volume to Capacity (v/c): 0.017

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	6	3	0	1	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	20	4	291	11	0
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	5	1	80	3	0
Total Analysis Volume [veh/h]	252	22	4	320	12	0
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.80	0.00	10.22	9.58
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.01	0.00	0.05	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.23	0.00	1.30	0.00
d_A, Approach Delay [s/veh]	0.00		0.10		10.22	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.25			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 22.8
Level Of Service: C
Volume to Capacity (v/c): 0.129

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		→		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	1	1	0	5	3
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	13	1	356	28	6
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	4	0	97	8	2
Total Analysis Volume [veh/h]	437	14	1	387	30	7
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.13	0.01
d_M, Delay for Movement [s/veh]	0.00	0.00	8.25	0.00	22.79	10.88
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.44	0.03
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.07	0.00	10.94	0.86
d_A, Approach Delay [s/veh]	0.00		0.02		20.53	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			0.88			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.2
Level Of Service: B
Volume to Capacity (v/c): 0.017

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	1	1	0	1	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	15	2	291	11	0
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	4	1	80	3	0
Total Analysis Volume [veh/h]	252	16	2	320	12	0
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.78	0.00	10.20	9.58
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.05	0.00
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.12	0.00	1.30	0.00
d_A, Approach Delay [s/veh]	0.00		0.05		10.20	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.23			
Intersection LOS			B			






Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 22.4
Level Of Service: C
Volume to Capacity (v/c): 0.112

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration						
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	1	0	0	1	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	13	0	356	24	3
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	4	0	97	7	1
Total Analysis Volume [veh/h]	437	14	0	387	26	3
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.11	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	8.24	0.00	22.37	10.84
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.00	0.00	0.37	0.01
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.00	0.00	9.28	0.36
d_A, Approach Delay [s/veh]	0.00		0.00		21.18	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			0.71			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 10.4
Level Of Service: B
Volume to Capacity (v/c): 0.023

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	< >		< >		< >	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	24	13	0	5	2
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	229	38	14	291	15	2
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	63	10	4	80	4	1
Total Analysis Volume [veh/h]	252	42	15	320	16	2
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.01	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	7.87	0.00	10.39	9.59
Movement LOS	A	A	A	A	B	A
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.04	0.00	0.07	0.01
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.90	0.00	1.80	0.19
d_A, Approach Delay [s/veh]	0.00		0.35		10.30	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.47			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 24.7
Level Of Service: C
Volume to Capacity (v/c): 0.205

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	←		←		← →	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	7	4	0	20	11
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	402	19	4	356	43	14
Peak Hour Factor	0.9200	0.9200	0.9200	0.9200	0.9200	0.9200
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	109	5	1	97	12	4
Total Analysis Volume [veh/h]	437	21	4	387	47	15
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.00	0.00	0.20	0.02
d_M, Delay for Movement [s/veh]	0.00	0.00	8.28	0.00	24.66	10.96
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.01	0.00	0.75	0.07
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.27	0.00	18.68	1.86
d_A, Approach Delay [s/veh]	0.00		0.08		21.34	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]			1.49			
Intersection LOS			C			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 11.0
Level Of Service: B
Volume to Capacity (v/c): 0.031

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	229	14	1	291	10	0
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.4100	1.4100	1.4100	1.4100	1.4100	1.4100
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	24	13	0	5	2
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	323	44	14	410	19	2
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	81	11	4	103	5	1
Total Analysis Volume [veh/h]	323	44	14	410	19	2
Pedestrian Volume [ped/h]	0		0		0	



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	6

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.00	0.00	0.01	0.00	0.03	0.00
d_M, Delay for Movement [s/veh]	0.00	0.00	8.06	0.00	10.99	10.03
Movement LOS	A	A	A	A	B	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.04	0.00	0.09	0.01
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.89	0.00	2.37	0.21
d_A, Approach Delay [s/veh]	0.00		0.27		10.89	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]			0.42			
Intersection LOS			B			



Generated with **PTV VISTRO**
Version 2021 (SP 0-0)

Intersection Level Of Service Report
Intersection 1: SR 53/Ogulin Canyon Rd

Control Type: Two-way stop
Analysis Method: HCM 6th Edition
Analysis Period: 15 minutes
Delay (sec / veh): 34.8
Level Of Service: D
Volume to Capacity (v/c): 0.303

Intersection Setup

Name	SR 53		SR 53		Ogulin Canyon Rd	
Approach	Northbound		Southbound		Westbound	
Lane Configuration	R		L		R	
Turning Movement	Thru	Right	Left	Thru	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	1	1	0	0	1
Entry Pocket Length [ft]	100.00	350.00	280.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	55.00		55.00		15.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	SR 53		SR 53		Ogulin Canyon Rd	
Base Volume Input [veh/h]	402	12	0	356	23	3
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Factor	1.3700	1.3700	1.3700	1.3700	1.3700	1.3700
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	7	3	0	20	11
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	551	23	3	488	52	15
Peak Hour Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	138	6	1	122	13	4
Total Analysis Volume [veh/h]	551	23	3	488	52	15
Pedestrian Volume [ped/h]	0		0		0	

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Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	0
Two-Stage Gap Acceptance			Yes
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.00	0.00	0.30	0.03
d_M, Delay for Movement [s/veh]	0.00	0.00	8.61	0.00	34.81	11.94
Movement LOS	A	A	A	A	D	B
95th-Percentile Queue Length [veh/ln]	0.00	0.00	0.01	0.00	1.21	0.09
95th-Percentile Queue Length [ft/ln]	0.00	0.00	0.23	0.00	30.14	2.16
d_A, Approach Delay [s/veh]	0.00		0.05		29.69	
Approach LOS	A		A		D	
d_I, Intersection Delay [s/veh]			1.78			
Intersection LOS			D			



Appendix B

Growth Rate Calculations



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Future Growth Factor Calculations

Traffic Impact Study for the the Ogulin Canyon Road Cannabis Cultivation Facilities

AM Peak Hour Volume

Intersection	Year	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	Total
SR 53/Olympic Dr	2017	167	225	0	0	288	69	58	0	208	0	0	0	1015
SR 53/Olympic Dr	2040	235	400	0	0	440	95	80	0	285	0	0	0	1535

PM Peak Hour Volume

Intersection	Year	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	Total
SR 53/Olympic Dr	2017	297	258	0	0	221	100	108	0	260	0	0	0	1244
SR 53/Olympic Dr	2040	370	445	0	0	415	125	135	0	330	0	0	0	1820

Source: City of Clearlake 2040 General Plan Update

Growth Rate Calculations

	AM	PM
Growth Factor (2017 to 2040)	1.51	1.46
Annual Growth Rate	1.8%	1.7%
Growth Factor (2021 to 2040)	1.41	1.37



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TECHNICAL MEMORANDUM

To: City of Clearlake Planning Department
From: Annjanette Dodd, PhD, CA PE #77756 Exp. 6/30/2023
Date: March 7, 2022
Subject: Groundwater Hydrology Addendum – 2160 Ogulin Canyon Road, Clearlake, CA,
APN 010-044-21

A Groundwater Hydrology Technical Memorandum (TM) was prepared for 2160 Ogulin Canyon Road, Clearlake, CA (APN 010-044-21) dated December 23, 2021 and submitted to the City of Clearlake Planning Department. The TM addressed groundwater recharge and cumulative impacts and concluded the project's water use would not likely have a cumulative impact on the surrounding area for the following reasons:

- The cannabis demand is only 0.12% of the usable storage capacity in the BVGB; and
- There is sufficient recharge over the project's recharge area to meet the project's demand during both average and dry years.

The purpose of the TM Addendum is to provide supplemental information regarding water demand in the Burns Valley Groundwater Basin (BVGB) and potential cumulative impacts associated with implementation of the proposed project.

GROUNDWATER USE AND TRENDS IN BVGB

Review of Google Earth Imagery shows extensive agricultural development, in the form of walnut/pear orchards and vineyards, in the BVGB since at least 1985. Existing orchards and vineyards established prior to 2003 should have been included as part of the groundwater irrigation demand in the Lake County Groundwater Management Plan, however, this does not appear to be the case. According to the Lake County Water Demand Forecast, the average annual water demand for vineyards and walnut/pear orchards in Lake County is 0.5 acre-feet per acre and 2.2 acre-feet per acre, respectively. Using current Google Earth imagery, there are roughly 450 acres of existing vineyards and 150 acres of orchards in Burns Valley. Orchard production in the valley has decreased over time. Accounting for existing vineyards and orchards, the approximate agricultural demand in the valley is about 555 acre-feet per year which is supplied via existing groundwater wells. The 2006 Lake County Groundwater Management Plan stated that the agricultural demand in the BVGB during an average year is 105 acre-feet, with 14 acre-feet of this supplied from groundwater, which appears to be an underestimate of the existing groundwater agricultural demand. The estimate of existing agricultural demand of 555 acre-feet per year is likely a high estimate because most of the orchards and some of the vineyards are likely being dry farmed.

The northern residential district of the City of Clearlake relies on groundwater wells as the main source of water. The Highlands Mutual Water Company supplies the majority of residents in the lower part of the BVGB (Figure 8). According to the Lake County Agency Formation Commission 2021 Report on Clearlake Water Providers ([ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#)), the Highlands Mutual Water Company serves 6,072 people with water via 2,568 services connections using water drawn from Clear Lake. Approximately 120 residential parcels are not served by HMWC and are assumed to rely on groundwater wells. According to the Environmental Protection Agency (EPA,

<https://www.epa.gov/watersense/how-we-use-water>), the average American family uses 300 gallons of water per day, which equates to an annual demand of 40 acre-feet per year for 120 residences.

The main sources of groundwater in the BVGB are within the *Quaternary Alluvium Formation* and the *Lower Lake Formation*. *Quaternary Alluvium* is the predominant formation the southwestern portion of the BVGB, where both residential development and well development are most dense (Figure 1 and Figure 2). The alluvium has a thickness of up to 50 feet; groundwater in this formation is unconfined and typically provides water for domestic use. Wells screened in unconfined aquifers are more directly influenced by lack of rain than those screened in deeper, confined aquifers. The *Lower Lake Formation* underlies the alluvial deposits in the BVGB. This formation has low permeability and provides water to wells at up to a few hundred gallons per minute and is the dominant source of agricultural water demand in the BVGB. Note that the existing vineyards and the existing and proposed cannabis projects are located outside of the alluvial valley in the upper half of the BVGB (Figure 1).

Fortunately, there is a California Statewide Groundwater Elevation Monitoring (CASGEM) Program well located within the BVGB that has been used to monitor long-term groundwater trends (CASGEM well ID: 39925, Lat/Long: 38.96535, -122.63186, Figure 3) for over 50 years. The CASGEM well is drilled 177 feet below ground surface (bgs) into the deeper *Lower Lake Formation*. Groundwater levels in the CASGEM well are measured twice annually, approximately every April and November, to visualize the fall drawdown (November) and spring recharge (April). In general, since 1952, there appears to be an increasing trend in groundwater levels in the BVGB (Figure 4). However, a vertical shift is apparent and occurs in about 1980. Since it is unknown if this is a natural shift in the data or a shift due to change in measurement protocol, data prior to 1980 was removed. Since 1980, the data indicate that the long-term groundwater trend has been relatively stable (Figure 5), with consistent recharge during each annual wet season, even during years with low annual precipitation and accounting for the existing and historical agricultural demand. In addition, according to the Statewide Summary of Household Water Supply Shortage Reportage System reports (<https://mydrywell.water.ca.gov/report/publicpage>), no wells have been reported as going dry in the BVGB.

Well production loss in the Alluvium Formation is not surprising as Lake County has experienced a severe drought, with driest levels occurring fall of 2021. As stated above, wells screened in the shallower, unconfined aquifer, would be more directly influenced by the lack of rain and likely to lose production or go dry. There is also a likelihood that shallow groundwater in the southern portion of Burns Valley is hydrologically coupled to surface water levels in Clear Lake. As a result of the drought, surface water levels in the lake recorded in August through October of 2021 were the lowest on record since 2000, which could have a direct impact on shallow groundwater well production (Figure 6). Additional monitoring and reporting within the *Quaternary Alluvium* are recommended and would be helpful in understanding shallow groundwater trends in the BVGB.

FUTURE GROUNDWATER USE AND SUPPLY

The potential cumulative effects of the project were addressed in the December 2021 Technical Memorandum prepared for 2160 Ogulin Canyon Road. However, more detailed information is presented herein to further support the conclusions made in the original Technical Memorandum.

As discussed above, the current groundwater agricultural demand in the BVGB is roughly 555 acre-feet per year. Approximately 225 acre-feet is from existing vineyards in the upper portion of the BVGB and 330 acre-feet is from orchards located within the lower portion the BVGB. The current residential demand, located in the central portion of the BVGB, is approximately 40 acre-feet per year. A summary of

proposed cannabis projects and the approximate annual water demand is provided in Table 1. All the proposed projects are located in the upper portion of the BVGB east of State Highway 53 (Figure 1).

Table 1. Approximate water demand of proposed cannabis projects within the BVGB (information obtained from the City of Clearlake and Lake County websites and CEQAnet Database). Refer to Figure 1 for approximate locations.

Location (jurisdiction)	APN(s)	Parcel Area (acres)	Cultivation (Acres)	Cultivation % of Parcel Area	Approximate Annual Water Demand (acre-feet)
1756 Ogulin Canyon Road (County) (Blue Oak Farms)	010-055-46	46.5	2.0	4.3	3.3
2050 Ogulin Canyon Road (County) (Lake Vista Farms)	010-053-01 & 02	302.4	15.0	5.0	24.9
2185 Ogulin Canyon Road (City)	010-044-17	21.3	0.5	2.3	1.8
2160 Ogulin Canyon Road (City)	010-044-21	9.6	0.2	2.1	1.7
2560 Highway 53 (City)	010-048-05	15.4	1.3	8.4	4.3
2250 Ogulin Canyon Road (City)	010-044-19	13.0	0.4	3.1	1.0
Total		408.2	19.4	n/a	37.0

Table 2: Base zones designations, total areas associated with each base zone designation, parcel count, and base zone eligibility for potential cannabis cultivation within the Burns Valley Groundwater Basin.

Zone	Description	Total Parcel Area (acres)*	# of Parcels
RL	Rural Lands	1105.9	18
RR	Rural Residential	677.3	18
Split	Combined Zoning (Dominant Zones are A and RL)	136.5	4
City	Cannabis District	242	23

*This is the total area of the parcel, not just the portion within the BVGB

To assess the potential for additional cannabis cultivation within the BVGB, not included in Table 1, a parcel inventory analysis was completed (Figure 7 and Table 2) to identify those parcels that meet requirements for potential cannabis cultivation with an approved permit from the Lake County or the City of Clearlake (City).

The Lake County Zoning Ordinance allows 1-acre of outdoor canopy for each 20 acres of parcel size for these zones. There are 40 parcels that are within or intersect the BVGB with a cumulative parcel area of about 1920 acres (total parcel area, not the intersected area, was used for conservativeness). Of these parcels, 10 parcels or 596 acres are existing vineyards and 2 parcels, or 349 acres have proposed cultivation shown in Table 1. Excluding these parcels, there are 28 parcels or 975 acres of base zoning that could be eligible for outdoor cultivation with a County permit. Thus, there is the potential for up to 48 acres of potentially new outdoor cultivation (the County allows only 1-acre of cultivation for each 20 acres of parcel area). However, accounting for existing development, steep topography, waterbody setbacks, flood zones, residential setbacks, and parcel setbacks, there is limited area for development and

only approximately 10 to 20 acres of new outdoor cultivation would likely be possible. The increased irrigation demand could be up to approximately 33.1 acre-feet per year assuming 3,000 gallons per day per acre for 180 days. This does not account for the fact that the project at 2050 Ogulin Canyon Road is replacing a 13.6-acre hops farm that utilized approximately 43.6 acre-feet per year of water, creating a reduction in water use of 18.7 acre-feet per year.

The City of Clearlake Zoning Ordinance allows for mixed-light/indoor cultivation in the BVGB, with a City Cannabis Permit, on 23 parcels with a total area of 242 acres. Accounting for the proposed projects listed in Table 1, existing development, steep topography, waterbody setbacks, and flood zones, only approximately 18 to 20 acres of this area could have the potential for mixed-light/indoor cultivation. The increased irrigation demand could be up to approximately 55.2 acre-feet assuming 3,000 gallons per day per acre for 300 days.

The total potential demand from both the County and City for cannabis cultivation could be up to 125.3 acre-feet per year, which includes the proposed projects listed in Table 1 and a conservative (high) estimate of total potential cultivation.

Thus, the total potential agricultural demand within the BVGB is existing, 555 acre-feet, plus proposed, 125.3 acre-feet, is approximately 680.3 acre-feet per year, with residential demand, the total groundwater demand is approximately 720.3 acre-feet per year. The dominant demand in the BVGB is associated with residential development and orchards in the lower part of BVGB and vineyards in the upper part of the BVGB.

The estimated storage capacity of the BVGB is 4,000 AF, with a usable storage capacity of 1,400 AF. The total potential demand is 51% of the usable storage capacity. According to DWR, groundwater in the BVGB is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area. Recharge estimates provided in Hydrology Reports for 2160 Ogulin Canyon Road, 1756 Ogulin Canyon Road, 2185 Ogulin Canyon Road, and Lake Vista Farms demonstrated that there is sufficient recharge over each project's contributing recharge area (a small fraction of the entire Burns Valley Watershed area) to meet each project's demand during both average and dry years. Overall, the proposed projects in Table 1 represent 2.6% of the usable storage capacity in the BVGB and only 5.1% of the existing demand in the BVGB.

SUMMARY AND DISCUSSION

- A Hydrology Technical Memorandum was prepared for 2160 Ogulin Canyon Road dated December 23, 2021 and submitted to the City of Clearlake Planning Department that addressed groundwater recharge and cumulative impacts and concluded that there is sufficient recharge and supply to meet the project's demand during average and dry years.
- The existing demand associated with vineyards and orchards is likely higher than reported in the 2006 Lake County Groundwater Management Plan. The higher estimate has been incorporated herein, along with estimated residential demand.
- The main sources of groundwater in the BVGB are within the *Quaternary Alluvium Formation* and the *Lower Lake Formation*. The *Quaternary Alluvium* dominates the southwestern portion of the BVGB, where both residential development and well development are most dense. The alluvium has a thickness of up to 50 feet; groundwater in this formation is unconfined and typically provides water for domestic use. Wells screened in unconfined aquifers are more directly influenced by lack of rain than those screened in deeper, confined aquifers.

- The *Lower Lake Formation* underlies the alluvial deposits in the BVGB. This formation has low permeability and provides water to wells at up to a few hundred gallons per minute and is the dominant source of agricultural water demand in the BVGB.
- Groundwater storage capacity is estimated to be 4,000 acre-feet based on an area of 1,000 acres, a saturated thickness of 50 feet, and a specific yield of 8 percent, which represents only the *Alluvium Formation* and does not account for groundwater storage capacity in the deeper *Lower Lake Formation*. Thus, the usable storage capacity is most likely an underestimate of the overall capacity of the BVGB, which has a surface area of 2,900 acres.
- Long-term groundwater monitoring in the BVGB shows a stable trend in groundwater levels within the deeper formation, with consistent recharge during each annual wet season, even during years with low annual precipitation and accounting for the existing vineyard and orchard demand that has occurred over this time.
- No wells within the BVGB were reported to the State Water Supply Shortage Reporting System. Additional monitoring and reporting within the *Quaternary Alluvium* are recommended and would be helpful in understanding shallow groundwater trends in the basin.
- The existing vineyards and the existing and proposed cannabis projects are located outside of the alluvial valley in the upper half of the BVGB.
- The dominant demand in the BVGB is associated with residential development and orchards in the lower part of BVGB and vineyards in the upper part of the BVGB. The Highlands Mutual Water Company supplies the majority of residents in the lower part of the BVGB using surface water drawn from Clear Lake. The total groundwater demand, accounting for existing agriculture, residential use, and potential cannabis projects, is approximately 720.3 acre-feet per year. The estimated storage capacity of the BVGB is 4,000 AF, with a usable storage capacity of 1,400 AF. The total potential future agricultural demand is 51% of the usable storage capacity. Thus, there is sufficient storage capacity to meet existing and proposed demand.
- Recharge estimates provided in the Hydrology Reports for 1756 Ogulin Canyon Road (Blue Oak Farms), 2050 Ogulin Canyon Road (Lake Vista Farms), 2160 Ogulin Canyon Road, and 2185 Ogulin Canyon Road, demonstrated that there is sufficient recharge over each project’s contributing recharge area (a small fraction of the entire Burns Valley Watershed area) to meet each project’s demands during both average and dry years.
- Overall, the proposed projects in Table 1 represent 2.6% of the usable storage capacity in the BVGB and only 6.7% of the existing demand for irrigation of existing vineyards and orchards.
- The demand associated with 2160 Ogulin Canyon Road represents only a fraction, 0.12% of the usable storage capacity of the BVGB, 0.2% of the total potential future demand in the BVGB, the total demand associated with the proposed projects listed in Table 1 is only 2.6% of the usable storage capacity of the BVGB and 5.1% of the potential future demand in the BVGB. Thus, it is unlikely that this project, in combination the existing and proposed demand, would adversely impact existing wells in the BVGB.

ATTACHMENTS

- Figure 1. Local geology (source: <https://pubs.usgs.gov/imap/2362/>), cultivation well locations, and CASGEM well location. QTc = Clear Lake Cache Formation, ‘tb’ = nonmarine terrace deposits, and ‘al’ = alluvium.
- Figure 2. Map of # (n) of Well Completion Reports (WCRs) with in each Public Land Survey System (PLSS) grid along with average well depth. The Burns Valley Groundwater Basin is outlined in red. Parcel coloring is provided in Figure 7.

- Figure 3. CASGEM Monitoring well location.
- Figure 4. CASGEM Monitoring Well data from 1952 to 2020.
- Figure 5. CASGEM Monitoring Well data from 1980 to 2020.
- Figure 6. Clear Lake stage height 2000 through 2021.
- Figure 7. City of Clearlake Cannabis District and Lake County parcel base zoning designations.
- Figure 8. Water Systems within the City of Clearlake Boundary (Source: [ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#))

QUALIFICATIONS OF AUTHOR

I have a PhD in Water Resources Engineering. In addition, I am a registered Professional Engineer with the State of California with 30-years of experience practicing and teaching Water Resources Engineering, including over 15 years of teaching, practicing, and modeling surface and groundwater hydrology.

LIMITATIONS

The study of groundwater hydrology is very complex and often relies on limited data, especially in rural areas. Recommendations and conclusions provided herein are based on professional judgment made using information of the groundwater systems and geology in Lake County, which is limited and allows only for a general assessment of groundwater aquifer conditions and recharge. NorthPoint Consulting Group, Inc. is making analyses, recommendations, and conclusions based on readily available data, including studies and reports conducted by other professionals, Lake County, the State of California, and other consultants hired by the project proponent to prepare technical studies for the proposed project. If additional information or data becomes available for the project area, the recommendations and conclusions presented herein may be subject to change.

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FIGURES



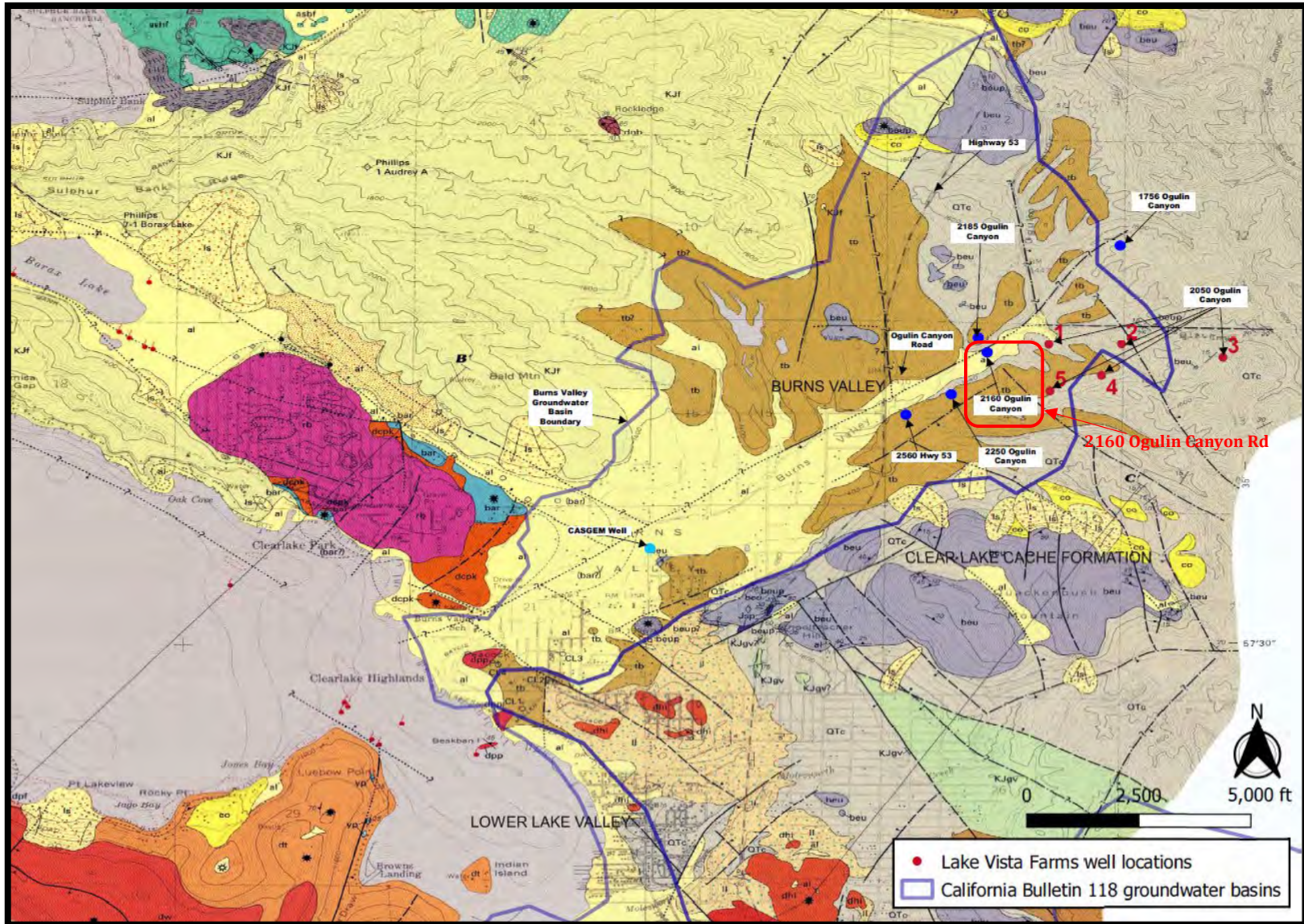


Figure 1. Burns Valley Groundwater Basin local geology (source: <https://pubs.usgs.gov/imap/2362/>), cultivation well locations, and CASGEM well location. QTc = Clear Lake Cache Formation, 'tb' = nonmarine terrace deposits, and 'al' = alluvium.

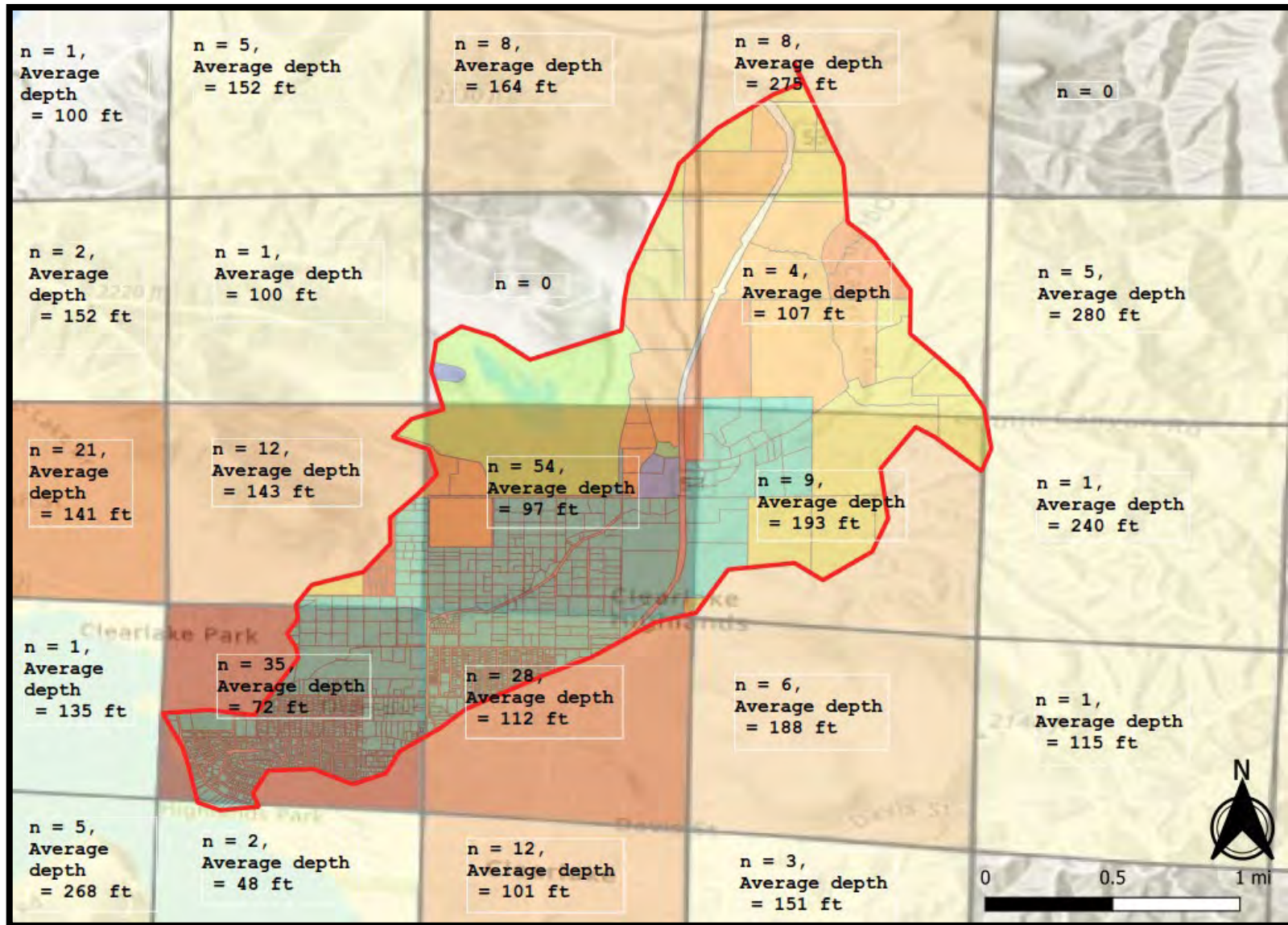


Figure 2. Map of # (n) of Well Completion Reports (WCRs) within each Public Land Survey System (PLSS) grid along with average well depth. The Burns Valley Groundwater Basin is outlined in red. Parcel coloring is provided in Figure 7.

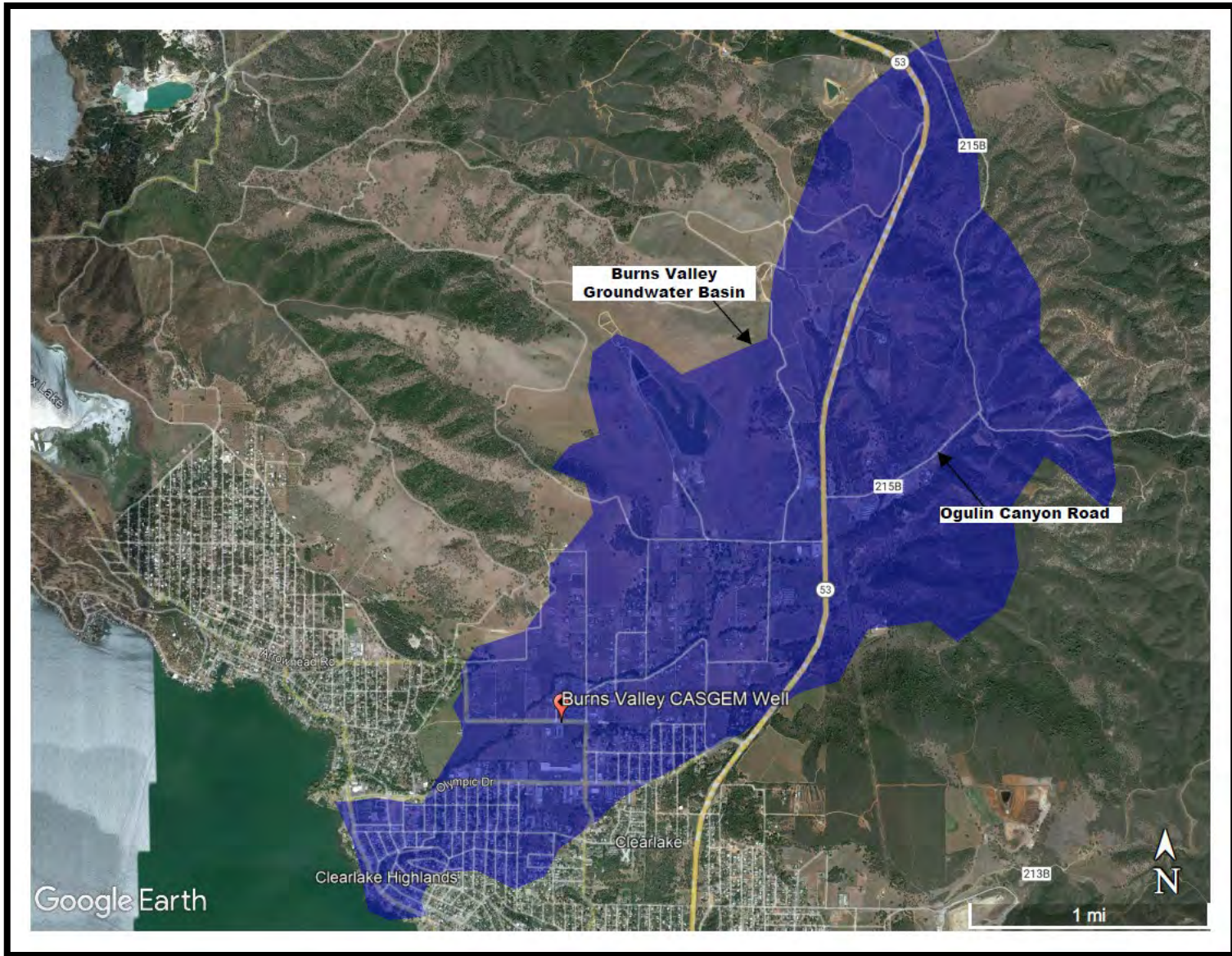


Figure 3. CASGEM Monitoring well location.

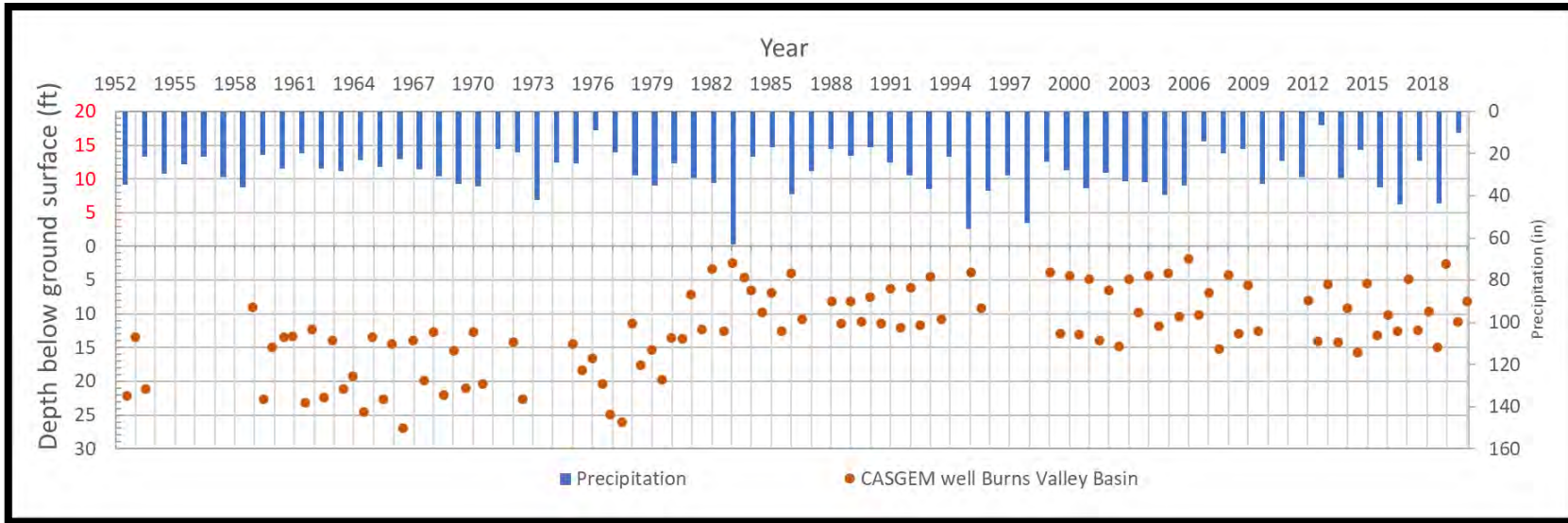


Figure 4. CASGEM Monitoring Well data from 1952 to 2020.

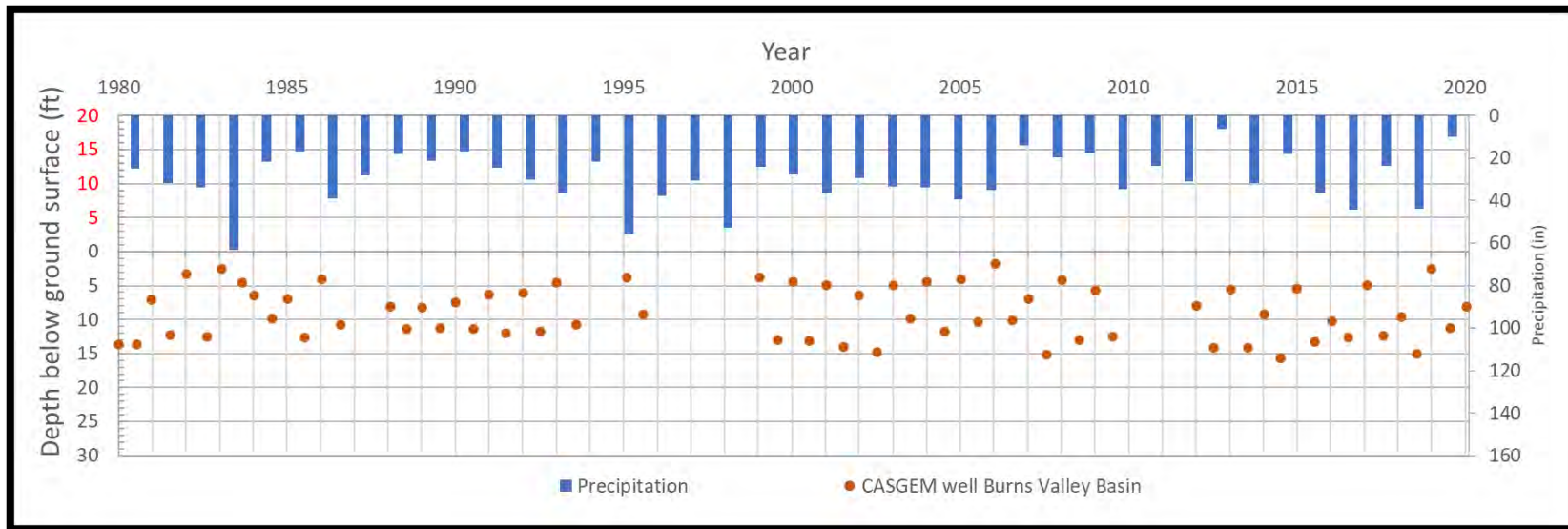


Figure 5. CASGEM Monitoring Well data from 1980 to 2020.

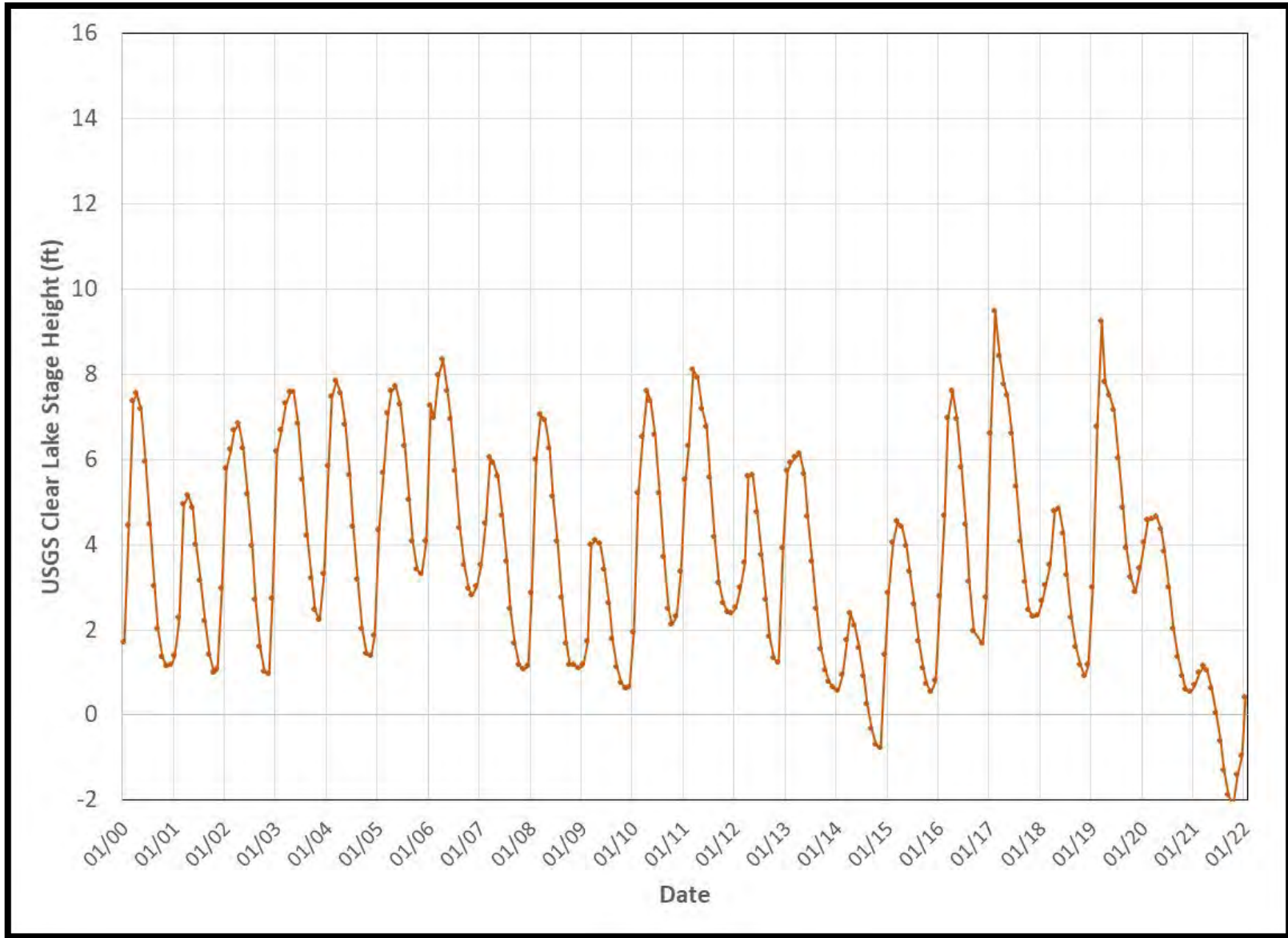


Figure 6. Clear Lake stage height 2000 through 2021.

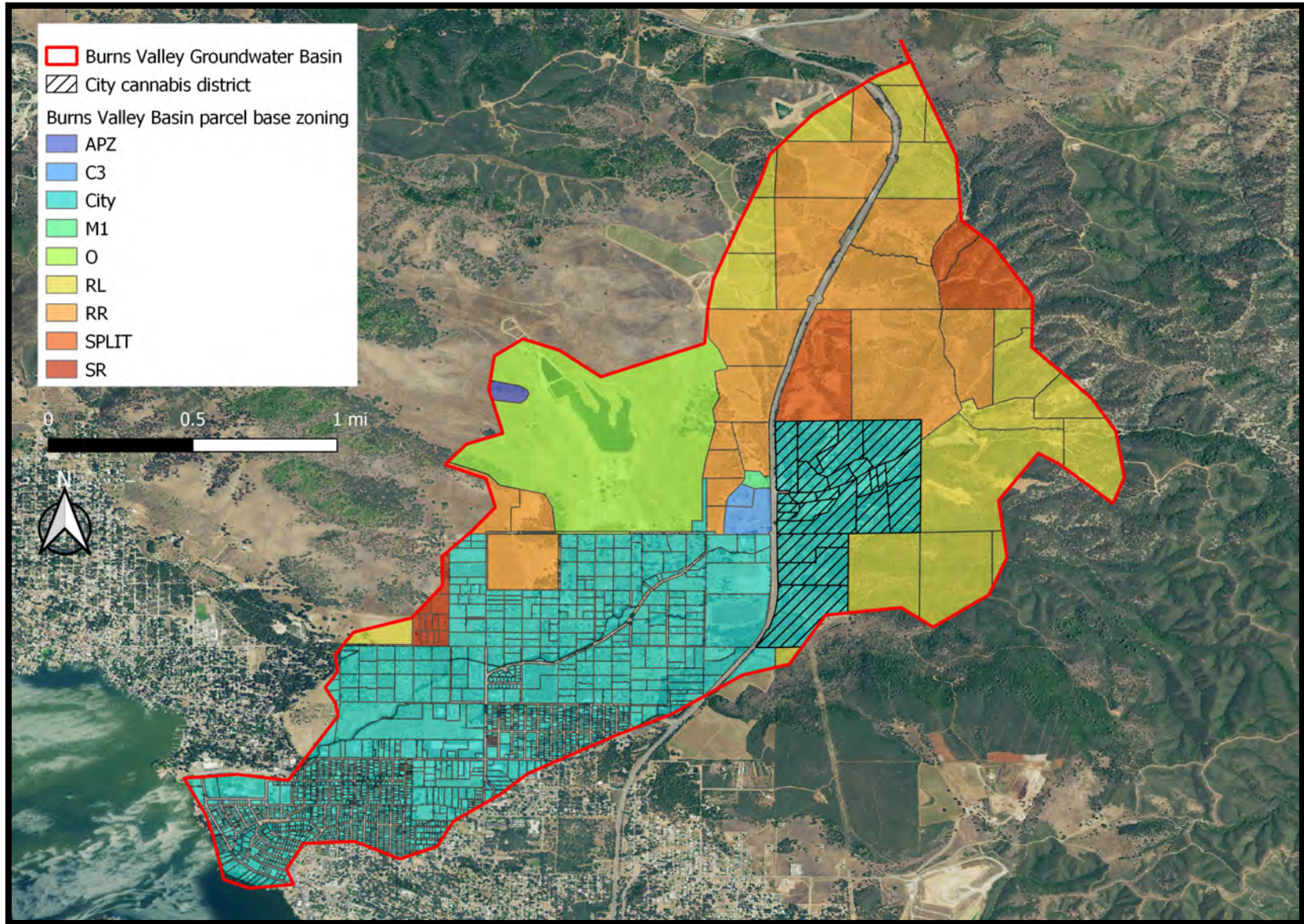


Figure 7. City of Clearlake Cannabis District and Lake County parcel base zoning designations.

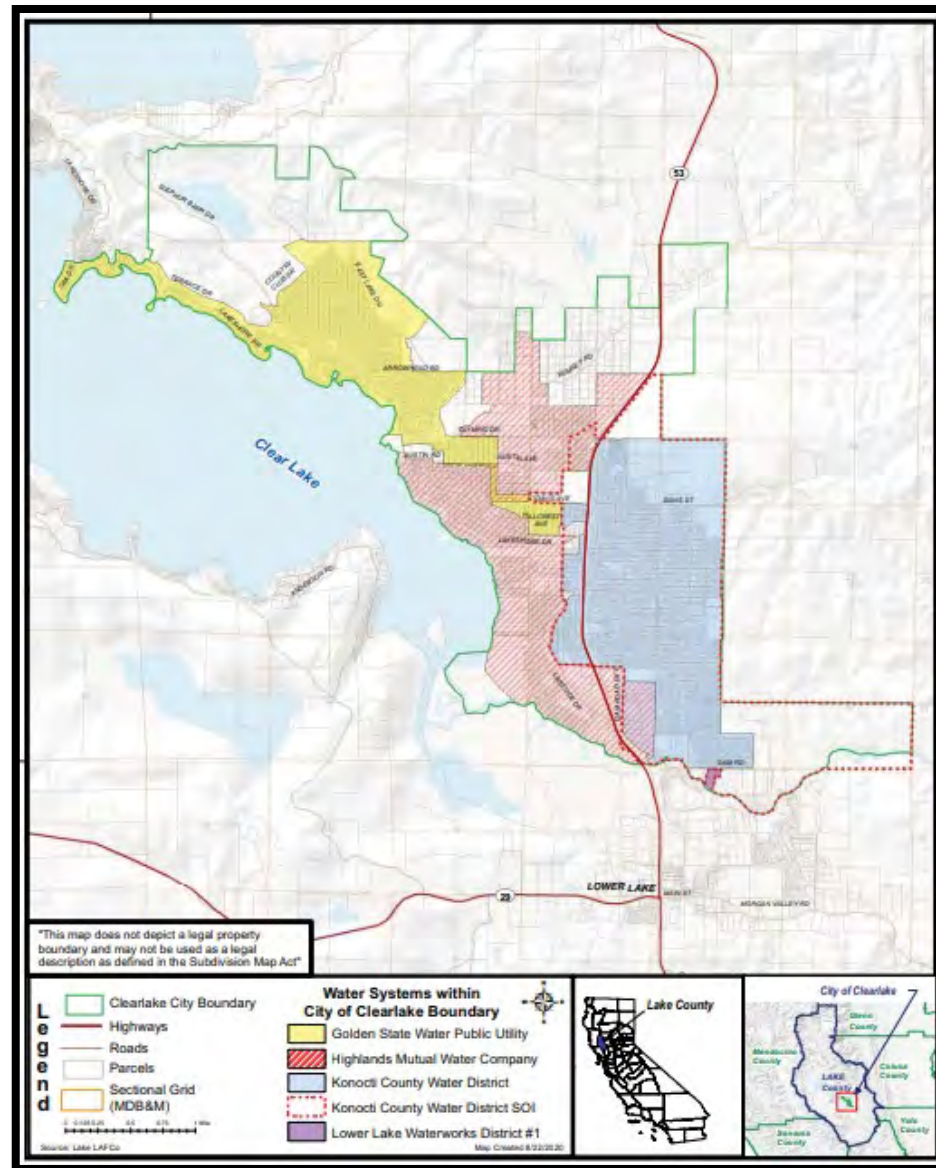


Figure 8. Water Systems within the City of Clearlake Boundary (Source: [ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#))

TECHNICAL MEMORANDUM

To: City of Clearlake

From: Annjanette Dodd, PhD, CA PE #77756 Exp. 6/30/2023

Date: January 3, 2022

Subject: Response to Appeal Comments – 2185 Ogulin Canyon Road (APN 010-044-17)

On November 15, 2021, an appeal to the Conditional Use Permits approved by the City of Clearlake (City) Planning Commission on November 9, 2021, for the proposed cannabis facilities at 2185 Ogulin Canyon Road, was submitted to the City. The appellant filed the appeal on behalf of at least 11 property owners in the Burns Valley Groundwater Basin (BVGB) area southwest of the subject property and argues the following:

- 1) “The subject property is within the Burns Valley Watershed. Many of the wells in Burns Valley have been adversely affected by development of property within the watershed for grape vineyards and other cannabis grow projects”,
- 2) “The Water Availability Analysis did not discuss or analyze the cumulative effect that the use will have on the (Burns Valley) watershed nor did it address the cumulative effect of the project when combined with existing or approved projects”,
- 3) “We feel the cumulative effect of adding this project to the existing uses should be considered prior to approval a Use Permit. On the West side there is a wine grape vineyard covering approximately 500 acres. Some of the Burns Valley property owners feel their wells were impacted by the vineyard. This year there are 2 active and permitted cannabis grow operations north of Ogulin on the East side of State Hwy 53; there is also an additional recently approved cannabis grow permit further north on Ogulin Canyon Rd from the 2185 site. The City approved a cannabis operation earlier this year at 2560 State Hwy 53 bordering Burns Valley Creek and located across from the school bus yard at Hwy 53 and Old Hwy 53. Thursday, November 18, 2021, the Lake County Planning Commission will consider a Use Permit for a cannabis grow just outside the Clearlake City Limits at 2050 Ogulin Canyon Rd; we will be attending this hearing and asking for a more extensive cumulative study of the watershed”,
- 4) “Studies referenced in the various hydrology reports for the various projects are dated with some going back as far as 1960; the most referenced is the March 2006 Lake County Groundwater Management Plan, which is now 15 years old”, and
- 5) “It is our feeling that a more complete hydrology study should be completed which includes the effect of this project and considering the vineyard plus the existing and approved cannabis projects to determine the impact on the water supply in the Burns Valley basin”.

A Groundwater Hydrology Technical Memorandum was prepared for 2185 Ogulin Canyon Road on November 9, 2021 and submitted to the Planning Commission that addressed groundwater recharge and cumulative impacts and concluded that there is sufficient recharge and supply to meet the project’s demand during average and dry years; the project’s demand is only 0.1% of the usable storage capacity of the BVGB; and the potential future cannabis demand in the basin is a fraction of the usable storage capacity of the BVGB and that the proposed project water use would have little to no cumulative impact on the surrounding area. The purpose of the current Technical Memorandum (TM) is to add to the information provided in the November 9, 2021

EXISTING AGRICULTURAL GROUNDWATER USE AND TRENDS

Review of Google Earth Imagery shows extensive agricultural development, in the form of walnut/pear orchards and vineyards, in the Burns Valley since at least 1985. The existing vineyards mentioned by the appellant were established prior to 2003 and should have been considered in the Lake County Groundwater Management Plan. According to the Lake County Water Demand Forecast, the average annual water demand for vineyards and walnut/pear orchards in Lake County is 0.5 acre-feet per acre and 2.2 acre-feet per acre, respectively. Using current Google Earth imagery, there are roughly about 450 acres of existing vineyards and 150 acres of orchards in Burns Valley. Orchard production in the valley has decreased over time. Accounting for existing vineyards and orchards, the approximate agricultural demand in the valley is about 555 acre-feet per year which is supplied via existing groundwater wells. The 2006 Lake County Groundwater Management Plan stated that the agricultural demand in the BVGB during an average year is 105 acre-feet, with 14 acre-feet of this supplied from groundwater, which appears to be an underestimate of the existing groundwater agricultural demand.

The main sources of groundwater in the BVGB are within the *Quaternary Alluvium Formation* and the *Lower Lake Formation*. The *Quaternary Alluvium* dominates the southwestern portion of the BVGB, where both residential development and well development are most dense (Figure 1 and Figure 2). The alluvium has a thickness of up to 50 feet; groundwater in this formation is unconfined and typically provides water for domestic use. Wells screened in unconfined aquifers are more directly influenced by lack of rain than those screened in deeper, confined aquifers. The *Lower Lake Formation* underlies the alluvial deposits in the BVGB. This formation has low permeability and provides water to wells at up to a few hundred gallons per minute and is the dominant source of agricultural water demand in the BVGB. Note that the existing vineyards and the existing and proposed cannabis projects are located outside of the alluvial valley in the upper half of the BVGB (Figure 1).

Fortunately, there is a California Statewide Groundwater Elevation Monitoring (CASGEM) Program well located within the BVGB that has been used to monitor long-term groundwater trends (CASGEM well ID: 39925, Lat/Long: 38.96535, -122.63186, Figure 3) for over 50 years. The CASGEM well is drilled 177 feet below ground surface (bgs) into the deeper *Lower Lake Formation*. Groundwater levels in the CASGEM well are measured twice annually, approximately every April and November, to visualize the fall drawdown (November) and spring recharge (April). In general, since 1952, there appears to be an increasing trend in groundwater levels in the BVGB (Figure 4). However, a vertical shift is apparent and occurs in about 1980. Since it is unknown if this is a natural shift in the data or a shift due to change in measurement, data prior to 1980 was removed. Since 1980, the data indicate that the long-term groundwater trend has been relatively stable (Figure 5), with consistent recharge during each annual wet season, even during years with low annual precipitation and accounting for the existing and historical agricultural demand.

The appellant has indicated that many of the wells in the BVGB have been adversely impacted by development, the vineyards, and other cannabis projects. However, no information was provided regarding the impacted wells. Verbal correspondence with the City and Lake County have indicated anecdotal evidence of lower well production and possibly dry wells in the BVGB, however, without specific context and data, reports of ‘dry wells’ are only anecdotal and cannot be adequately assessed using the available data. In addition, according to the Statewide Summary of Household Water Supply Shortage Reportage System reports (<https://mydrywell.water.ca.gov/report/publicpage>), no wells have been reported as going dry in the BVGB.

The anecdotal evidence regarding well production is not surprising as Lake County has been in the midst of a severe drought. As stated above, wells screened in the shallower, unconfined aquifer, would be more

directly influenced by the lack of rain and likely to go dry. There is also a likelihood that shallow groundwater in the southern portion of Burns Valley is hydrologically coupled to surface water levels in Clear Lake. As a result of the drought, surface water levels in the lake recorded in August and September of 2021 were the lowest on record since 2000, which could have a direct impact on shallow groundwater well production (Figure 6). Additional monitoring and reporting within the *Quaternary Alluvium* are recommended and would be helpful in understanding shallow groundwater trends in the basin.

FUTURE AGRICULTURAL GROUNDWATER USE AND SUPPLY

The potential cumulative effects and the dated nature of the Lake County Groundwater Management Plan were both addressed in the November 9, 2021 Groundwater Hydrology Technical Memorandum prepared for 2185 Ogulin Canyon Road. However, more detailed information is presented herein to further support the conclusions made in the original Groundwater Hydrology Technical Memorandum.

As discussed above, the current groundwater agricultural demand in the BVGB is roughly 555 acre-feet per year. Approximately 225 acre-feet is from existing vineyards in the upper portion of the BVGB and 330 acre-feet is from orchards located within the lower portion the BVGB. A summary of proposed cannabis projects and the approximate annual water demand is provided in Table 1. All the proposed projects are located in the upper portion of the BVGB east of State Highway 53 (Figure 1).

Table 1. Approximate water demand of proposed cannabis projects within the BVGB (information obtained from the City of Clearlake and Lake County websites and CEQAnet Database). Refer to Figure 1 for approximate locations.

Location (jurisdiction)	APN(s)	Parcel Area (acres)	Cultivation (Acres)	Cultivation % of Parcel Area	Approximate Annual Water Demand (acre-feet)
1756 Ogulin Canyon Road (County) (Blue Oak Farms)	010-055-46	46.5	2.0	4.3	3.3
2050 Ogulin Canyon Road (County) (Lake Vista Farms)	010-053-01 & 02	302.4	15.0	5.0	24.9
2185 Ogulin Canyon Road (City)	010-044-17	21.3	0.5	2.3	1.8
2160 Ogulin Canyon Road (City)	010-044-21	9.6	0.2	2.1	1.7
2560 Highway 53 (City)	010-048-05	15.4	1.3	8.4	4.3
2250 Ogulin Canyon Road (City)	010-044-19	13.0	0.4	3.1	1.0
Total		408.2	19.4	n/a	37.0

Table 2: Base zones designations, total areas associated with each base zone designation, parcel count, and base zone eligibility for potential cannabis cultivation within the Burns Valley Groundwater Basin.

Zone	Description	Total Parcel Area (acres)*	# of Parcels
RL	Rural Lands	1105.9	18
RR	Rural Residential	677.3	18
Split	Combined Zoning (Dominant Zones are A and RL)	136.5	4

City	Cannabis District	242	23
*This is the total area of the parcel, not just the portion within the BVGB			

To assess the potential for additional cannabis cultivation within the BVGB, not included in Table 1, a parcel inventory analysis was completed (Figure 7 and Table 2) to identify those parcels that meet requirements for potential cannabis cultivation with an approved permit from the City or Lake County. The Lake County Zoning Ordinance allows 1-acre of outdoor canopy for each 20 acres of parcel size for these zones. There are 40 parcels that are within or intersect the BVGB with a cumulative parcel area of about 1920 acres (total parcel area, not the intersected area, was used for conservativeness). Of these parcels, 10 parcels or 596 acres are existing vineyards and 2 parcels, or 349 acres have proposed cultivation shown in Table 1.

Excluding these parcels, there are 28 parcels or 975 acres of base zoning that could be eligible for outdoor cultivation. Thus, there is the potential for up to 48 acres of potentially new outdoor cultivation (the County allows only 1-acre of cultivation for each 20 acres of parcel area). However, accounting for existing development, steep topography, waterbody setbacks, flood zones, residential setbacks, and parcel setbacks, there is limited area for development and only approximately 10 to 20 acres of new outdoor cultivation would likely be possible. The increased irrigation demand could be up to approximately 33.1 acre-feet per year assuming 3,000 gallons per day per acre for 180 days. This does not account for the fact that the project at 2050 Ogulin Canyon Road is replacing a 13.9-acre hops farm that utilized approximately 43.6 acre-feet per year of water, creating a deficit of 18.7 acre-feet. Subtracting 18.7 acre-feet from 33.1 acre-feet results in an approximate increased demand of 14.4 acre-feet per year due to potential cannabis projects approved by Lake County.

The City of Clearlake Zoning Ordinance allows for mixed-light/indoor cultivation in the BVGB, with a City Cannabis Permit, on 23 parcels with a total area of 242 acres. Accounting for the proposed projects listed in Table 1, existing development, steep topography, waterbody setbacks, and flood zones only approximately 18 to 20 acres of this area could have the potential for mixed-light/indoor cultivation. The increased irrigation demand could be up to approximately 55.2 acre-feet assuming 3,000 gallons per day per acre for 300 days. The total potential demand from both the County and City for cannabis cultivation could be up to 106.6 acre-feet per year, which includes the proposed projects listed in Table 1 and a conservative (high) estimate of total potential cultivation.

Thus, the total potential agricultural demand within the BVGB is existing, 555 acre-feet, plus proposed, 106.6 acre-feet, is approximately 661.6 acre-feet per year. The dominant demand in the BVGB is associated with residential development and orchards in the lower part of BVGB and vineyards in the upper part of the BVGB. The Highlands Mutual Water Company supplies the majority of residents in the lower part of the BVGB (Figure 8). According to the Lake County Agency Formation Commission 2021 Report on Clearlake Water Providers ([ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#)), the Highlands Mutual Water Company serves 6,072 people with water via 2,568 services connections using water drawn from Clear Lake. Thus, the overall groundwater demand is mainly from agriculture.

The estimated storage capacity of the BVGB is 4,000 AF, with a usable storage capacity of 1,400 AF. The total potential agricultural demand is 47% of the usable storage capacity. According to DWR, groundwater in the BVGB is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area. Recharge estimates provided in Hydrology Reports for 1756 Ogulin Canyon Road, 2060 Ogulin Canyon Road, 2160 Ogulin Canyon Road, and 2185 Ogulin Canyon Road, demonstrate that there is sufficient recharge over the project’s contributing recharge area (a small fraction of the entire Burns

Valley Watershed area) to meet the projects' demands during both average and dry years. Overall, the proposed projects in Table 1 represent 2.6% of the usable storage capacity in the BVGB and only 6.7% of the existing demand for irrigation of existing vineyards and orchards.

The demand associated with 2185 Ogulin Canyon Road represents only a small fraction, 0.1% of the usable storage capacity of the BVGB, only 0.3% of the total potential future demand in the BVGB, the total demand associated with the proposed projects listed in Table 1 is only 2.6% of the usable storage capacity of the BVGB and 6% of the potential future demand in the BVGB.

SUMMARY AND DISCUSSION

- A Groundwater Hydrology Technical Memorandum was prepared for 2185 Ogulin Canyon Road on November 9, 2021 and submitted to the Planning Commission that addressed groundwater recharge and cumulative impacts and concluded that there is sufficient recharge and supply to meet the project's demand during average and dry years; the project's demand is only 0.1% of the usable storage capacity of the Burns Valley Groundwater Basin (BVGB); and the potential future cannabis demand in the basin is a fraction of the usable storage capacity of the BVGB and that the proposed project water use would have little to no cumulative impact on the surrounding area.
- The existing demand associated with vineyards and orchards is likely higher than reported in the 2006 Lake County Groundwater Management Plan. The higher estimate has been incorporated herein.
- The main sources of groundwater in the BVGB are within the *Quaternary Alluvium Formation* and the *Lower Lake Formation*. The *Quaternary Alluvium* dominates the southwestern portion of the BVGB, where both residential development and well development are most dense. The alluvium has a thickness of up to 50 feet; groundwater in this formation is unconfined and typically provides water for domestic use. Wells screened in unconfined aquifers are more directly influenced by lack of rain than those screened in deeper, confined aquifers.
- The *Lower Lake Formation* underlies the alluvial deposits in the BVGB. This formation has low permeability and provides water to wells at up to a few hundred gallons per minute and is the dominant source of agricultural water demand in the BVGB.
- Long-term groundwater monitoring in the BVGB shows a stable trend in groundwater levels within the deeper formation, with consistent recharge during each annual wet season, even during years with low annual precipitation and accounting for the existing vineyard and orchard demand that has occurred over this time.
- Although there has been anecdotal evidence of wells going dry in the BVGB, no information regarding these wells was provided so that they could be adequately assessed. It is likely these wells are located in the shallower alluvium formation and are more directly influenced by lack of rain and the low water levels in Clear Lake. No wells within the BVGB were reported to the State Water Supply Shortage Reporting System. Additional monitoring and reporting within the *Quaternary Alluvium* are recommended and would be helpful in understanding shallow groundwater trends in the basin.
- The existing vineyards and the existing and proposed cannabis projects are located outside of the alluvial valley in the upper half of the BVGB.
- The dominant demand in the BVGB is associated with residential development and orchards in the lower part of BVGB and vineyards in the upper part of the BVGB. The Highlands Mutual Water Company supplies the majority of residents in the lower part of the BVGB using surface water drawn from Clear Lake. Thus, agriculture accounts for the majority of groundwater demand. The

agriculture demand, accounting for existing agriculture and potential cannabis projects, is approximately 661.6 acre-feet per year. The estimated storage capacity of the BVGB is 4,000 AF, with a usable storage capacity of 1,400 AF. The total potential future agricultural demand is 47% of the usable storage capacity. Thus, there is sufficient storage capacity to meet existing and proposed demand.

- Recharge estimates provided in the Hydrology Reports for 1756 Ogulin Canyon Road (Blue Oak Farms), 2050 Ogulin Canyon Road (Lake Vista Farms), 2160 Ogulin Canyon Road, and 2185 Ogulin Canyon Road, demonstrate that there is sufficient recharge over each project's contributing recharge area (a small fraction of the entire Burns Valley Watershed area) to meet each project's demands during both average and dry years.
- Overall, the proposed projects in Table 1 represent 2.6% of the usable storage capacity in the BVGB and only 6.7% of the existing demand for irrigation of existing vineyards and orchards.
- The demand associated with 2185 Ogulin Canyon Road represents only a small fraction, 0.1% of the usable storage capacity of the BVGB, only 0.3% of the total potential future demand in the BVGB, the total demand associated with the proposed projects listed in Table 1 is only 2.6% of the usable storage capacity of the BVGB and 6% of the potential future demand in the BVGB. Thus, it is unlikely that these projects, in combination with the 2185 Ogulin Canyon Road project, will adversely impact wells in the lower portion of the BVGB.

ATTACHMENTS

- Figure 1. Local geology (source: <https://pubs.usgs.gov/imap/2362/>), cultivation well locations, and CASGEM well location. QTc = Clear Lake Cache Formation, 'tb' = nonmarine terrace deposits, and 'al' = alluvium.
- Figure 2. Map of # (n) of Well Completion Reports (WCRs) with in each Public Land Survey System (PLSS) grid along with average well depth. The Burns Valley Groundwater Basin is outlined in red. Parcel coloring is provided in Figure 7.
- Figure 3. CASGEM Monitoring well location.
- Figure 4. CASGEM Monitoring Well data from 1952 to 2020.
- Figure 5. CASGEM Monitoring Well data from 1980 to 2020.
- Figure 6. Clear Lake stage height 2000 through 2021.
- Figure 7. City of Clearlake Cannabis District and Lake County parcel base zoning designations.
- Figure 8. Water Systems within the City of Clearlake Boundary (Source: [ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#))

QUALIFICATIONS OF AUTHOR

I have a PhD in Water Resources Engineering. In addition, I am a registered Professional Engineer with the State of California with 30-years of experience practicing and teaching Water Resources Engineering, including over 15 years of teaching, practicing, and modeling surface and groundwater hydrology.

LIMITATIONS

The study of groundwater hydrology is very complex and often relies on limited data, especially in rural areas. Recommendations and conclusions provided herein are based on professional judgment made using information of the groundwater systems and geology in Lake County, which is limited and allows only for a general assessment of groundwater aquifer conditions and recharge. NorthPoint Consulting Group, Inc. is making analyses, recommendations, and conclusions based on readily available data,

including studies and reports conducted by other professionals, Lake County, the State of California, and other consultants hired by the project proponent to prepare technical studies for the proposed project. If additional information or data becomes available for the project area, the recommendations and conclusions presented herein may be subject to change.

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FIGURES



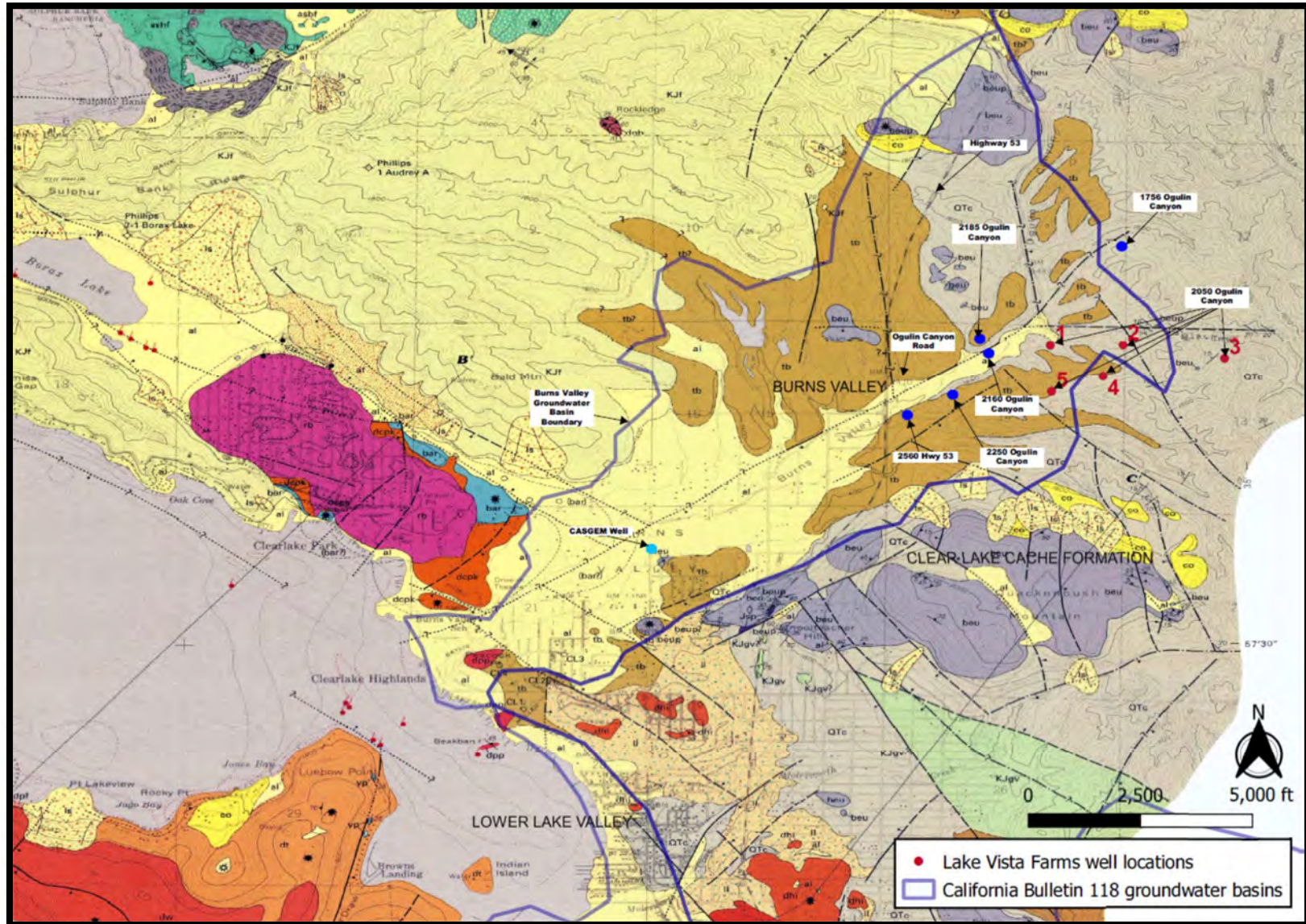


Figure 1. Burns Valley Groundwater Basin local geology (source: <https://pubs.usgs.gov/imap/2362/>), cultivation well locations, and CASGEM well location. QTc = Clear Lake Cache Formation, 'tb' = nonmarine terrace deposits, and 'al' = alluvium.

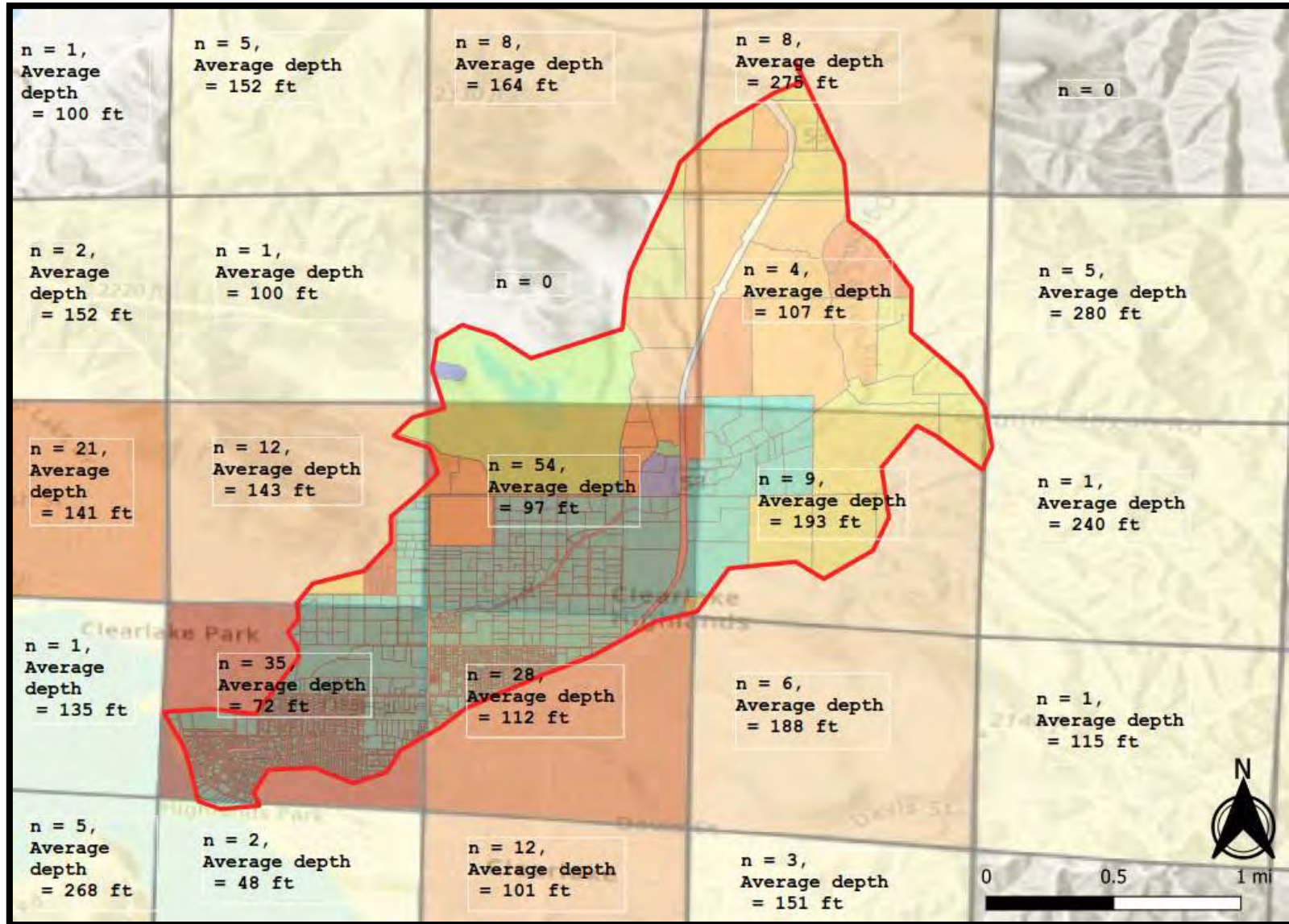


Figure 2. Map of # (n) of Well Completion Reports (WCRs) within each Public Land Survey System (PLSS) grid along with average well depth. The Burns Valley Groundwater Basin is outlined in red. Parcel coloring is provided in Figure 7.

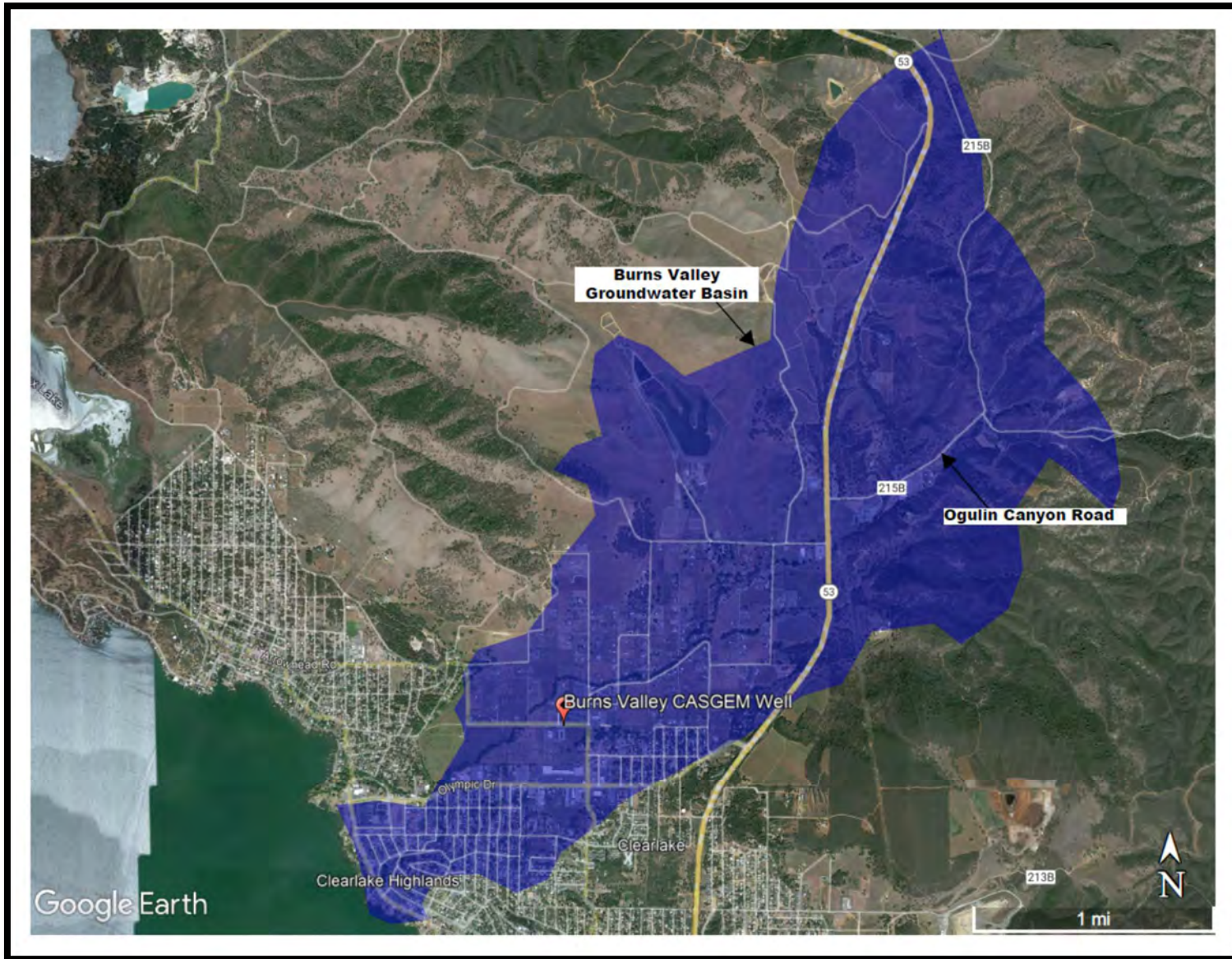


Figure 3. CASGEM Monitoring well location.

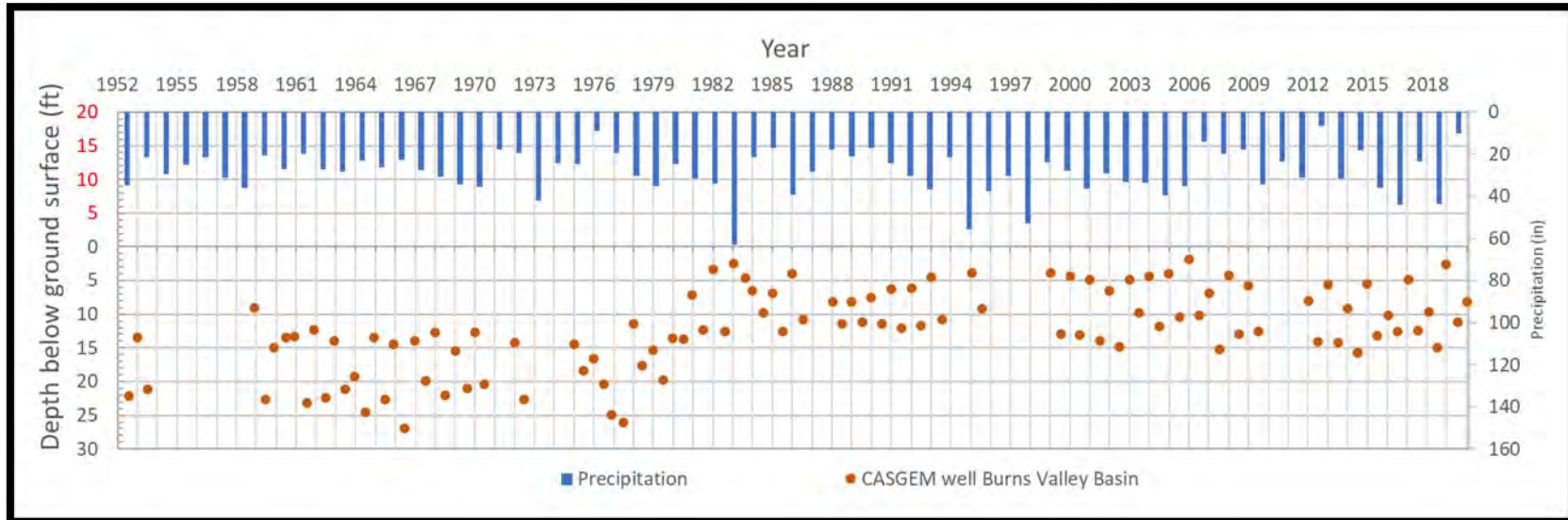


Figure 4. CASGEM Monitoring Well data from 1952 to 2020.

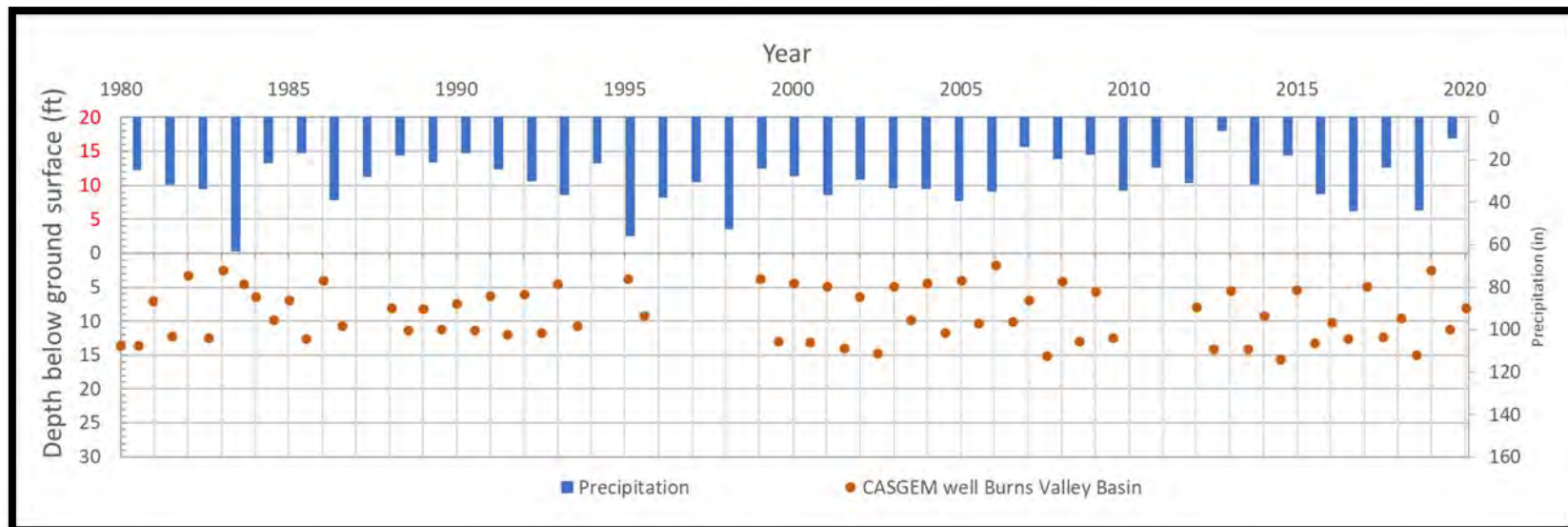


Figure 5. CASGEM Monitoring Well data from 1980 to 2020.

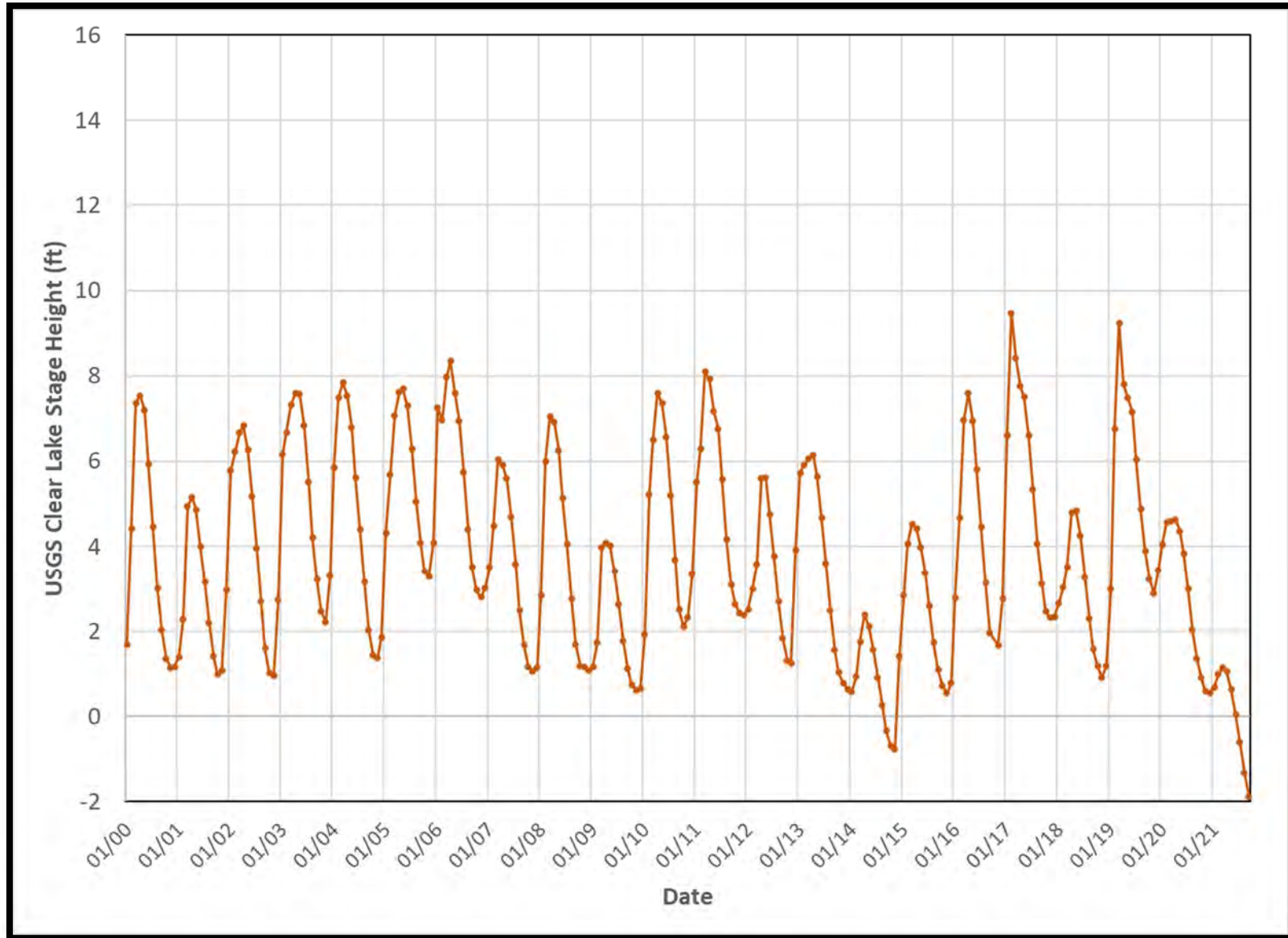


Figure 6. Clear Lake stage height 2000 through 2021.

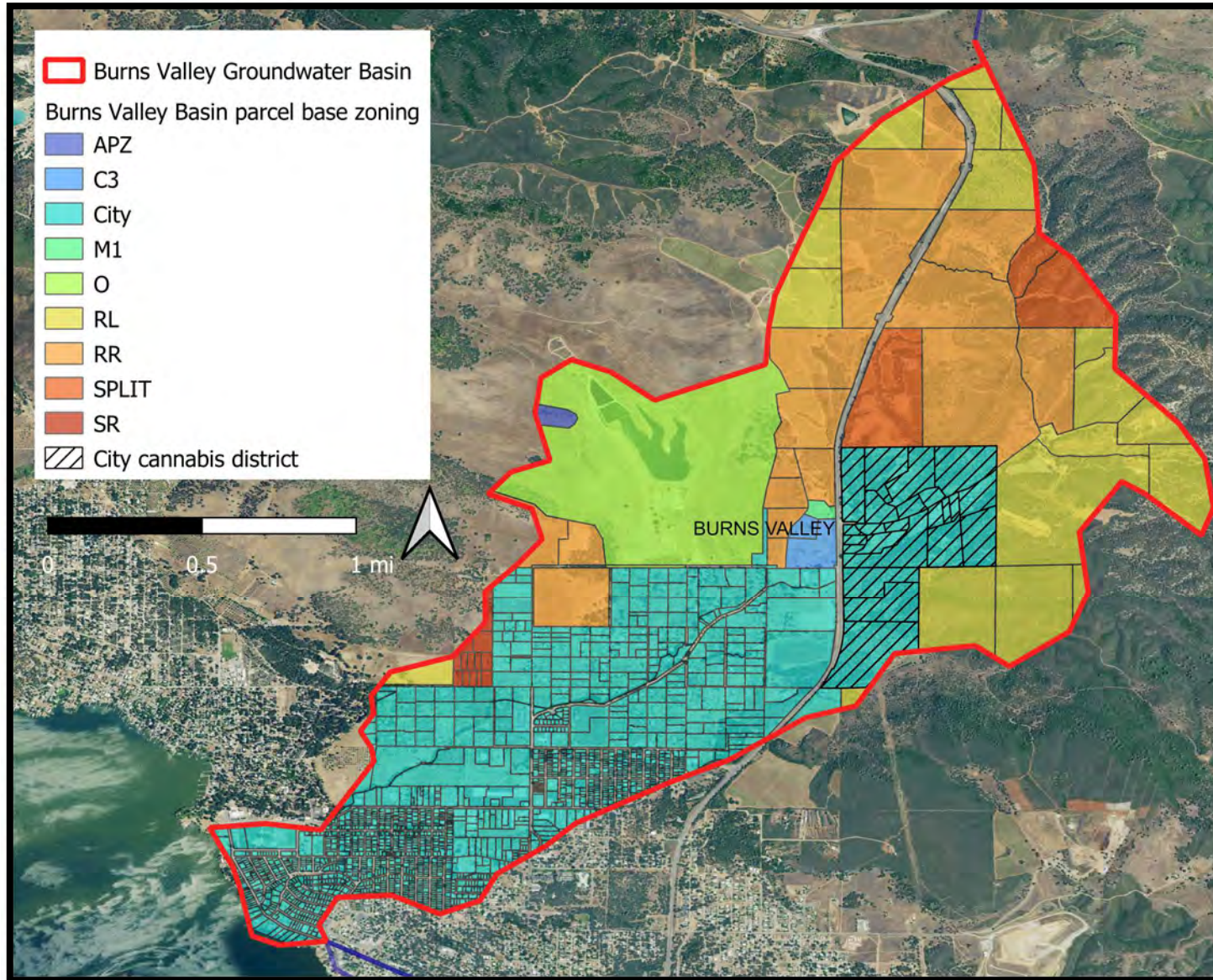


Figure 7. City of Clearlake Cannabis District and Lake County parcel base zoning designations.

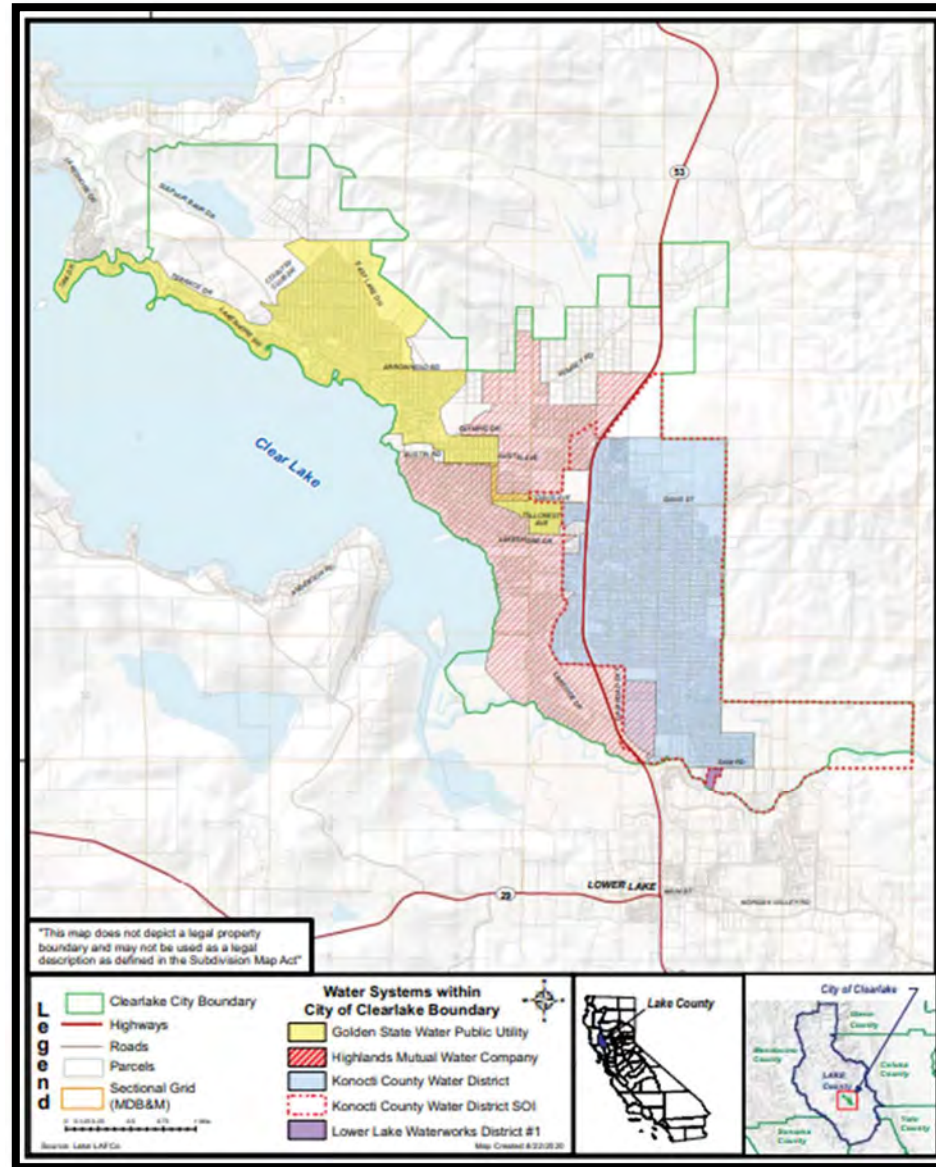


Figure 8. Water Systems within the City of Clearlake Boundary (Source: [ClearlakeH2O MSR-SOI 2021EDIT-2. cl docx \(lakelafco.org\)](#))

TECHNICAL MEMORANDUM

To: Mr. Brian Pensack
From: Annjanette Dodd, PhD, CA PE #77756
Date: November 9, 2021
Subject: Groundwater Hydrology – 2185 Ogulin Canyon Road, Clearlake, CA

PURPOSE AND BACKGROUND

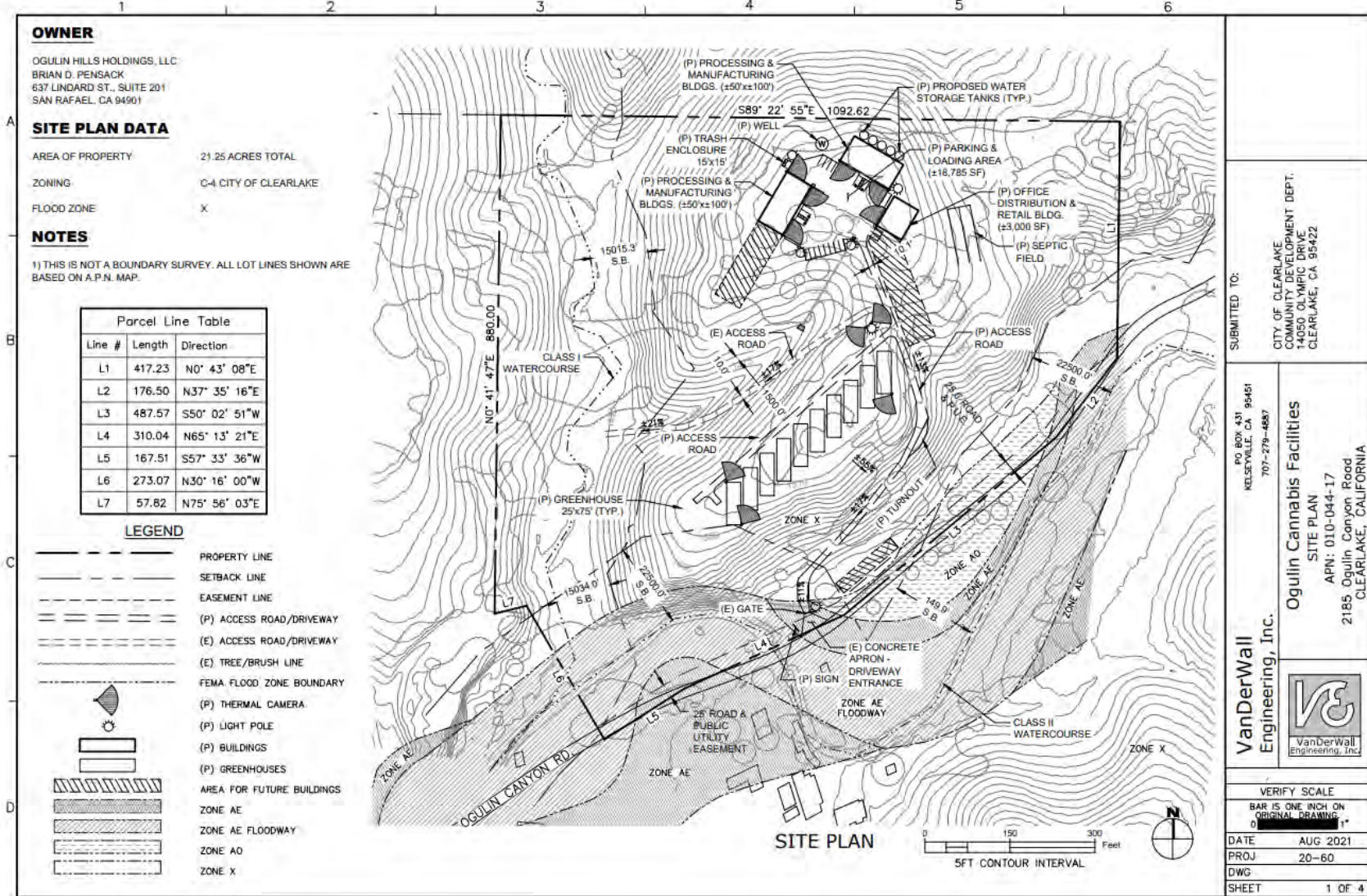
The purpose of this Technical Memorandum is to provide an evaluation of the potential impacts the proposed project would have on the surrounding groundwater resources. The project is located at 2185 Ogulin Canyon Road, Clearlake, Lake County, California. The project proposes 0.5-acres of mixed-light cannabis cultivation, 10,000 sq. ft. of manufacturing, processing, and distribution, and a 3,000 sq. ft. office, retail, and delivery building (Figure 1). A Water Availability Analysis (WAA) was prepared for the project in June 2021 by Richard Knoll Consulting and submitted to the City of Clearlake.

The estimated project water demand for cultivation (300-day cultivation period) was estimated in the WAA using standard industry values for cultivation (3,000 gallons per acre per day, or 2.1 gallons per minute) and warehouse demand (0.85 gallons per square foot, or 11,000 gallons per month). The project proposes ten employees, water demand based on the number of employees is equivalent to sanitary sewer generation for factories with shower facilities. According to the Lake County Rules and Regulations for On-Site Sewage Disposal (Lake County, 2010), the demand would be 35 gallons per day, per person. Thus, the proposed project employee demand would be 350 gallons per day or about 10,500 gallons per month, which corroborates the employee estimate provided in the WAA. The total estimated water demand for the proposed project provided in the WAA is 582,000 gallons per year or 1.8 acre-feet per year. The daily demand is about 1.3 gallons per minute (gpm).

WATER SOURCE AND SUPPLY

There is one (1) existing, permitted groundwater well (Permit Number: WE 5569AG) that will be used for cultivation (Lat/Long 38.983147, -122.604709). The well is approximately 375 feet deep and was drilled in March 2021. The well is screened between 280- and 375-feet below the ground surface. During the drilling of the well, the depth of first water was at 280-feet below the ground surface (bgs) and the static water level was estimated to be 280-feet bgs (Attachment 1 – Well Log).

The well was estimated to have a yield of 80 gpm (129.0 acre-feet per year). The potential daily demand of 1.3 gpm represents approximately 1.6% of the well yield and 2.5% of the annual well production in acre-feet.



SUBMITTED TO:
 CITY OF CLEARLAKE
 COMMUNITY DEVELOPMENT DEPT.
 14050 OLYMPIC DRIVE
 CLEARLAKE, CA 95422

PO BOX 431
 KELSEVILLE, CA 95451
 707-279-4887
 Ogulin Cannabis Facilities
 SITE PLAN
 APN: 010-044-17
 2185 Ogulin Canyon Road
 CLEARLAKE, CALIFORNIA

vanDerWall Engineering, Inc.

VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING 1" = 150'

DATE AUG 2021
 PROJ 20-60
 DWG
 SHEET 1 OF 4

GROUNDWATER BASIN INFORMATION AND HYDROGEOLOGY

The well site is in the Burns Valley Groundwater Basin (Basin #5-17). According to the California Department of Water Resources (DWR), almost all the groundwater in the Burns Valley Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area (DWR Bulletin 118).

The Burns Valley Basin is within the Burns Valley Watershed. The Franciscan Formation borders the Burns Valley Basin on the north, Clear Lake borders the basin on the west, and the Cache Formation borders the basin on the south and east. The valley is drained by Burns Valley Creek, flowing southwest, and eventually into Clearlake. There are three water bearing formations in the Burns Valley Basin, the Quaternary Alluvium, Quaternary Terrace Deposits, and Lower Lake Formation. The *Quaternary Alluvium* located in the valley lowlands in the southern end of the valley are composed of silt, sand, and gravel with a thickness up to 50 feet. Groundwater in this formation is unconfined and typically provides water for domestic use. *Quaternary Terrace Deposits* have been deposited on the sides of the alluvial plain in the Burns Valley Basin. The terrace deposits are approximately 15 feet above the valley floor and slope up the valley to a similar elevation as the foothill exposures of the Cache Formation. Groundwater in this formation is not well understood. The *Lower Lake Formation*, consisting of lake deposits, underlies the alluvial and terrace deposits in the basin. The formation consists of fine sands, silts, and thick interbeds of marl and limestone, and has a maximum thickness of 200 feet. The formation has low permeability and provides water to wells at up to a few hundred gallons per minute. Based on the depth of the well, it is likely in the deeper, higher yielding, water bearing formation. The California Department of Water Resources (DWR) estimated a storage capacity of the Burns Valley Basin as 4,000 AF with a usable storage capacity of 1,400 AF. Well depths mostly range between 25- and 425-feet. (CDM 2006 and California DWR 2003, 2021)

The Burns Valley Groundwater Basin has not been identified by the California Department of Water Resources (DWR) as critically overdrafted basins. Critically overdrafted is defined by DWR as, "A basin subject to critical overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." In addition, as part of the California Statewide Groundwater Elevation Monitoring (CASGEM) Program, DWR created the CASGEM Groundwater Basin Prioritization statewide ranking system to prioritize California groundwater basins in order to help identify, evaluate, and determine the need for additional groundwater level monitoring. California's groundwater basins were classified into one of four categories high-, medium-, low-, or very low-priority. The Burns Valley Groundwater Basin is ranked as very low-priority basins by the CASGEM ranking system. (DWR, 2021)

RECHARGE RATE

The annual recharge can be estimated using a water balance equation, where recharge is equal to precipitation (P) less runoff (Q) and abstractions that do not contribute to infiltration (e.g., evapotranspiration). A simple tool that can be used to estimate runoff and abstractions, that uses readily available data, is the Natural Resources Conservation Service (NRCS) Curve Number (CN) Method (NRCS, 1986). Determination of the CN depends on the watershed's soil and cover conditions, cover type, treatment, and hydrologic condition. The CN Method runoff equation is

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

Where,

- Q = runoff (inches)
- P = rainfall (inches)
- S = potential maximum retention after runoff begins (inches) and
- I_a = initial abstraction (inches)

The initial abstraction (I_a) represents all losses before runoff begins, including initial infiltration, surface depression storage, evapotranspiration, and other factors. The initial abstraction is estimated as $I_a = 0.2S$. S is related to soil and cover conditions of the watershed through the CN, determined as $S = 1000/CN - 10$. Using these relations, the runoff equation becomes:

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

The CN is estimated based on hydrologic soil group (HSG), cover type, condition, and land use over the area of recharge, which is estimated as the area of the Burns Valley Watershed. However, to be conservative, the project parcel area of 21.3 acres was used as the recharge area.

The recharge area soils are classified into four HSGs (A, B, C, and D) according to the soils ability to infiltrate water; where HSG A has the highest infiltration potential and HSG D has the lowest infiltration potential. HSGs are based on soil type and can be determined from the NRCS Web Soil Survey (Attachment 2). The recharge area is comprised of HSG C. The land use is undeveloped with a cover type of woods with grassland in fair condition (50% to 75% ground cover) and has a CN of 76 for HSG C.

The PRISM Climate Group gathers climate observations from a wide range of monitoring networks and provides time series values of precipitation for individual locations (<https://prism.oregonstate.edu/explorer/>). Using the annual precipitation from 1895 to 2020, as predicted by PRISM, the annual average precipitation over this period is 27.6 inches and the minimum precipitation over this period is 6.5 inches (Attachment 3).

Using the above information, and assuming that 50% of the initial abstraction infiltrates and the remainder is evapotranspiration (0.31 inches or 0.56 AF), the estimated annual recharge over the recharge area of 21.3 acres is 5.6 AF during an average year and 4.2 AF during a dry year (Table 1).

Table 1. Estimated annual recharge over the recharge area of the project's well.

Recharge Area (acres)	P (inches)	CN	S (inches)	I_a (inches)	Q (inches)	Recharge = $P - Q - 0.5 * I_a$ (inches)	Recharge (AF)
21.3	6.5	76	3.16	0.63	3.81	2.37	4.2
21.3	27.6	76	3.16	0.63	24.17	3.14	5.6

CUMULATIVE IMPACT TO SURROUNDING AREAS

Annual water demand of the proposed project is approximately 1.8 AF per year. The demand represents

approximately 32% and 43% of the annual recharge during an average and dry year, respectively. Recharge in the Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed. The area used to estimate the recharge for the proposed project is only 0.3% of the entire recharge area. Thus, the recharge estimate is a conservative (low) estimate of the available recharge over the entire recharge area. Overall, there is sufficient recharge, on an annual basis, to meet the project's demand during both a dry year and average year.

The estimated storage capacity of the Burns Valley Basin is 4,000 AF, with a usable storage capacity of 1,400 AF. According to DWR, the groundwater in the Burns Valley Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area. The project's demand is only 0.1% of the usable storage capacity of the Burns Valley Groundwater Basin.

According to the Lake County Groundwater Management Plan, there are 86 domestic wells and 9 irrigation wells in the Burns Valley Groundwater Basin and the agricultural demand in the basin during an average year is 105 AF per year; of this, 14 AF is supplied from groundwater. The Groundwater Management Plan is dated 2006, and does not include the demand from additional proposed cannabis cultivation projects in the Burns Valley Groundwater Basin. The total additional proposed cannabis cultivation is unknown. Assuming there is the potential for approximately 20 to 40 acres of new cannabis cultivation, the annual agricultural demand could increase by an additional 66.3 AF. Cumulatively, with the proposed project at 2185 Ogulin Canyon Road, the annual demand could increase to 82.1 AF or up to 6.0% of the usable storage capacity of the Burns Valley Basin. However, the demand of the proposed project is only 2% of the potential future demand.

Since there is sufficient recharge and supply to meet the project's demand during average and dry years; the project's demand is only 0.1% of the usable storage capacity of the Burns Valley Groundwater Basin; and the potential future cannabis demand in the basin is a fraction of the usable storage capacity. Thus, the proposed project water use would have little to no cumulative impact on the surrounding area.

Additionally, if needed in the future to create water redundancy for the project, the project could install storage for rainwater catchment. The project proposes 31,750 sq. ft. of footprint that could be utilized as rainwater catchment. The rainwater catchment potential is approximately 0.39 acre-feet (129,000 gallons) during a dry year and up to 1.7 acre-feet (546,000 gallons) during a wet year.

QUALIFICATIONS OF AUTHOR

I have a PhD in Water Resources Engineering. In addition, I am a registered Professional Engineer with the State of California with 30-years of experience practicing and teaching Water Resources Engineering, including over 15 years of teaching, practicing, and modeling surface and groundwater hydrology.

LIMITATIONS

The study of groundwater hydrology is very complex and often relies on limited data, especially in rural areas. Recommendations and conclusions provided herein are based on professional judgment made using information of the groundwater systems and geology in Lake County, which is limited and allows only for a general assessment of groundwater aquifer conditions and recharge. NorthPoint Consulting Group, Inc. is making analyses, recommendations, and conclusions based on readily available data, including studies and reports conducted by other professionals, Lake County, the State of California, and



other consultants hired by the project proponent to prepare technical studies for the proposed project. If additional information or data becomes available for the project area, the recommendations and conclusions presented herein may be subject to change.

ATTACHMENTS

1. Well Completion Report
2. NRCS Soil Survey Results
3. PRISM Climate Precipitation 1985-2020

REFERENCES

- Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, Tauzer M, et al. (2015). Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. PLoS ONE 10(9): e0137935. <https://doi.org/10.1371/journal.pone.0137935>
- CDFA (2017) CalCannabis Cultivation Licensing Program Draft Program Environmental Impact Report. State Clearinghouse #2016082077. Prepared by Horizon Water and Environment, LLC, Oakland, California. 484 pp.
- California DWR (2003). California's Groundwater Bulletin 118 Update 2003. October 2003. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/Statewide-Reports/Bulletin_118_Update_2003.pdf
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- California DWR California Statewide Groundwater Monitoring Program (CASGEM) (2021). <https://water.ca.gov/Programs/Groundwater-Management/Groundwater-Elevation-Monitoring--CASGEM>. Accessed August 2021.
- CDM (2006). Lake County Water Inventory Analysis. Prepared for the Lake county Watershed Protection District. March 2006. <http://www.lakecountyca.gov/Assets/Departments/WaterResources/Groundwater+Management/Lake+County+Water+Inventory+and+Analysis+w+Appendices.pdf>
- CDM (2006). Lake County Groundwater Management Plan. Prepared for the Lake county Watershed Protection District. March 2006. <http://www.lakecountyca.gov/Assets/Departments/WaterResources/IRWMP/Lake+County+Groundwater+Management+Plan.pdf>
- Gupta, R.S. (2008). Hydrology and Hydraulic Systems, 3rd Edition. Waveland Press, Long Grove IL.
- Natural Resources Conservation Service, NRCS (1986) Urban Hydrology for Small Watersheds. US DFA NRCS Technical Release 55. June 1986. https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

ATTACHMENT 1
PROJECT'S WELL COMPLETION REPORT



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

Denise Pomeroy
Health Services Director

Erin Gustafson
Public Health Officer

Jasjit Kang
Environmental Health Director

SEAL WITHOUT WITNESS

Permit Number: WE 5509AG
Site Address: 2185 Ogulin Canyon Rd. Clearlake CA
Assessor's Parcel No: 010 - 044 - 17
Owner Name: Ogulin Hills Holdings
Date: 4-1-21

REASON FOR SEAL WITHOUT WITNESS:

- Emergency Seal - Explain: _____
- Inspector unable to witness
- Other: _____

IMPERMEABLE LAYER in which annular space terminates:
2" at a depth of 23' feet.

SEALANT USED: Bentonite clay with concrete cap
METHOD OF PLACEMENT: Poor Down Hole Mix concrete cap

I hereby certify that I have installed the annular seal in accordance with the provisions of the Lake County Well Ordinance and unless otherwise specified in the Lake County Well Ordinance, with the California Department of Water Resources Bulletin 74-81 or as modified by subsequent revisions or supplements.

DRILLING CONTRACTOR SIGNATURE: [Signature]
COMPANY: Will Peterson Well Drilling LICENSE NO: 1009053

Our mission is to promote and protect the health of the people of Lake County through education and the enforcement of public health laws.

File Original with DWR

Page 1 of 1

State of California Well Completion Report

Refer to Instruction Pamphlet No. XXXXXXX

Owner's Well Number: _____
 Date Work Began: 3/24/2021 Date Work Ended: 3/25/2021
 Local Permit Agency: Environmental Health
 Permit Number: WE 5209AG Permit Date: 3/22/2021

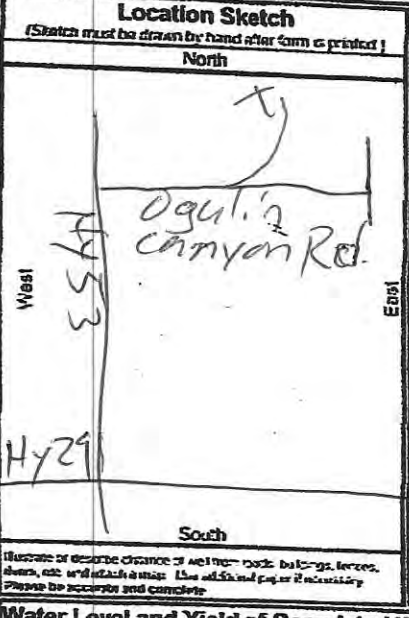
DWR Use Only - Do Not Fill In

State Well Number	Site Number
Latitude	Longitude
APN/TRS/Other	

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify		
Drilling Method <u>Air Rotary</u> Drilling Fluid <u>na</u>		
Depth from Surface	Feet to Feet	Description
Describe material, grain size, color, etc.		
0	40	Brown clay, some gravel cemented franciscan gravels
40	380	

Well Owner
 Name: Ogulin Hills Holdings
 Mailing Address: 637 Lindero St. Ste 201
 City: San Rafael State: CA Zip: 94901

Well Location
 Address: 2185 Ogulin Canyon Rd.
 City: Clearlake County: Lake
 Latitude: _____ N Longitude: _____
 Datum: _____ Dec. Lat. _____ Dec. Long. _____
 APN Book: 010 Page: 044 Parcel: 17
 Township: _____ Range: _____ Section: _____



- Activity**
- New Well
 - Modification/Repair
 - Deepen
 - Other _____
 - Destroy
- Describe procedure and materials under "CPI 02 C 105"

- Planned Uses**
- Water Supply
 - Domestic Public
 - Irrigation Industrial
 - Cathodic Protection
 - Dewatering
 - Heat Exchange
 - Injection
 - Monitoring
 - Remediation
 - Sparging
 - Test Well
 - Vapor Extraction
 - Other _____

Total Depth of Boring: 380 Feet
 Total Depth of Completed Well: 375 Feet

Water Level and Yield of Completed Well
 Depth to first water: 280 (Feet below surface)
 Depth to Static _____
 Water Level: 280 (Feet) Data Measured: 3/25/21
 Estimated Yield: 80 (GPM) Test Type: Air Lift
 Test Length: 2 (Hours) Total Drawdown: _____ (Feet)
 *May not be representative of a well's long term yield.

Casings							
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size
Feet to Feet	(Inches)			(Inches)	(Inches)		If Any (Inches)
0	280	9	F480	PVC	1/4"	4 1/2"	na
280	375	9	F480	PVC	1/4"	4 1/2"	PERF 0.035

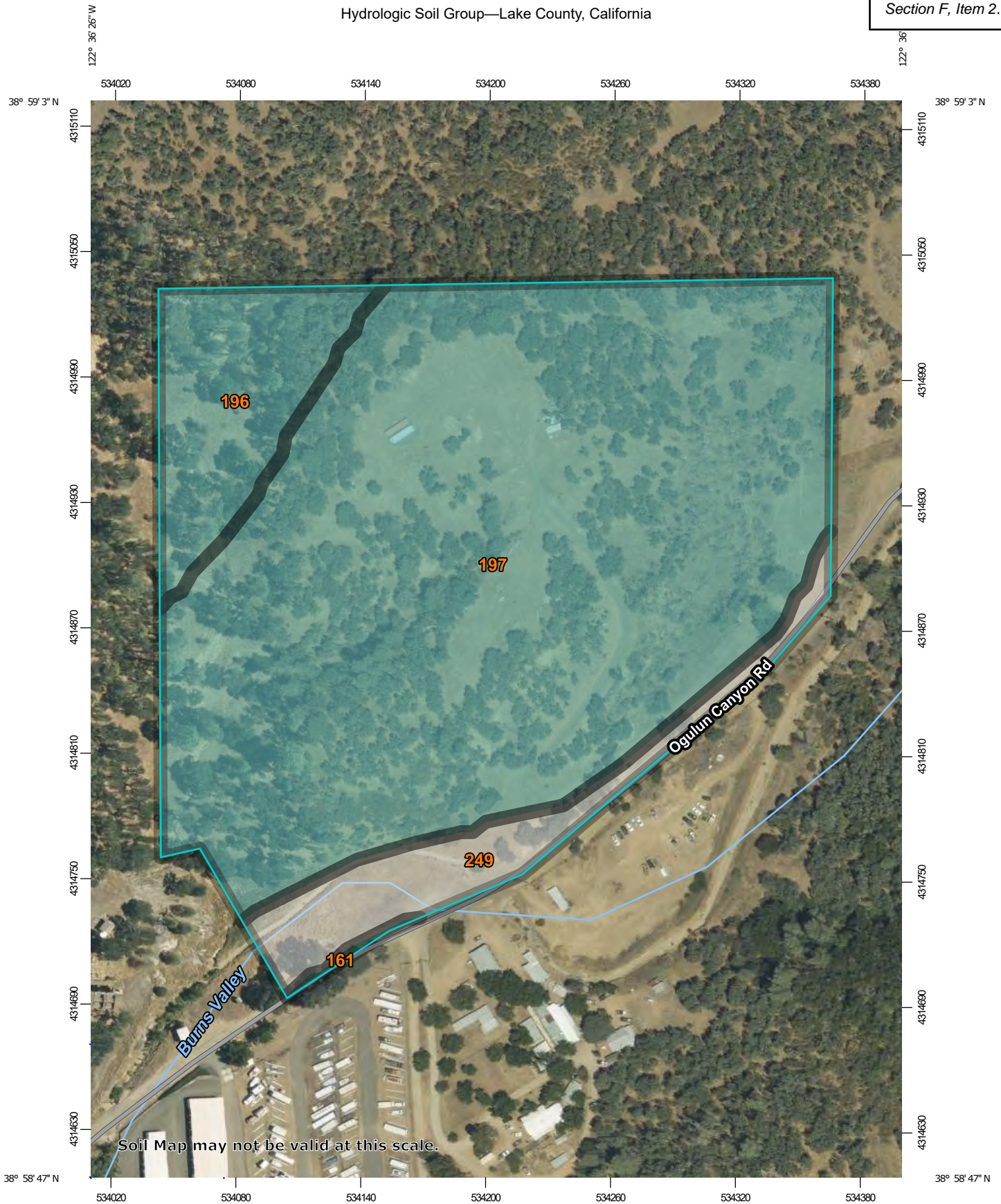
Annular Material		
Depth from Surface	Fill	Description
Feet to Feet		
0	1	concrete seal
1	23	Bentonite seal
23	375	5/16" pea gravel pack

- Attachments**
- Geologic Log
 - Well Construction Diagram
 - Geophysical Log(s)
 - Soil/Water Chemical Analyses
 - Other _____
- Attach additional information, if it exists

Certification Statement
 I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.
 Name: Will Peterson Well Drilling
 Person, Firm or Corporation: PO Box 1095 Kelseyville CA 95451
 Signed: [Signature] City: 41-21 State: 1009053
 C-57 Licensed Water Well Contractor Date Signed C-57 License Number

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM.

ATTACHMENT 2
NRCS SOIL SURVEY RESULTS
HYDROLOGIC SOIL GROUPS



































Map Scale: 1:2,510 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Lines**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Points**
 -  A
 -  A/D
 -  B
 -  B/D
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography
- Other**
 -  C
 -  C/D
 -  D
 -  Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County, California
 Survey Area Data: Version 18, Sep 6, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2019—Jul 5, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
161	Manzanita loam, 15 to 25 percent slopes	C	0.0	0.2%
196	Phipps complex, 15 to 30 percent slopes	C	2.2	10.4%
197	Phipps complex, 30 to 50 percent slopes	C	17.2	81.1%
249	Xerofluvents-Riverwash complex		1.8	8.3%
Totals for Area of Interest			21.3	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

ATTACHMENT 3
PRISM PRECIPITATION 1895-2020

PRISM Time Series Data

Location: Lat: 38.9831 Lon: -122.6047 Elev: 1637ft

Climate variable: ppt

Spatial resolution: 4km

Period: 1895 - 2020

Dataset: AN81m

PRISM day definition: 24 hours ending at 1200 UTC on the day shown

Grid Cell Interpolation: On

Time series generated: 2021-Nov-08

Details: http://www.prism.oregonstate.edu/documents/PRISM_datasets.pdf

Date ppt (inches)

1895 33.63

1896 39.53

1897 26.55

1898 15.13

1899 36.1

1900 24.89

1901 26.27

1902 34.58

1903 26.84

1904 42.96

1905 23.18

1906 43.17

1907 35.74

1908 18.81

1909 45.51

1910 17.48

1911 33.96

1912 20.53

1913 26.29

1914 31.26

1915 35.72

1916 30.02

1917 12.99

1918 20.6

1919 23.04

1920 29.98

1921 24.18

1922 27.47

1923 14.73

1924 21.14

1925 26.24

1926 34.63

1927 28.51

1928 20.62

1929 15.3

1930 17.4

Precip (inches)

Average 27.63

Minimum 6.49

11/9/2021

PRISM Precipitation

2185 Ogulin C

Section F, Item 2.

1931	25.04
1932	12.78
1933	20.87
1934	18.96
1935	25.54
1936	25.52
1937	34.47
1938	31.9
1939	12.63
1940	46.05
1941	45.26
1942	32.35
1943	21.27
1944	26.51
1945	29.28
1946	14.21
1947	16.82
1948	23.43
1949	16.82
1950	34.39
1951	29.8
1952	34.49
1953	21.26
1954	29.45
1955	25.1
1956	21.25
1957	30.95
1958	35.77
1959	20.73
1960	27.2
1961	20.06
1962	27.13
1963	28.56
1964	23.1
1965	26.06
1966	22.75
1967	27.62
1968	30.56
1969	34.16
1970	35.49
1971	17.75
1972	19.43
1973	41.8
1974	24.09
1975	24.41
1976	8.7
1977	19.25

11/9/2021

PRISM Precipitation

2185 Ogulin C

Section F, Item 2.

1978	30.31
1979	35.17
1980	24.72
1981	31.37
1982	33.74
1983	62.67
1984	21.4
1985	16.78
1986	38.8
1987	27.96
1988	17.74
1989	21.03
1990	16.9
1991	24.2
1992	30.08
1993	36.42
1994	21.42
1995	55.55
1996	37.21
1997	30.34
1998	52.68
1999	23.66
2000	27.61
2001	36.24
2002	28.87
2003	33.08
2004	33.64
2005	39.25
2006	34.93
2007	13.8
2008	19.43
2009	17.73
2010	34.1
2011	23.25
2012	30.53
2013	6.49
2014	31.39
2015	18.19
2016	35.97
2017	43.71
2018	23.67
2019	43.27
2020	10



Planning Commission

STAFF REPORT	
SUBJECT: 2160 Ogulin Canyon Road - Commercial Cannabis Operation	MEETING DATE: 12/13/2022
SUBMITTED BY: Mark Roberts, Senior Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The Planning Commission is being asked to consider Conditional Use Permit Applications CUP 2022-03 (Processing – No Cultivation and/or Nursery Activities will occur onsite); CUP 2022-04 (Manufacturing), CUP 2022-05 (Distribution), CUP 2022-06 (Retail Dispensary; Delivery Only); Development Agreement (DA 2022-02) and corresponding environmental assessment/Mitigated Negative Declaration (CEQA IS 2022-02) to establish and operate a Commercial Cannabis Operation located at 2160 Ogulin Canyon Road, Clearlake, CA 95422 further described as Assessor Parcel Number 010-044-21.



Aerial Project Location Map

BACKGROUND/DISCUSSION:

Specifically, the following conditional use permits are being requested in accordance with Section 18-43 of the Clearlake Zoning Ordinance:

- **CUP 2022-03 Processing Only (no cultivation or nursery activities will occur):** Processing includes but is not limited to the drying, curing, trimming, and packaging of cannabis products.
- **CUP 2022-04 - Manufacturing:** Compounding, blending, extracting, infusing, or otherwise making or preparing and packaging the cannabis product.
- **CUP 2022-05 Distribution:** Procuring cannabis from permitted cannabis cultivation sites or cannabis manufacturers for sale to permitted cannabis dispensaries and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging, and other processes to permitted medical cannabis dispensaries.
- **CUP 2022-06 Retail Dispensary; Delivery Only:** The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products.
- **Development Agreement, DA 2022-02:** The project also includes the Planning Commission review and recommendation on a Development Agreement to the City Council as required by the Zoning Code.

In 2019, Ogulin Estates Holdings, LLC applied to the City of Clearlake for Use Permit(s) involving a 33,600 ft.² building, a 5,000 ft.² office building, (5) five - 75’ x 25’ greenhouses and a 22,660 square foot parking lot for cannabis facilities. The Use Permit application(s) were put on hold in June of 2022 with the understanding that a revised/updated project plans were being considered/prepared.

In August 2022, the applicant submitted a revised/updated project description. Based on the information submitted, the project has been reduced/scaled down in size. **The proposed revised/updated project does not include cannabis cultivation or nursery activities.** The project includes but is not limited to:

- Phase One (1): The remodel of an existing 960 square foot metal building.
- Phase Two (2): The development of a new 5,000 square foot metal building to be used for cannabis facilities, including but not limited to. Specific uses proposed for the project include:
 - Cannabis Distribution/ Cannabis Retail Delivery Only
 - Cannabis Processing
 - Cannabis Manufacturing (Phase 2 – non-volatile extraction)

Anticipated Hours of Operation:

- Harvest season - Monday through Saturday - 6 am to 8 pm.
- Non-harvest seasons - Monday through Saturday - 7am to 6 pm.

Access to Site:

- The project site is accessed by an existing driveway (*to be improved to current standards and/or requirements*) that will lead into the eight (8) car parking lot with ADA accessible parking.
- Security fencing and digital security cameras will be placed around the perimeter of the operation, and at strategic locations in the parking lot.

Water Availability Analysis/Usage:

As described above, in 2019, *Ogulin Estates Holdings, LLC* applied to the City of Clearlake for Conditional Use Permit(s) involving a 33,600 ft.² building, a 5,000 ft.² office building, (5) five - 75’ x 25’ greenhouses and a 22,660 square foot parking lot for cannabis facilities. In June 2022, the applications were put on hold with the understanding that a revised/updated project was underway.

In August 2022, the applicant submitted a revised/scaled down project proposal, including removing the cultivation of cannabis. Due to the water concerns, the applicant submitted a revised Technical Memorandum prepared by Northpoint Consulting Group, Inc (Anjanette Dodd, Ph.D) dated September 7, 2022. The following statement is from the September 7, 2022, Technical Memorandum.

- *“It is my understanding that the project description associated with Ogulin Estates Holdings at 2160 Ogulin Canyon Road has been reduced in size from approximately 35 employees to 8 employees and no longer includes cultivation or nursery activities. This reduces the projected water demand from 561,000 gallons per year (1.7-acre feet per year) to 102,200 gallons per year (0.31-acre feet per year); based on 8 employees at 35 gallons per day for 365 days”. “This is about an 80% reduction in proposed water demand compared to the originally proposed project. The conclusions in the attached hydrology report were based on a higher projected demand and do not change” (email dated September 7, 2022)*

General Plan Consistency, and Zoning and Design Standards

General Plan Consistency:

- The General Plan identifies the project site for industrial land uses. The project involves commercial agriculture, processing and distribution would be consistent with the industrial land use.
- There are several General Plan Policies which promote economic and job creation which this project proposes. For example, the Economic Development Element supports the development of diverse businesses in the community.
 - Policy ED 1.1.2 states “Support a healthy mix of local businesses and mid-sized companies.
 - “Policy ED 3.1.1 states “Prioritize economic activities that utilize Clearlake's natural geographic location in the region”.
 - Program ED2.1.1.2 states: “Incorporate light industry and compatible uses along State Route 53”.

Zoning Ordinance Regulations:

- The proposed operations would involve, manufacturing, distribution, processing and Retail Dispensary, Delivery only to dispensaries of cannabis. The project is in the Commercial Cannabis Business District and the proposed operations and development is subject to a commercial cannabis business conditional use permits (issued by the Planning Commission) in accordance with Section 18-43.060 of the Zoning Code. Section 18-43.020 (C) of the Code also requires concurrent processing and approval of a Cannabis Regulatory Permit (issued by the City Manager) and a Development Agreement (approved by the City Council).

- In addition to the conditional use permits required for the operation, the project also requires a *Commercial Cannabis Regulatory Permit* per section 5-25 of the Police Code issued by the City Manager.

Off Street parking (Onsite) and Determination: As indicated in the Project Description Packet with Plans (*Attachment # 1*), the operation is proposing a minimum of eight (8) parking spaces. For distribution/manufacturing the applicant is required to have one (1) space per 800 square feet of processing area and one (1) space per 300 square feet of area for office space. The applicant will be utilizing all uses within the 5,960 square feet. Based on the proposed square footage, the applicant complies with the number of required spaces per the City’s Off-Street Parking Code requirements.

Trash/Recycling Containment: In accordance with **Section 18-20.070**, a condition of approval requires that such installation shall be completed, consistent with the City’s Trash/Recycling Enclosure Design Standards prior to occupancy.

Exterior Lighting: The applicant has provided a Preliminary Lighting Plan for review. As a condition of approval, the applicant will need to submit a Final Lighting Plan for staff to review for compliance with the Municipal Codes/Zoning Codes, including dark sky preservation.

Signage: The applicant has not indicated any new signage for the facility. As a condition of approval, the applicant will need to submit a sign plan (if proposed in the future) for staff to review for compliance with the Zoning Code prior to installation of any signs.

Landscaping: Application materials did not include any upgrades to landscaping, which would have to be compliant with the City’s *Landscaping and Irrigation Standards*. Use permit conditions of approval requires submittal and approval by staff of a detailed landscaping and irrigation plan that complies with these standards (if applicable)

Environmental Review (CEQA):

Mitigated Negative Declaration based on Initial Study, IS 2022-02.

Pursuant to California Environmental Quality Act (CEQA) Guidelines, staff prepared an Initial Study to assess the potential adverse environmental effects of the initial project. The study concludes that any potentially significant adverse environmental impacts from the project would be reduced to a level of non-significance with the incorporated Mitigation Measures and Conditions of Approval.

In August 2022, the applicant submitted an updated/revised project description. Based on the submitted material, the project has been reduced/scaled down from the original proposal, including removing the cultivation of cannabis. Based on the revised material, the original environmental analysis (Initial Study) adequately addresses and reduces all potential environmental impacts to less than significant. Therefore, Staff believe it is not necessary to update and/or re-circulate the environmental analysis.

The Mitigated Negative Declaration (MND) based on Initial Study, IS 2022-02, were properly noticed and circulated in accordance with CEQA of 1970, and in compliance with Section 15070-15075 of the CEQA State Guidelines, by:

- *Circulation of the Notice of Intent (NOI) for the environmental analysis/proposed Mitigated Negative Declaration (CEQA Initial Study, IS 2022-02) was published in the Lake County Record Bee, uploaded onto the Governor’s Office of Planning and Research (State Clearing House), sent/emailed to various Federal, State, and local agencies/organizations for the minimum of a 30-day commenting period from April 4, 2022, through May 13, 2022. Additionally, all documentation is available upon request.*

The following agencies commented on the project during the appropriate review period.

- *Lake County Environmental Health Department*
- *California Department of Cannabis Control*
- *Lake County Special Districts*
- *California State Water Board*

NOTE: The City responded to the comments received as indicated on pages three (3) through six (6) of the CEQA Analysis, IS 2022-02 (Attachment # 5). Comments and/or concerns received, have been incorporated into Mitigations Measures and/or Conditions of Approval.

- *A Notice of Intent (NOI) was mailed (via USPS) to the surrounding parcels owners within 600 feet of the subject property informing them of the City’s decision to adopt a Mitigated Negative Declaration for the proposed use and that there is a 30-day commenting period on the environmental document from April 4, 2022, through May 13, 2022.*
 - ***The city did not receive comments from the public.***

In accordance with CEQA, the Planning Commission will need to concur with the adequacy of the Final Initial Study and proposed mitigated negative declaration before taking action to approve the project and moving portions of the project forward to the City Council for final determination. Because the City Council will be taking the final action on the project, regarding the Development Agreement, in accordance with the City’s Environmental Guidelines, the Council will need to make the final action of issuing the mitigated negative declaration. The Council’s determination on the adequacy of the mitigated negative declaration will be based on staffs and the Planning Commission’s recommendation(s).

PUBLIC HEARING LEGAL NOTICE

The public hearing was noticed at least ten (10) days in advance in an electronic publication with the Lake County Record Bee on **Saturday, December 3rd, 2022**; and mailed (via USPS) to all surrounding property owners within 600 feet of the subject parcel(s) as required pursuant to the Clearlake Municipal Code.

- *All mailing address are drawn from the electronic database supplied by the Lake County Assessor/Recorders Office Database.*

Development Agreement (DA 2021-02):

A Development Agreement (*Attachment # 6*) allows a project sponsor to secure vested rights, and it allows the City to secure certain benefits. Development Agreements are enabled by California Government Code Sections 6584-65869.5. Per state law, the City Council must approve a Development Agreement by Ordinance upon the Planning Commission making a recommendation of support for the requested Agreement. Once approved, development agreements are recorded with the County Clerk. As required per section 18-43.020(c) for cannabis operations and in compliance with section 18-30 of the zoning ordinance.

Section 18-30.070 of the Zoning Ordinance outlines the following procedures for Development Agreements:

- a) *The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the council. The recommendation shall include whether the proposed Development Agreement meets the following findings:*
- b) *The proposed Development Agreement is consistent with the Clearlake General Plan and any applicable Specific Plan.*
- c) *The proposed Development Agreement complies with zoning, subdivision and other applicable ordinances and regulations.*
- d) *The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning, and provides substantial public benefits or necessary public improvements, making it in the City’s interest to enter into the Development Agreement with the applicant; and*
 - i. *The proposed project and Development Agreement:*
 - ii. *Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area.*
 - iii. *Will be appropriate at the proposed location and will be compatible with adjacent land uses; or*
 - iv. *Will not have a significant adverse impact on the environment.*

- The term of this Agreement will be for three years from the date the owner begins operation with the ability for an extension of seven additional years upon approval by resolution of the City Council with the owner being in full compliance with the conditions of the Agreement. A separate resolution from the Planning Commission recommending approval of the development agreement is included in this report.
- The applicant has reviewed the Draft. If the Commission recommends approval of the Development Agreement, it will be reviewed by the City Attorney and then formally transmitted to the City Council for adoption.

OPTIONS:

1. Move to Adopt Resolution PC 2022-22, A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permits CUP 2021-03 through CUP 2021-06 and recommending approval of a Mitigated Negative Declaration based on Initial Study, IS 2021-02 and Development Agreement, DA 2021-02 to the City Council for the Commercial Cannabis Operation located at 2160 Ogulin Canyon Road, Clearlake, CA 95422, further described as Assessor Parcel Number 010-044-21.

2. Move to Deny Resolution PC 2022-22 and direct Staff to Prepare the Appropriate Findings
3. Move to continue the items and provide alternate direction to staff.

Attachments:

1. **Project Description Packet with Plans**
2. **CUP Resolution PC 2022-22 with Conditions of Approval**
3. **Final CEQA, IS 2022-02 Analysis Document**
4. **Groundwater Technical Memorandum with updated Email Statement**
5. **Agency Comments**
6. **Draft DA Agreement Resolution**
7. **Copy of Public Notices**

August 23, 2022

Mark Roberts – Senior Planner
City of Clearlake Community Development Department
Clearlake City Hall
14050 Olympic Drive
Clearlake, CA 95422

Re: Revised/Updated Plans for 2160 Ogulin Canyon Road

Dear Mr. Roberts:

In 2019, Ogulin Estates Holdings, LLC applied to the City of Clearlake for Use Permit(s) involving a 33,600 ft.² building, a 5,000 ft.² office building, (5) five - 75' x 25' greenhouses and a 22,660 square foot parking lot for cannabis facilities. The Use Permit application(s) were put on hold in June of 2022 by our consultant with the understanding that a revised/updated project plans were being considered and prepared.

The revised/updated project plans have now been developed (attached) and includes: Phase 1 - the remodel of an existing 960 square foot metal building; and Phase 2 – the development of a new 5,000 square foot metal building to be used for cannabis facilities. Specific uses proposed for the project include:

- Cannabis Distribution/ Cannabis Retail Delivery Only
- Cannabis Processing
- Cannabis Manufacturing (Phase 2 – non-volatile extraction)

The proposed revised/updated project does not include cannabis cultivation or nursery activities.

Included with the submission of the revised /updated project are:

- Project description and suggested findings
- Site plan
- Existing 960 Square foot building photos and proposed floor plan
- Proposed 5,000 square foot building elevations and floor plans

The technical reports and studies that were prepared in conjunction with the 2019 Use Permit application are still on file with the City of Clearlake and it is our understanding that they remain valid and applicable to this scaled back, revised/updated proposal.

The proposed revised plan will provide a development that is compatible with the neighborhood, as there are conventional industrial uses and existing cannabis operations and/or businesses in the near vicinity, including at the La Rosa Plaza site just to the west, and several existing and proposed cannabis cultivation projects to the east and north. The proposed

project is in a well-planned and secure location, which in and of itself creates a compatible land use setting.

The 2160 Ogulin Canyon Road development concept is fairly straight forward and provides a well-planned and designed project that will encourage good site circulation, efficient operations, and economic performance.

This project complies with City standards, has the potential to enhance job opportunities, and generate economic development benefits.

Approval of this project will provide for numerous public benefits, enhance the Ogulin Canyon Road area, provide for the cleanup and redevelopment of the subject property, and comply with the City Zoning standards.

It is respectfully requested that the City of Clearlake Planning Commission and City Council approve the revised/updated Use Permit application and the associated Development Agreement.

Thank you.

Garrett Burdick

Garrett Burdick – Partner

Ogulin Estates Holdings, LLC
637 Lindaro Street - Suite 201
San Rafael, CA 94901

Revised/Updated August 2022

Project Description and Information
Ogulin Estates Holdings, LLC
Cannabis Processing, Distribution/Retail Delivery, and Manufacturing Facilities
2160 Ogulin Canyon Road – APN 010-044-21
Clearlake, California

Project Location and Description

In 2019, the property owner submitted Use Permit application(s) to the City of Clearlake for proposed cannabis facilities including a 33,600 ft.² building, a 5,000 ft.² office building, (5) five - 75' x 25' greenhouses for indoor cannabis cultivation, and related site improvements. These Use Permit application(s) were put on hold by the owner in June of 2022 with an understanding that revised/updated plans were being considered and prepared.

A scaled back, revised/updated project proposal has been prepared for consideration by the City. The project now only involves Phase 1 - the remodel/use of an existing 960 (24' x 40') square foot metal building to be used for storage, offices, and cannabis distribution/retail delivery. Phase 2 involves future development of a new 5,000 (50' x 100') square foot metal building to be used for cannabis processing/storage, manufacturing (nonvolatile extraction), and support facilities.

The revised/updated project will no longer include cannabis cultivation or nursery activities.

The subject property is a 9.56-acre parcel located at 2160 Ogulin Canyon Road within the City of Clearlake and is further described as APN 010-044-21. This land is also known as Parcel B as shown on a parcel map filed in the Office of the County Recorder in Lake County on July 17, 1987, in Book 29 of Parcel Maps at pages 30 and 31.

The project operational days/hours will be - Monday through Saturday from 6 am to 8 pm.

Phase 1, the existing 960 square foot metal building was permitted by the City and built in 2020. It is a single-story structure on a concrete slab. A roll up garage door is located on the north side and there is a pedestrian access door and a couple of windows on the south and west sides. This existing building will be remodeled to include a small office, bathroom, vehicle parking, and secure storage areas for the processing and distribution uses. An existing gravel driveway from Ogulin Canyon Road will be improved with a dustless surface and will lead into a new 8-car parking lot to the north and east of the existing building. The parking area will be developed to Clearlake City standards with spaces developed at 90-degree angles. ADA accessible parking and a loading zone will be developed near the facilities. Security cameras and lighting will be placed around the perimeter of the building and in the parking lot.

Phase 2, the 5,000 square foot building will be an engineered metal structure, to be built just to the west of the existing building. Preliminary floor plans indicate that the processing building will include intake, processing, packaging, restrooms and offices, break room, shipping and receiving, storage areas, distribution areas, nonvolatile extraction areas, and related activities. A rollup door will provide entry into secure parking areas for loading and unloading. The project area will be situated about 150' south of Ogulin Canyon Road, in the center of the parcel. Minimal grading will be necessary to facilitate construction.

Background Information and Existing Site Conditions

Technical Documents, Reports, and Studies prepared and submitted to and/or by the City of Clearlake for the 2160 Ogulin Canyon Road Use Permit Project include:

- December 21, 2020 – City of Clearlake Use Permit application
- December 23, 2020 – original Project Description
- Original site plans and preliminary grading plans
- May 23, 2022 – Site Management Plan prepared by Natural Investigations Company, Inc.
- 2160 Ogulin Canyon Rd. Business Plan
- 2160 Ogulin Canyon Rd. Biological Constraints Technical Memorandum prepared by Natural Investigations Company, Inc.
- June 25, 2021 – Biological Resource Assessment with Botanical Survey prepared by Lawrence Ray, Scotts Valley, California
- December 23, 2021 – Ground Water Hydrology Report prepared by Northpoint Consulting Group, Inc.
- October 15, 2021 – Water Availability Report prepared by Richard Knoll Consulting
- March 7, 2022 – Ground Water Hydrology Addendum Report by Northpoint Consulting Group, Inc.
- September 29, 2021 – Well Completion Report by Will Peterson Well Drilling
- 2160 Ogulin Canyon Rd. – Odor Control Plan
- March 2022 – 2160 Ogulin Canyon Rd. - Energy Information
- April 12, 2021 - Cultural Resources Investigation by Gregory G. White, PhD
- September 23, 2021 - Traffic Impact Study by W Trans Traffic Engineering and Transportation Planning
- June 2021 - Security and Worker Safety Plan
- City of Clearlake CEQA Initial Study prepared by the City of Clearlake

The subject property is currently developed with several small structures including former animal shelter kennels, the 960 square foot metal building, a SFD, equipment, pole barns, and several related structures and facilities.

Access to the site is from Ogulin Canyon Road with two driveways located on the northern property line, south of Ogulin Canyon Road about a ½ mile east of Hwy 53. The existing driveways extend into the property and loop around to provide access to the existing site improvements. The existing driveways are in moderate condition.

Burns Valley Creek, a seasonal surface water drainage course extends through the northeasterly quadrant of the parcel in an open channel from the east to the northwest where it runs through existing culverts under Ogulin Canyon Road. There is a flood zone designation associated with the Creek, as noted on the site plan. Proposed site improvements for the most part are located outside of the flood zone.

Nearby land in the vicinity is used mainly for watershed, wildlife habitat, livestock grazing, cannabis cultivation, storage businesses, and home site development.

The project site is located in Ogulin Canyon, east of Burns Valley, and is bordered by Ogulin Canyon Road to the north, Burns Valley to the south, Blackeye Canyon to the east, and storage/light industrial uses to the west.

The Soil Survey Geographic Database (SSURGO) maintained by the United States Department of Agriculture (USDA) and National Resource Conservation Service (NRCS) indicates that the project site is underlain primarily by soils of the Manzanita Series which consist of very deep, well drained loam formed in alluvium from mixed rock sources. They occur on terraces with slopes of 2 to 25 percent. Manzanita Series soils are used for a wide variety of purposes, mostly agricultural, including walnut orchards, wine grape vineyards, hay, and livestock grazing, and also for home site developments (USDA-NRCS 2003).

Compliance with City of Clearlake Zoning Ordinance

The subject parcel is in the Clearlake City Limits (NW corner) and is zoned I – Industrial District. The City of Clearlake Zoning Ordinance provides detailed zoning requirements and standards regarding minimum parking requirements, street improvements, parking design standards, driveway approach standards, landscaping development standards, environmental review procedures, storm drainage provisions, and a number of other sections dealing with trash receptacles slopes and soils, outdoor lighting, addressing, tree protection regulations, and other requirements.

The subject property also has a CB – Commercial Cannabis Zoning District designation which provides standards and criteria addressing commercial cannabis permits and requires among other things issuance of permits for processing and distribution activities with an approved use permit.

The City requires use permit approval for the proposed development and operation of commercial cannabis businesses and also requires operators to enter into a Development Agreement.

The Clearlake Zoning Ordinance establishes procedures for accommodating uses that may have the potential to cause adverse effects on surrounding properties. The City procedures apply to all proposals for which a conditional use permit is required. A use permit can be approved or approved with conditions by the Planning Commission, if, based upon information provided by the applicant, all of the following findings are made:

1. That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Applicants Response and Suggested Findings:

- The project at the 2160 Ogulin Canyon Road site is proposed/designed at a size and intensity that is reasonable for a 9.56-acre parcel. The site plan details a proposed layout that fits the site and illustrates that the required improvements are consistent with the City Zoning Ordinance.
- The City of Clearlake has updated the Zoning Ordinance with respect to the permit requirements and locations for cannabis businesses and through that action has confirmed and verified public policy in support of cannabis processing and distribution at this location.

- In keeping with this adopted public policy, the proposed project will provide a development that is necessary, desirable, and compatible with the community wide sentiments.
- The proposed project will provide a development that is compatible with the neighborhood, as there are existing cannabis operations and/or businesses in the near vicinity, including at the La Rosa Plaza site just to the west, and several existing and proposed cannabis cultivation project to the east and north. The proposed project is in a well-planned and secure location, which in and of itself creates a compatible land use situation.

2. That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,**
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,**
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor,**
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.**

Applicants Response and Suggested Findings:

- The proposed uses at the 2160 Ogulin Canyon Road Site will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity. The proposed site improvements have been well planned to minimize detrimental impacts and conflicts with people residing and working in the area, property and improvements in the neighborhood or the general welfare of the City.
- The site improvements will be built to California Building Code standards and will provide for a high level of security and safety consistent with the City regulations.
- The site improvements will be situated in the west center of the parcel and will comply with property line setbacks from adjoining properties and structures in order to minimize perceived detrimental health, safety, morals, comfort, and general welfare impacts to people in the neighborhood and the region.
- The cannabis cultivation laws of the State of California and the City of Clearlake have been approved by the voters/elected officials and thus reflects the current attitudes of residents. The intent with regard to development of the cannabis project is to be sensitive to the comfort and general welfare of the Ogulin Canyon Road area by installing and operating state-of-the-art cannabis facilities and equipment in order to minimize detrimental impacts.
- The subject property is an existing developed site that has seen better days. The proposed project involves the Phase 1 remodel of an existing metal building and the Phase 2 construction of a new 5,000 square foot building which is proportionate in size and scale with land use activities on other properties in the vicinity.
- The nature of the proposed site, including the 9.56-acre size and its wide shape are conducive with the proposed size, shape, and arrangement of both the new and existing structures. The

proposed site improvements are designed in areas that are level and situated in the center of the site. The accessibility of the property is good, an improved entry and driveway approach will be developed on Ogulin Canyon Road. Traffic patterns for persons and vehicles that will be using the site are good. The type and volume of traffic on Ogulin Canyon Road is relatively low when compared to other streets and roads in Clearlake. The pattern of land development to the east, north and south is rural in nature and as such the areas generate a small amount of traffic that passes by the 2160 Ogulin Canyon Road site.

- The proposed off-street parking and loading areas have been incorporated into the project design with 8 standard spaces east of the buildings.
- Although, not specifically called out on the site plan, there are many options for implementing safeguards to prevent noxious or offensive emissions such as noise, glare, dust and odor. The placement of the processing building in the center of the site, with adequate setback distances from property lines and nearby structures is a key safeguard for reducing noise, odor, dust, and lighting concerns. There are many other conditions or mitigation measures that can be implemented including: the use of shielded and downlit lighting; A.C. Paving of the parking lot and driveways; installation of building mounted air filtration exhaust systems; and installation of landscaping or fencing to minimize noise. The project Odor Control Plan provides details regarding air filtration and odor complaint protocol.
- The project will provide landscaping as mandated by the City of Clearlake. Screening of site improvements or facilities such as the trash enclosures will be done to City standard.
- There will be open space preservation particularly around the east and northeast sides of the site and the management of trees to help increase security and visibility of the improvements,
- Proposed parking, loading, and service areas are depicted on the site plan and are adequate to serve the intended uses. Proposed lighting and signage will be commensurate with other industrial projects in the City of Clearlake.

3. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the Clearlake General Plan. (Ord. #2010-146, S2).

Applicants Response and Suggested Findings:

- The proposed uses at the 2160 Ogulin Canyon Road are consistent with the applicable provisions of the City of Clearlake Zoning Ordinance and with the policies and standards of the Clearlake General Plan.
- East of Hwy 53, the initial portion of Ogulin Canyon Road (1/2 mile) is within the City of Clearlake. The City of Clearlake General Plan Circulation Element Figure 4.1 - Circulation Map identifies Ogulin Canyon Road as a basic street. The Clearlake General Plan Circulation Element contains a number of Goals and Policies regarding the City street system, however, there does not appear to be any policy applying specifically to Ogulin Canyon Road.
- The Ogulin Canyon Road surface is in moderate condition, it is paved for about 2/3 miles east of Hwy 53 and transitions to gravel beyond the City limits.

Conclusion:

This Project Description and application plans/documentation provides support for the approval of this Use Permit application to allow cannabis processing, nonvolatile, and distribution/retail delivery

activities at 2160 Ogulin Canyon Road. The project intent has been significantly reduced in scope and size from the original 2019 application/plan.

The 2160 Ogulin Canyon Road development concept is fairly straight forward and provides a well-planned and designed project that will encourage good site circulation, efficient operations, and economic performance.

The City of Clearlake is supportive of cannabis related land-use projects which conform to City regulations. This application describes a project that complies with City standards, has the potential to enhance job opportunities, and generate economic development benefits.

Approval of this project will provide for numerous public benefits, enhance the Ogulin Canyon Road area, provide for the cleanup and redevelopment of the subject property, and comply with the City Zoning standards.

It is respectfully requested that the City of Clearlake Planning Commission and City Council approve the Use Permit application and the associated Development Agreement.

Thank you.

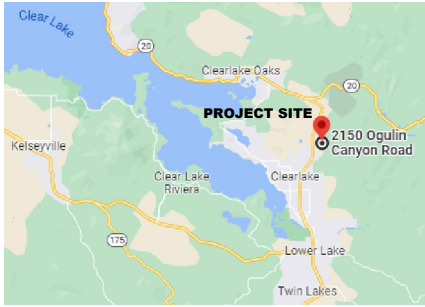
Garrett Burdick – Partner

Ogulin Estates Holdings, LLC
637 Lindaro Street - Suite 201
San Rafael, CA 94901

OGULIN ESTATES HOLDINGS, LLC.

SITE PLAN

APN: 010-044-21



VICINITY MAP
NOT TO SCALE

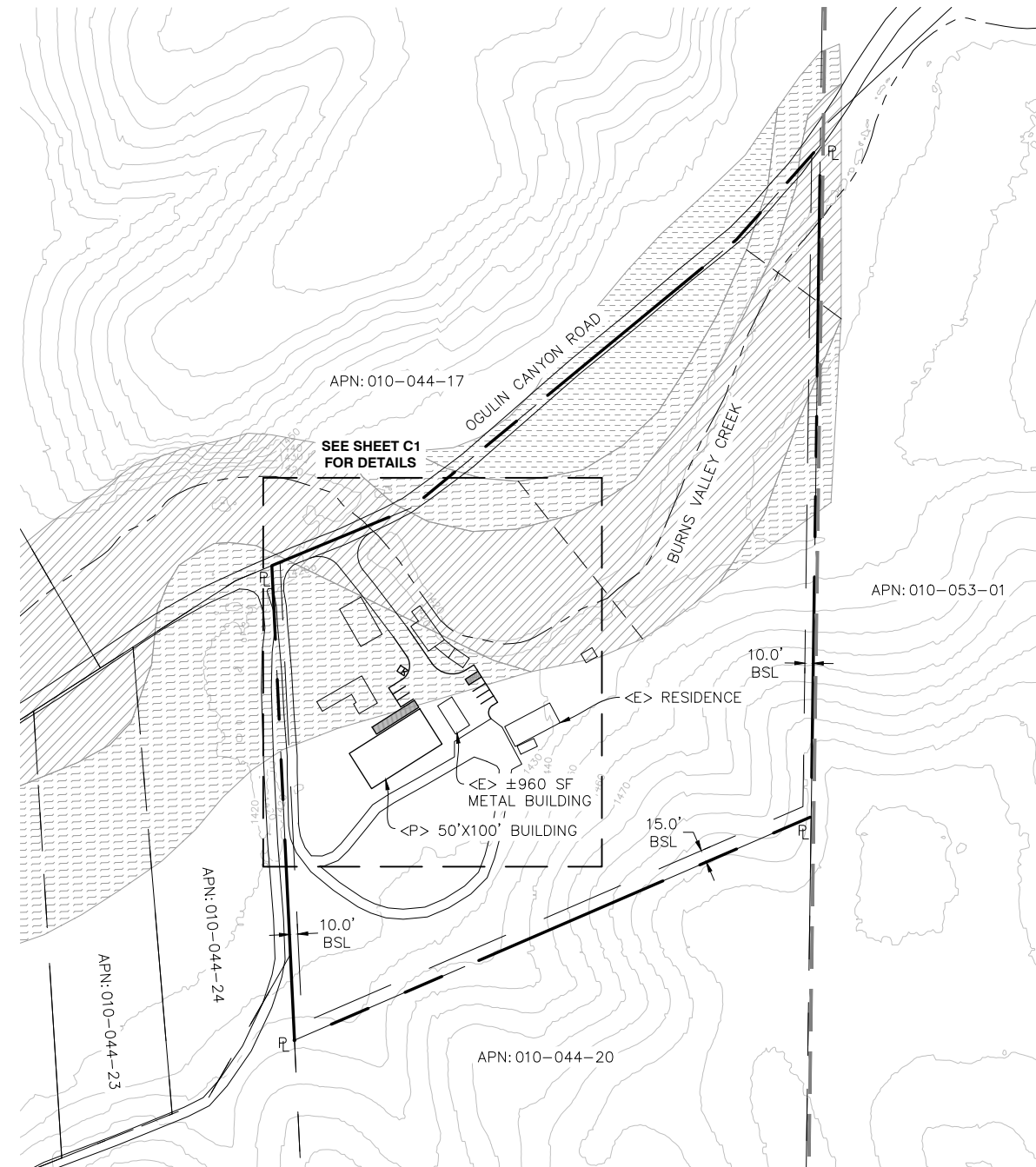
DIRECTIONS TO SITE:
FROM LAKEPORT, CA
 - SOUTHBOUND ON CA-29 (APPROX. 19.7 MILES)
 - TURN LEFT ONTO CA53N (APPROX. 5.1 MILES)
 - TURN RIGHT ONTO OGULIN CANYON RD. (APPROX. 0.4 MILES)
 - SITE DRIVEWAY ON RIGHT

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM LAKE COUNTY GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE LAKE COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE USE PERMIT.

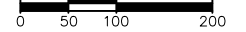
LEGEND:

- - - - - PROPERTY LINE
- - - - - BUILDING SETBACK LINE
- - - - - CONTOUR LINES
- - - - - STREAM LINE
- - - - - CITY LIMITS LINE
- - - - - EXISTING ROADWAY
- - - - - PROPOSED ROADWAY
- - - - - ZONE AE FLOODWAY
- - - - - ZONE AE
- - - - - ZONE AO



PLOT PLAN

22x34 SHEET: 1"=100'
 11x17 SHEET: 1"=200'



PROJECT INFORMATION:

APPLICANT / OWNER:
 OGULIN ESTATES HOLDINGS, LLC.
 BRIAN D. PENSACK
 637 LINDARD ST., SUITE 201
 SAN RAFAEL, CA 94901

APPLICANTS AGENT:
 NORTHPOINT CONSULTING GROUP, INC
 1117 SAMOA BLVD.
 ARCATA, CA 95521
 (707) 798-6438

SITE ADDRESS:
 APN: 010-044-21
 2160 OGULIN CANYON RD.
 CLEARLAKE, CA 95422

- WATER = PRIVATE
- SEWER = PRIVATE
- PROPERTY SIZE = ±9.56 ACRES
- ZONING = I-INDUSTRIAL

SHEET INDEX:

- C0 - PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - EXISTING AND PROPOSED SITE PLAN

NORTHPOINT CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

OGULIN ESTATES HOLDINGS, LLC. / APN: 010-044-21
 2160 OGULIN CANYON RD, CLEARLAKE, CA 95422
 PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. MGR.: AD
 DRAWN BY: TJS
 DATE: 8/18/22
 SCALE: AS SHOWN

SHEET
C0
 21-132

August 18, 2022 - 11:31 AM - Draw Name: P:\Ogulin Estates Holdings - 2160 Ogulin Canyon Rd. - 21-132\CAD\OGULIN - USE PERMIT.dwg - Updated By: TorSwift

DATE	
REVISIONS	

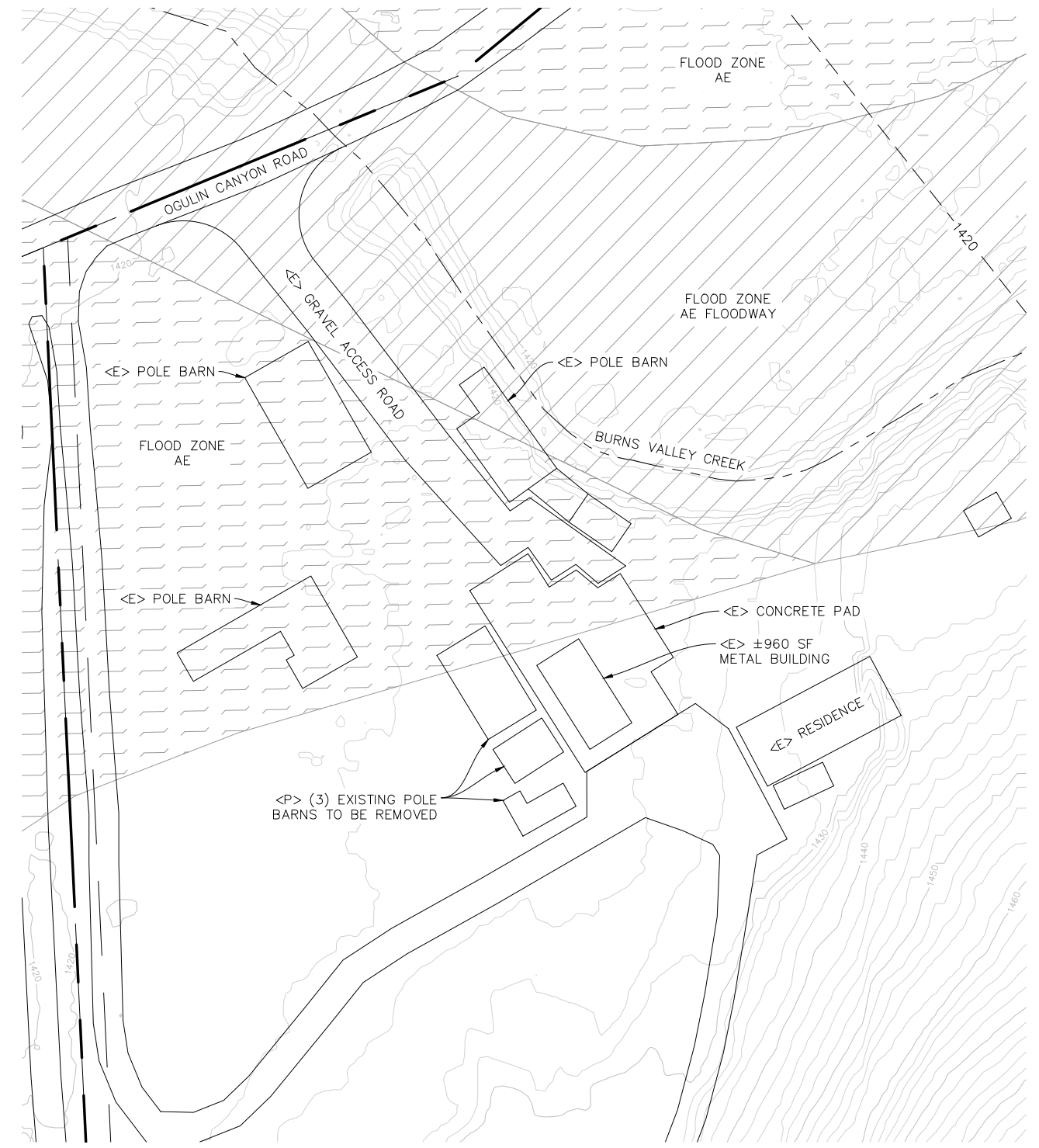
NORTHPOINT CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

OGULIN ESTATES HOLDINGS, LLC. / APN: 010-044-21
2160 OGULIN CANYON RD, CLEARLAKE, CA 95422
EXISTING AND PROPOSED SITE PLAN

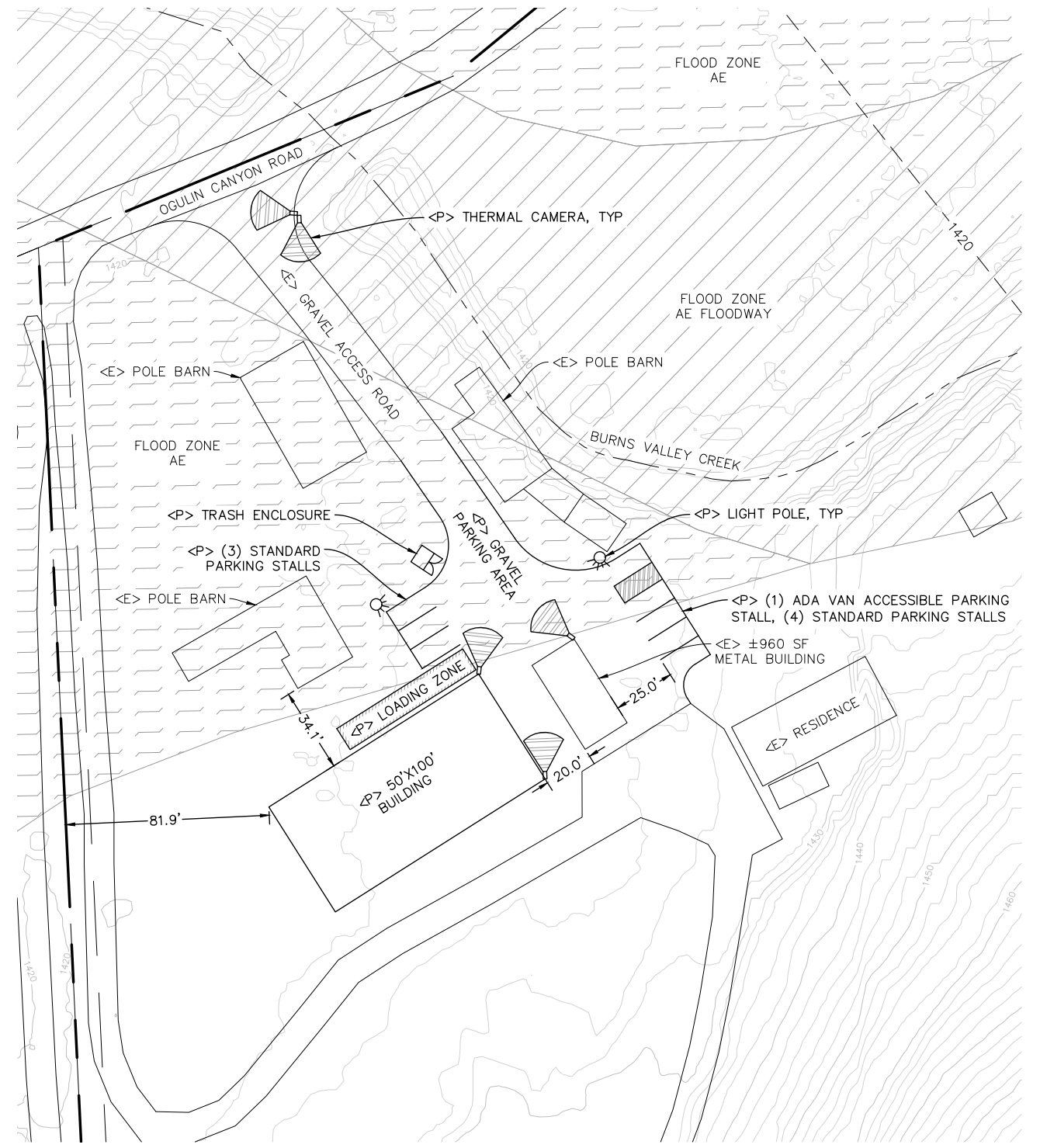
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 DRAWN BY: TJS
 DATE: 8/18/22
 SCALE: AS SHOWN

SHEET
C1
 21-132

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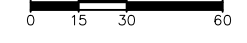


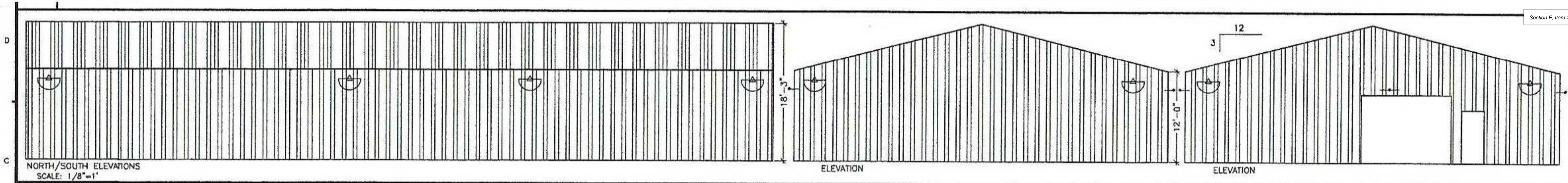
EXISTING SITE PLAN



PROPOSED SITE PLAN

22x34 SHEET: 1"=30'
 11x17 SHEET: 1"=60'

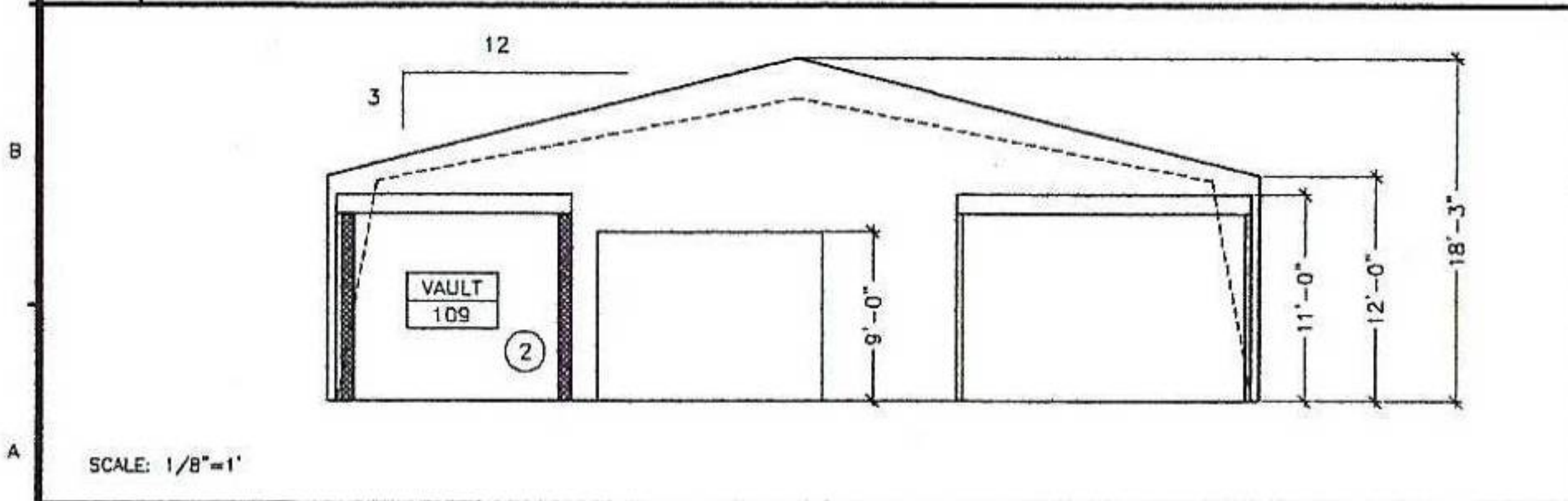




2 ELEVATIONS

Phase 2

2160 Ogulin Canyon Road - Elevations and Section



3 SECTION A-A

SYMBOLS

- | | | | | | | | | | |
|--|----------------------------|--|-----------------|--|---|--|--|--|--|
| | WALL MOUNTED FAN | | DISCONNECT | | SURFACE MOUNTED CEILING FIXTURE | | WINDOWS | | HEATING/COOLING |
| | GENERAL NOTES | | SINGLE PULL | | DEFIANT MOTION SECURITY LIGHT (DOWN CASTING) MODEL DFI-5985-WH LED 28 WATTS 2350 LUMENS | | CCTV CAMERAS CAMERA ID | | SMOKE-FIRE DETECTOR CONNECTED TO CENTRAL PANEL AND MONITORED |
| | EMERGENCY EXIT SIGN/LIGHT | | GFI 110V OUTLET | | FIRE EXTINGUISHER | | ROOM ID ROOM USAGE | | DOOR SENSOR |
| | 4 TUBE LED CEILING MOUNTED | | 110V OUTLET | | FIRE EXTINGUISHER | | DOOR SENSOR | | NVR LOCATION |
| | EXHAUST FAN | | 220V OUTLET | | DOORS - SEE SCHEDULE | | CHARCOAL AIR FILTER EXHAUST TO OUTSIDE | | |

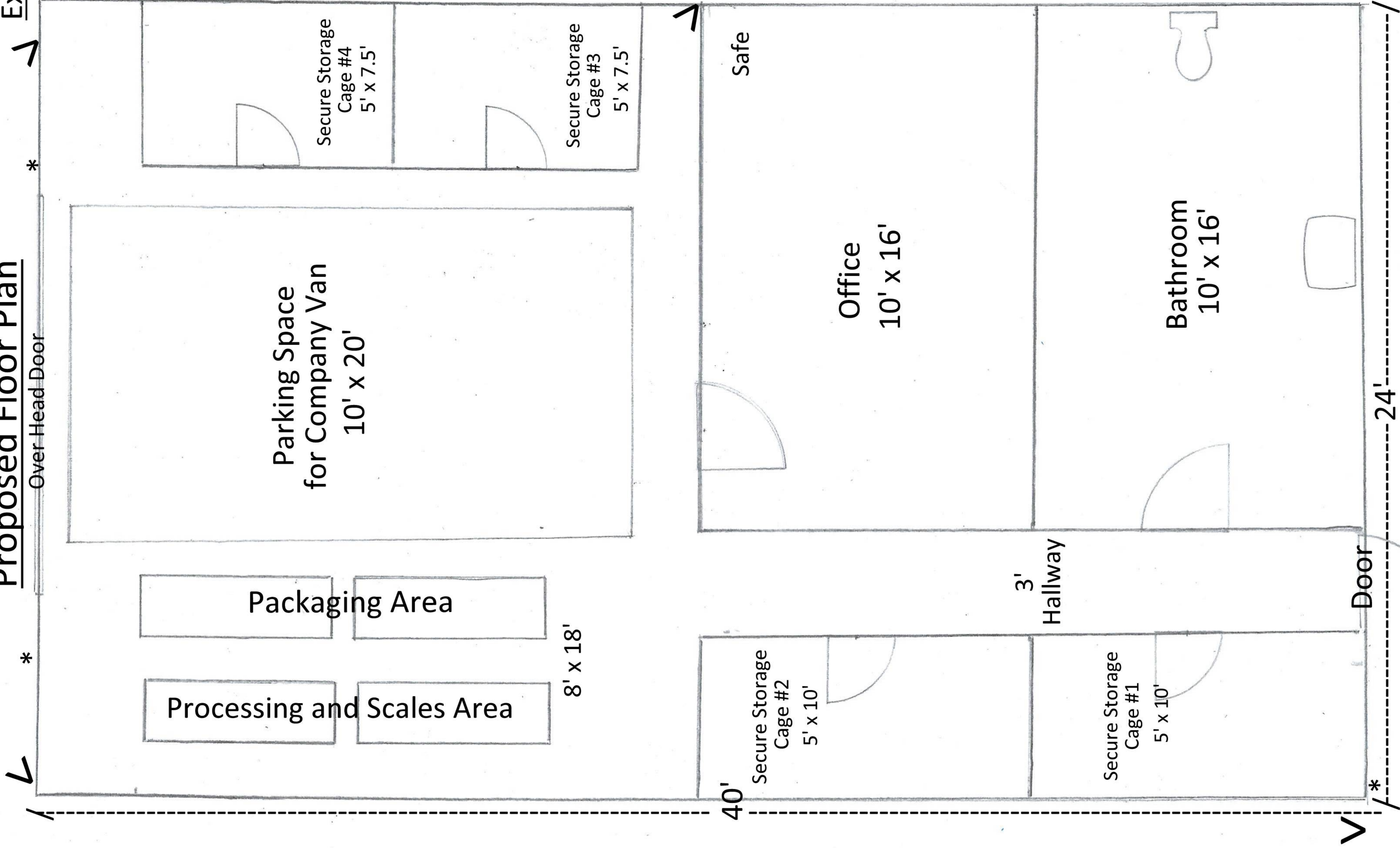
Proposed Floor Plan

Existing Metal Building

2160 Ogulin Canyon Road Clearlake, California

APN 010-044-21

Cannabis Processing and Retail/Delivery



* Light
> Security Camera

^ North
1" = 4'

V

Door

V

24'

/

RESOLUTION No. PC 2022-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE APPROVING CONDITIONAL USE PERMITS, CUP 2022-03 (PROCESSING – NO CULTIVATION AND/OR NURSERY ACTIVITIES WILL OCCUR ONSITE); CUP 2022-04 (MANUFACTURING), CUP 2022-05 (DISTRIBUTION), CUP 2022-06 (RETAIL DISPENSARY; DELIVERY ONLY) TO ALLOW A COMMERCIAL CANNABIS OPERATIONS ON PROPERTY LOCATED IN THE “I” INDUSTRIAL, “CB” COMMERCIAL RETAIL (MICROBUSINESS), “CB” DELIVERY ONLY AND “CB” COMMERCIAL CANNABIS DISTRICT ZONING DISTRICTS AT 2160 OGULIN CANYON ROAD, CLEARLAKE, CALIFORNIA, APN: 010-044-21-000

WHEREAS, Ogulin Estates Holdings, LLC (Representative Garrett Burdick – Partner) applied for approval of Cannabis Use Permits, CUP 2022-03 (Processing – No Cultivation and/or Nursery Activities will occur onsite); CUP 2022-04 (Manufacturing), CUP 2022-05 (Distribution), CUP 2022-06 (Retail Dispensary – Delivery Only) located at 2160 Ogulin Canyon Road, Clearlake, CA 95422 further described as Assessor Parcel Number (APN) 010-044-21-000 in the I, Industrial, and CB, Commercial Cannabis Business Zoning Districts, and

WHEREAS, Conditional Use Permit Application CUP 2022-03 (Processing – No Cultivation and/or Nursery Activities will occur onsite); CUP 2022-04 (Manufacturing), CUP 2022-05 (Distribution), CUP 2022-06 (Retail Dispensary – Delivery Only) have been made in accordance with Section 18-43, Commercial Cannabis of the Municipal Code, which refers to Commercial Cannabis Uses; and;

WHEREAS, a companion application, Development Agreement DA 2022-02 has been filed for commercial cannabis operations by **Ogulin Estates Holdings, LLC (Representative Garrett Burdick – Partner)**, et al at the same location; and

WHEREAS, the Initial Study, IS 2022-02 identified potentially significant adverse effects in the areas of Aesthetics, Air Quality, Biological Resources, Cultural/Tribal Resources, Hazards & Hazardous Materials; Hydrology and Water/Water Quality and Noise/Vibration; and

WHEREAS, all potential impacts to the listed areas mentioned above have been reduced to less than significant and/or to a point where clearly no significant effects would occur have been identified through the Initial Study, IS 2022-02 (applicant has agreed to all mitigation measures in accordance with CEQA); and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Clearlake Environmental Review Guidelines and related regulations and is designed to ensure compliance during Project implementation; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and a Mitigated Negative Declaration (MND) should be prepared; and

WHEREAS, the City distributed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the Project on April 4, 2022, which started a 30-day public review period, ending May 13, 2022. The NOI was posted at the Lake County Clerk / Recorder’s office, distributed through the

StateClearinghouse, posted at City offices, and mailed to project stakeholders, property owners, and residents within a 600-foot radius of the Project; and,

WHEREAS, the City responded to all comments by preparing a final initial study and mitigated negative declaration, and the Planning Commission staff report, that adequately address these comments and found these documents adequate to complying with the CEQA, the City’s Environmental Review Guidelines and related regulations; and,

WHEREAS adequate public noticing was made for the project in accordance with the Municipal Code; and

WHEREAS, the proposed project is consistent with the General Plan which designates the project site as Industrial; and

WHEREAS, in accordance with Section 18-28.040 of the Zoning Code the use as proposed will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity; and

WHEREAS, with the incorporated conditions of approval and mitigations measure (Exhibit A), the project complies with the Clearlake Zoning Code.

WHEREAS, the Planning Commission has considered this project on this date at a duly noticed public hearing, the staff report, public testimony, and found that the project is compatible with the surrounding area, it will not be detrimental to adjacent property owners or the public at large, and approval is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake as follows:

A. Recommend Adoption of the Mitigated Negative Declaration

1. The Planning Commission finds that the Mitigated Negative Declaration was presented to the Planning Commission, that the Planning Commission has reviewed the Mitigated Negative Declaration prepared for the 2160 Ogulin Canyon Road Commercial Cannabis Business Use Permit (the “Project”), all staff reports pertaining to the Project and all comments received thereon, and that the Mitigated Negative Declaration has been prepared and completed in compliance with the California Environmental Quality Act (CEQA).
2. The Planning Commission finds that on the basis of the Mitigated Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact individually or cumulatively on the environment.
3. The Planning Commission finds that the Mitigated Negative Declaration reflects the City’s independent judgment and analysis.

B. Recommend Adoption of the Mitigation Monitoring and Reporting Program

1. The Planning Commission hereby recommends to the City Council adoption of the Mitigation Monitoring and Reporting Program, as attached to the Project staff report.
2. The Planning Commission hereby recommends to the City Council that the proposed mitigation measures described in the Mitigated Negative Declaration (CEQA – Initial Study, IS 2022-02) are feasible and therefore become binding upon the City and its construction contractors.

C. Approval of the Project

Having independently reviewed, analyzed, and recommended approval of the Mitigated Negative Declaration, and mitigation measures as set forth in the Mitigation Monitoring and Reporting Program, the Planning Commission hereby approves the 2160 Ogulin Canyon Road Commercial Cannabis Business Use Permit Project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to approved Conditions of Approval in Exhibit A.

PASSED AND ADOPTED on this 13th day of December 2022 by the following vote:

Voting	Chair Lisa Wilson	Vice Chair Robert Coker	Fawn Williams	Erin McCarrick	Terry Stewart
AYES					
NOES					
ABSTAIN					
ABSENT					

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission

Exhibit A

**CITY OF CLEARLAKE
CONDITIONS OF APPROVAL**

***CUP 2022-03 (Processing)
CUP 2022-04 (Manufacturing)
CUP 2022-05 (Distribution)
CUP 2022-06 (Retail Delivery)
Cannabis Regulatory/Business Permit
Initial Study, IS 2022-02***

**Ogulin Estates Holdings, LLC
Representative Garrett Burdick – Partner**

Pursuant to the approval of the **City of Clearlake’s – Planning Commission on December 13th, 2022**, it is hereby granted **Ogulin Estate Holdings, LLC (Representative Garrett Burdick – Partner)**, with the following conditions of approval **to allow the development and operation of a commercial cannabis operation located at 2160 Ogulin Canyon Road; Clearlake, CA 95422; further described as Assessor Parcel Number (APN) 010-044-21-000** is subject to the following terms and conditions of approval.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the **Project Description, Site and Architectural Plans** and any conditions of approval imposed by the above **Conditional Use Permits** and Review Authority as shown on the approved site plan for this action **dated December 13th, 2022**.
2. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
3. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Community Development Director, Planning Commission or on appeal, the City Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
4. This use permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.

5. The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. **The fee should be paid within five (5) days of approval of the mitigated negative declaration at the Lake County Clerk's Office.** Once fees have been paid, the applicant shall submit a copy of all documentation to the City of Clearlake, verifying the fees have been paid. **Said permit shall not become valid, vested or operative until the fee has been paid, including the issuance of any permits.**
6. **Prior to operation**, the applicant(s) shall obtain and maintain all applicable permits from all Federal, State and local agencies having jurisdiction over this project, including but not limited to:
 - *CDFA - CAL Cannabis California Department of Food and Agriculture: (Cultivation licenses)*
 - *BCC - Bureau of Cannabis Control (Issues Distributor, Retailer, Testing Lab, Microbusiness, and Temporary Event licenses)*
 - *CDPH - MCSB California Department of Public Health's Manufactured Cannabis Safety Branch (Issues Manufacturing licenses)*
 - *California Department of Pesticide Regulation*
 - *California Department of Fish and Wildlife*
 - *California State Water Resources Control Board*
 - *California Central Valley or North Coast Regional Water Quality Control Board*
7. If the subject parcel is on a **septic system and/or well**, the applicant shall bring a minimum of three (3) site plans drawn to scale to the Lake County Environmental Health Department for review and approval **prior to submitting a Building Permit Application** with the City of Clearlake.
8. The use permit may be transferred to new owners subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.
9. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the City of Clearlake for review and approval. Said documentation shall include the following:
 - *Name of Individual and Title*
 - *Contact Information (Phone, email and address)*
 - *What that individual is authorized to do.*
10. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the

developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

11. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the approved Development Agreement for the project.
12. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and the Use Permits and related Development Agreement including but not limited to a verification of the amount of taxes required to be paid during any period for the project.
13. The applicant is responsible for ensuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.
14. **Prior to operation**, the applicant shall be enrolled in and comply with the **State of California Track and Trace** program and all requirements, including having all cannabis plants properly tagged.
15. **Prior to Operation**, all personnel listed as owners, managers or supervisors shall under undergo and pass a background check by the City of Clearlake Police Department.
 - Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation.
16. All parking areas, routes of travel, building access and bathrooms shall meet the American with Disabilities Act (ADA) requirements and must be reviewed and approved of a Certified Accessibility Access Specialist (CASP).
17. The applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
18. The use permit approval shall not become effective, operative, vested or final until a Notice of Determination has been filed with the State Clearing House and the Lake County Clerk's Office.
19. The use permit shall not become operational until a Development Agreement has been adopted by the City Council in accordance and a commercial cannabis regulatory permit has been approved and issued by the City Manager, at the recommendation of the Planning Commission, in accordance with the Municipal Code.
20. The permit holder shall operate in full compliance with fire safety rules and regulations of the Lake County Fire District.

21. **Prior to operation and/or development**, the applicant shall secure any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or all applicable Federal, State and local agency permits.
22. In accordance with the Municipal Code and requirements made by the Lake County Fire Protection Lake County Air Quality Management District and Lake County Health Department, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:
- *Odor Control Plan (compliant with Section 18-43.060)*
 - *Security Plan (compliant with Section 18-43.060).*
 - *Exterior Lighting Plan (compliant with Sections 18-20.120 and 18-43.060 and with the City's Lighting Standards, including design review approval)*
 - *Waste/Recycling and Enclosure Plan (compliant with Section 18-20.070 and with the City's Trash and Recycling Enclosure Requirements and Design Standards, including design review approval).*
 - *Fencing Plan for security of all cannabis businesses activities (compliant with Section and the City's Fence Design Standard including design review approval).*
 - *Hazardous Materials Mitigation Plan if required by the Lake County Fire Protection District and/or the Lake County Environmental Health Department)*
 - *Air Quality Permit if required by Lake County Air Quality Management District.*
 - *If applicable, Civil Site plans identifying existing and proposed storm drains, drainage ditches, curbs, sidewalks, gutters, and striping, as regulated by the City's Design and Construction Standards, Off-Street Parking Regulations, and Parking Design Standards to be found in compliance with all other applicable local/federal/state laws, including ADA and CASP requirements.*
 - *Sign plan that demonstrates compliance with the City's sign regulations. All non-compliant signs shall be immediately removed. Installation of signs without prior City approval may be grounds for revocation of this use permit.*
23. The applicant shall adhere to all applicable requirements in the City of Clearlake Municipal Code.

B. AESTHETICS

1. All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org. (Refer to the City's Design Standards). *(Initial Study Mitigation Measure AES -1)*

C. AIR QUALITY

1. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust. *(Initial Study Mitigation Measure AIR-1)*

2. Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements (*Initial Study Mitigation Measure AIR-2*).
3. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District. (*Initial Study Mitigation Measure AIR-3*)
4. During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site. (*Initial Study Mitigation Measure AIR-4*)
5. Grading permits shall be secured for any applicable activity from the Community Development Department, Building Division. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project. (*Initial Study Mitigation Measure AIR-5*)
6. All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. An odor control plan shall be submitted for review and approval by the City in accordance with the Zoning Code. Odor control shall be maintained to an acceptable level at all times. (*Initial Study Mitigation Measure AIR-6*)
7. An odor control plan shall be submitted for review and approval by the City that complies with the City's Zoning Code. Odor control shall be maintained at all times so that odor from cannabis operations on the site will not be detected outside structures. This plan shall include enhanced carbon filtering to ensure compliance with the Code. (*Initial Study Mitigation Measure AIR-7*).
8. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions. (*Initial Study Mitigation Measure AIR-8*).
9. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls. (*Initial Study Mitigation Measure AIR-9*).

10. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details. *(Initial Study Mitigation Measure AIR-10).*
11. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/ NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. *(Initial Study Mitigation Measure AIR-11).*
12. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning of debris/construction material is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal. *(Initial Study Mitigation Measure AIR-12).*
13. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits *(Initial Study Mitigation Measure AIR-13).*
14. All mobile diesel equipment used for construction and/or maintenance shall be compliant with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as the Lake County Noise Emission Standards.
15. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic Emission Inventory.

D. BIOLOGICAL RESOURCES:

1. Prior to development, including any site disturbance, a protocol-level botanical survey shall be completed within the location defined as being feasible for project activities to occur within this Report. The survey shall follow procedures recommended by CDFW and in accordance with the guidelines established by CNPS, from the document “*Protocols for Surveying and Evaluating Impacts to Specie Status Native Plant Populations and Sensitive Natural Communities*”. *(Initial Study Mitigation Measure BIO-1)*
2. If project construction occurs between September 1 and January 31, nesting bird survey shall be conducted by a qualified biologist. Additional mitigation measures recommended in the survey report shall be implemented prior to or curing project development to avoid disturbance to migratory nesting birds. *(Initial Study Mitigation Measure BIO-2)*
3. Prior to any ground disturbance, the applicant shall conduct a site inspection for Burrowing Owls Presence within the project area. If Burrow Owls are observed, a pre-construction surveys shall be completed by a qualified biologist fourteen (14) days prior to site development. The survey shall be conducted to determine if the project area has active dens and determine if avoidance of these active dens can occur. If active dens are determined to be present, owl relocation shall occur to other onsite suitable habitat prior to development. *(Initial Study Mitigation Measure BIO-3)*
4. If additional activities are proposed that may result in take of a listed species, agency personnel from CDFW and SFWS shall further analyze the potential impacts and provide technical assistance for any listed species. If required, guidelines for these reconnaissance surveys should be followed in accordance to the CDFW Survey and Monitoring Protocols and Guidelines, which can be located here: <https://www.wildlife.ca.gov/conservation/survey-protocols>. *(Initial Study Mitigation Measure BIO-4)*
5. Prior to securing development permits from the City and prior to conducting any site disturbance, clearances shall be obtained as required for work in or near Burns Valley Creek, from the California Department of Fish and Wildlife; such as a Streambed Alteration Permit. Verification of this clearance shall be submitted to the City. *(Initial Study Mitigation Measure BIO-5)*
6. The use of deer fencing shall be restricted to the perimeters of the proposed gardens. No deer fencing or other obstacles to wildlife passage shall be installed that will restrict wildlife movement. *(Initial Study Mitigation Measure BIO-6)*

E. CULTURAL/TRIBAL RESOURCES

1. **During construction activities**, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City’s approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late 19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc. *(Initial Study Mitigation Measure CUL-1)*

2. The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project. *(Initial Study Mitigation Measure CUL-2)*

3. If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe's ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. *(Initial Study Mitigation Measure CUL-3)*

F. GEOLOGY & SOILS

1. **Prior to any ground disturbance and/or operation**, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system. *Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation. (Initial Study Mitigation Measure GEO-1)*

2. Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with the City of Clearlake Municipal code(s). *(Initial Study Mitigation Measure GEO-2)*
3. The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary. *(Initial Study Mitigation Measure GEO-3)*

G. HAZARDS & HAZARDOUS MATERIALS

1. All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. *(Initial Study Mitigation Measure HAZ-1)*
2. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials. *(Initial Study Mitigation Measure HAZ-2)*
3. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways. *(Initial Study Mitigation Measure HAZ-3)*
4. The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site. *(Initial Study Mitigation Measure HAZ-4)*
5. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations. *(Initial Study Mitigation Measure HAZ-5)*
6. Hazardous Waste must be handled according to all Hazardous Waste Control Laws. Any generation of a hazardous waste must be reported to Lake County Environmental Health within thirty days.
7. All employees and/or staff members shall be properly trained in and utilize Personnel Protective Equipment in accordance with all federal, state and local regulations regarding handling any biological and/or chemical agents.

8. Hazardous waste must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

J. HYDROLOGY AND WATER QUALITY:

1. The project design shall incorporate appropriate BMPs consistent with County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or all surface water.
2. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed, and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

K. NOISE

1. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. *(Initial Study Mitigation Measure NOI-1)*
2. Permanent potential noise sources such as, generators used for power shall be designed and located to minimize noise impacts to surrounding properties. *(Initial Study Mitigation Measure NOI-2)*
3. During construction noise levels shall not exceed 65 decibels within fifty (50) feet of any dwellings or transient accommodations between the hours of 7:00 AM and 6:00 PM. This threshold can be increased by the Building Inspector or City Engineer have approved an exception in accordance with Section 5-4.4(b)(1) of the City Code. An exception of up to 80 decibels may be approved within one hundred (100) feet from the source during daylight hours. Project is expected to result in less than significant impacts with regards to noise and vibration. *(Initial Study Mitigation Measure NOI-3)*

L. TRANSPORTATION & TRAFFIC

1. Improvements shall be made to the project access off of Ogulin Canyon Road as required by the City of Clearlake – Public Works Department. Applicant shall submit plans prepared by a certified Engineer to the City of Clearlake for review and approval. All necessary permits shall be secured from the City of Clearlake prior to development.
2. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.

3. All access roads, yards and parking areas shall be properly maintained for life of the project to prevent a source of contamination where cannabis products are handled or transported.

M. TIMING & MITIGATION MONITORING

1. **Prior to this use permit becoming, valid, effective or operative**, until the Development Agreement has been reviewed and approved by the City Council.
2. If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.
3. If a structure(s) or associated site development authorized by use permit is not issued building permits (if building permits are required) within three (3) years of the date of approval, the use permit shall expire.
4. **Upon written request received prior to expiration**, the Community Development Director may grant renewals of use permit approval for successive periods of not more than one (1) year each.
 - *Approvals of such renewals shall be in writing and for a specific period.*
 - *Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed.*
 - *Renewal of a use permit shall not require public notice or hearing unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Community Development Director must make the findings required for initial approval.*
5. The Planning Commission may revoke or modify the use permit in the future if the Commission finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action taken by the Planning Commission.
6. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - a. *Noncompliance with any of the foregoing conditions of approval; or*
 - b. *The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.*
7. All conditions are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

To be Complete by Authorized Representative/Applicant

Name: _____
Date: _____

Signature: _____

<u>To Be Completed by Staff Only</u>	
Name: _____	Signature: _____
Title: _____	Date: _____

**For Environmental Analysis, please refer to
Attachment # 3 of Current Staff Report.**

From: [Annje Dodd, PhD P.E.](#)
To: [Mark Roberts](#)
Cc: [Brian Pensack](#); [Richard Knoll](#)
Subject: Updated Hydro information- 2160 Ogulin Canyon
Date: Wednesday, September 7, 2022 11:34:09 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[Ogulin Estate Holdings Hydrology UP with Attachments.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

It is my understanding that the project description associated with Ogulin Estates Holdings at 2160 Ogulin Canyon Road has been reduced in size from approximately 35 employees to 8 employees and no longer includes cultivation or nursery activities. This reduces the projected water demand from 561,000 gallons per year (1.7 acre feet per year) to 102,200 gallons per year (0.31 acre feet per year); based on 8 employees at 35 gallons per day for 365 days.

This is about an 80% reduction in proposed water demand compared to the originally proposed project. The conclusions in the attached hydrology report were based on a higher projected demand and do not change.

Please let me know if you have any questions or need additional information.

Annje Dodd, PhD, P.E.

Principal Engineer



NORTHPOINT

CONSULTING GROUP, INC

1117 Samoa Blvd. Arcata, CA 95521

P: [\(707\) 798-6438 EXT. 703](tel:(707)798-6438) C: [\(707\) 845-1340](tel:(707)845-1340)

Annje@northpointeureka.com



www.northpointeureka.com

TECHNICAL MEMORANDUM

To: Mr. Brian Pensack

From: Annjanette Dodd, PhD, CA PE #77756

Date: December 23, 2021

Subject: Groundwater Hydrology – 2160 Ogulin Canyon Road, Clearlake, CA, APN 010-044-21

PURPOSE AND BACKGROUND

The purpose of this Technical Memorandum is to provide an evaluation of the potential impacts the proposed project would have on the surrounding groundwater resources. The project is located at 2160 Ogulin Canyon Road, Clearlake, Lake County, California. The project includes the development of industrial style structures to be used for cannabis related facilities, including a 33,600 square-foot (sq ft) single story building for processing, manufacturing, and distribution, a 5,000 sq ft office building, five (5) 75 x 25 ft greenhouses for indoor cannabis cultivation, and a 22,600 sq ft, 46-car parking lot (Figure 1). A Water Availability Analysis (WAA) was prepared for the project in June 2021 by Richard Knoll Consulting and submitted to the City of Clearlake.

Irrigation Demand: The estimated project water demand for cultivation (300-day cultivation period) was estimated in the WAA using standard industry values for cultivation (3,000 gallons per acre per day, or 2.1 gallons per minute, per acre; CDFA, 2017). The maximum potential canopy area for five (5) 25 ft x 75 ft greenhouses is 9,375 sq ft, resulting in a daily demand of approximately 645 gallons (0.5 gpm) and annual irrigation demand of approximately 194,000 gallons per year over the course of a 300-day growing season. This cultivation demand estimate is less than presented in the WAA, which was based on 0.5 acres of canopy which is more than double the canopy proposed.

Employee Demand: The project proposes 35 employees. Water demand based on the number of employees is assumed to be equivalent to sanitary sewer generation for factories with shower facilities, which, according to the Lake County Rules and Regulations for On-Site Sewage Disposal (Lake County, 2010), would be 35 gallons per day, per person. The employee demand estimate is less than presented in the WAA, which was not based on standard values for Lake County. At 35 gallons per employee per day, the proposed project employee demand would be 1,225 gallons per day or 367,500 gallons per year based on a 300-day work season.

Total Demand: The total estimated water demand for the proposed project using the numbers provided herein is 1,875 gallons per day (1.3 gpm) and 561,500 gallons per year or 1.7 acre-feet per year.

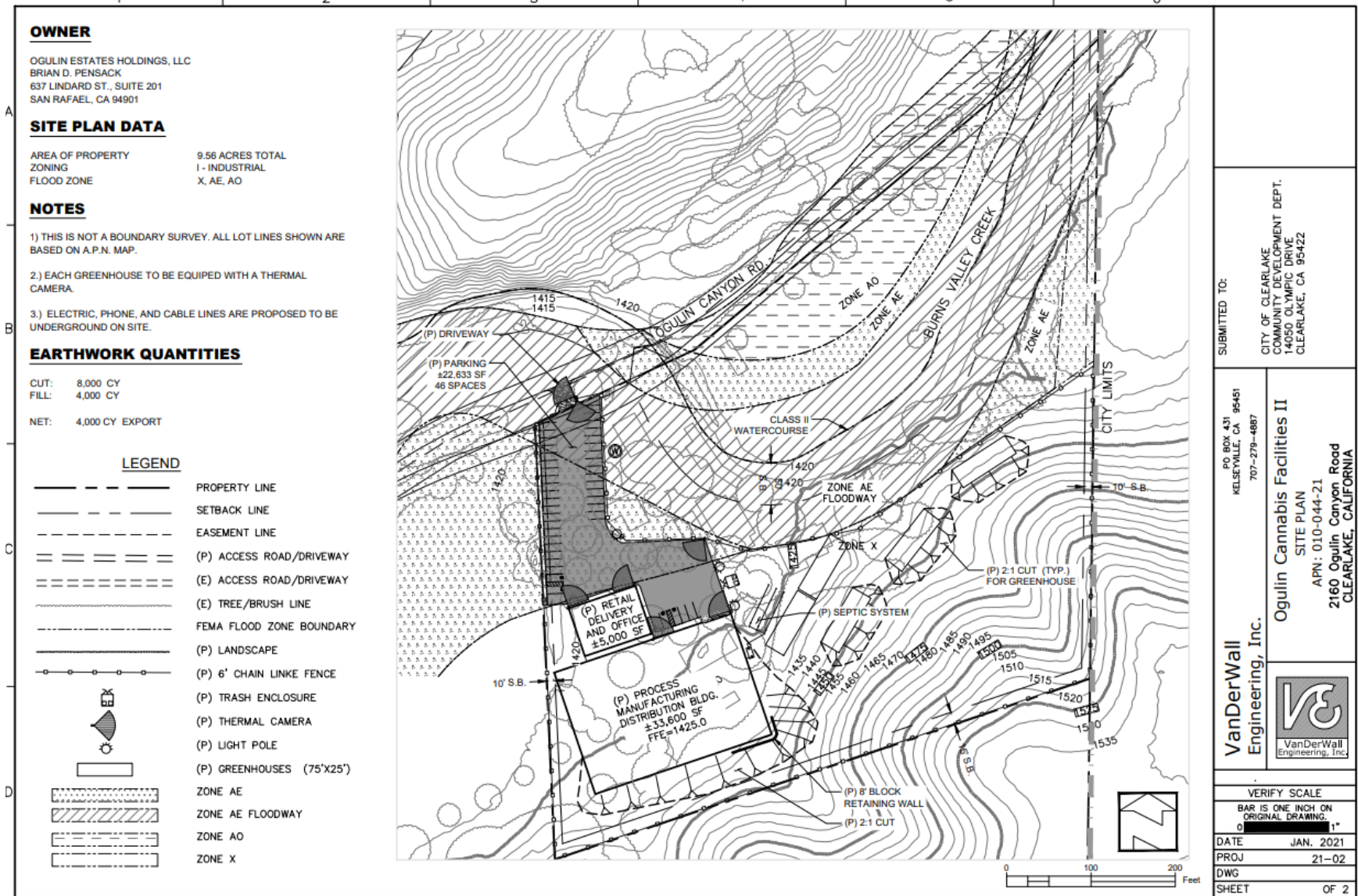


Figure 1: Site Plan for the proposed project at APN 010-044-21.

WATER SOURCE, SUPPLY, AND STORAGE

There is one (1) existing, permitted groundwater well (Permit Number: WE 5718AG) that will be used for cultivation (Lat/Long: 38.98068, -122.60521). The well is approximately 300-feet deep and was drilled in September 2021, during a drought period. The well casing is screened at two intervals with 0.32-inch perforated PVC casing - between 80- and 100-feet and between 240- and 300-feet below the ground surface (bgs). During the drilling of the well, the depth of first water was at 80-feet bgs and the static water level was estimated to be 30-feet bgs (Attachment 1 – Well Log).

The well was estimated to have a yield of 100 gpm (161.0 AF per year). The project’s demand of 1.7 AF represents 1.1% of the annual well yield in AF.

The project proposes one (1) 50,000-gallon water tank for water storage or approximately 26 days of storage based on the average total daily demand of approximately 1,875 gallons. At 100 gpm, the tank would fill in about 8.3 hours

GROUNDWATER BASIN INFORMATION AND HYDROGEOLOGY

The well site is in the Burns Valley Groundwater Basin (Basin #5-17). According to the California Department of Water Resources (DWR), almost all the groundwater in the 4 square mile Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed (DWR Bulletin 118).

The Burns Valley Groundwater Basin is within the Burns Valley Watershed. Franciscan Formation borders the Burns Valley Groundwater Basin on the north, Clear Lake borders the basin on the west, and Clear Lake Cache Formation borders the basin on the south and east. The valley is drained by Burns Valley Creek, flowing southwest, and eventually into Clearlake. There are three primary water bearing formations in the Burns Valley Groundwater Basin - Quaternary Alluvium, Quaternary Terrace Deposits, and the Lower Lake Formation (CDM, 2006). The *Quaternary Alluvium* aquifer is in the valley lowlands in the southern end of the valley and is composed of silt, sand, and gravel with a thickness up to 50 feet. Groundwater in this formation is unconfined and typically provides water for domestic use. *Quaternary Terrace Deposits* have been deposited on the sides of the alluvial plain in the Burns Valley Groundwater Basin. The terrace deposits are approximately 15 feet above the valley floor and slope up the valley to a similar elevation as the foothill exposures of the Clear Lake Cache Formation. Groundwater in this formation is not well understood. The *Lower Lake Formation*, consisting of lake deposits, underlies the alluvial and terrace deposits in the basin. This formation consists of fine sands, silts, and thick interbeds of marl and limestone, and has a maximum thickness of 200 feet. The formation has low permeability and provides water to wells at up to a few hundred gallons per minute. Based on the Well Completion Report (WCR) Geologic Log and the depths of the screened intervals of the well (80-100 and 240-300 ft bgs), the well draws water from both the shallower, Quaternary alluvium aquifer system, and the deeper water-bearing formation that corresponds with the described greenstone geologic unit, likely Franciscan Formation. The California Department of Water Resources (DWR) estimated the storage capacity of the Burns Valley Groundwater Basin to be 4,000 AF with a usable storage capacity of 1,400 AF. Well depths in the basin mostly range between 25- and 425-feet (CDM 2006; California DWR 2003, 2021).

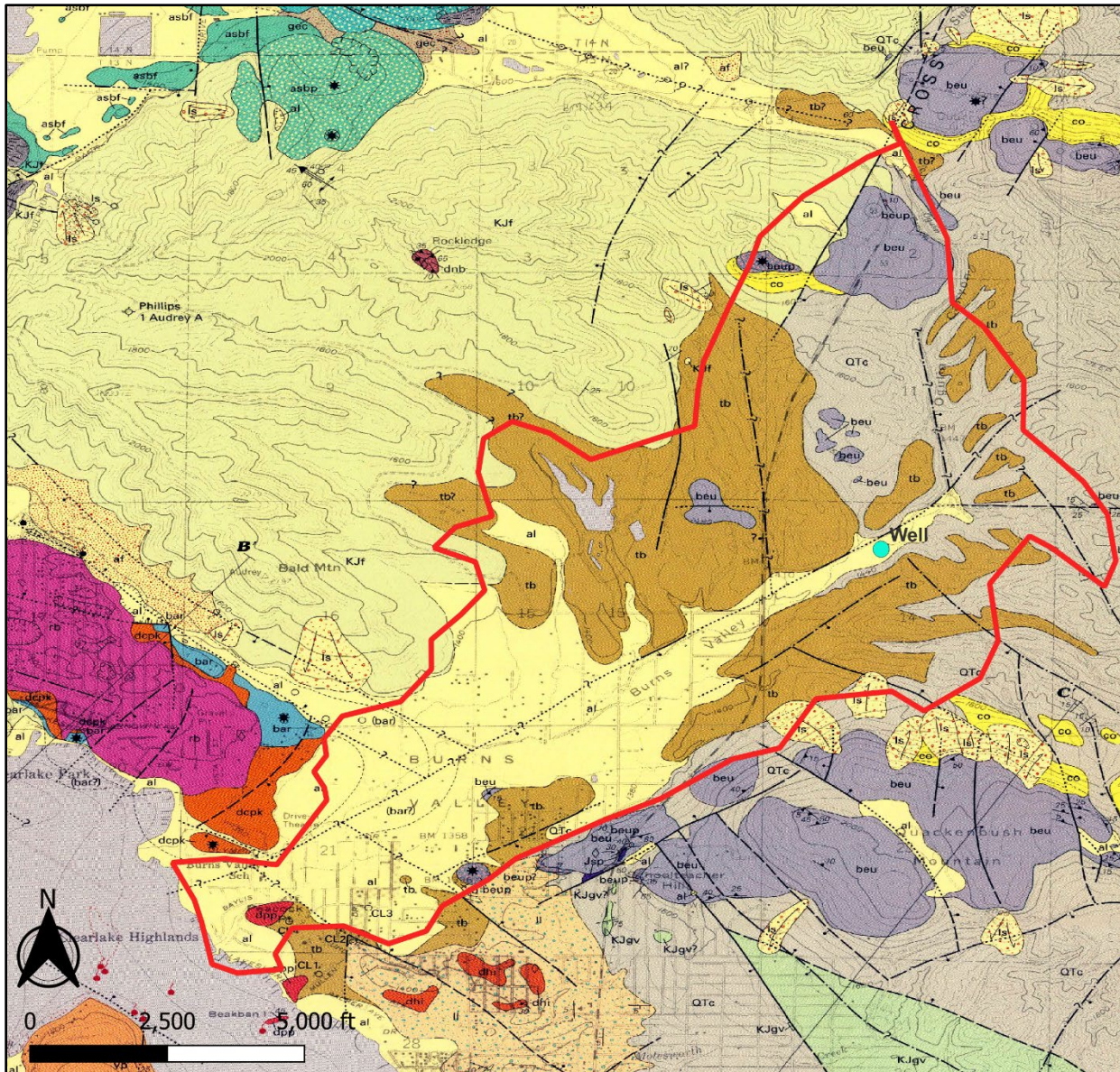


Figure 2: The project well location (blue dot) plotted on the Hearn et al. (1995) geologic map. The project well is in an area mapped as Quaternary Alluvium in the upper Burns Valley Creek. The boundary for the California Bulletin 118 Burns Valley Groundwater Basin is shown in red.

The Burns Valley Groundwater Basin has not been identified by the California Department of Water Resources (DWR) as a critically overdrafted basin. Critically overdrafted is defined by DWR as, "A basin subject to critical overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." In addition, as part of the California Statewide Groundwater Elevation Monitoring (CASGEM) Program, DWR created the CASGEM Groundwater Basin Prioritization statewide ranking system to prioritize California groundwater basins in order to help identify, evaluate, and determine the need for additional groundwater level monitoring. California's groundwater basins were classified into one of four categories high-, medium-, low-, or very low-priority. The Burns Valley Groundwater Basin is ranked as very low-priority basins by the CASGEM ranking system (DWR, 2021).

RECHARGE RATE

The annual recharge can be estimated using a water balance equation, where recharge is equal to precipitation (P) less runoff (Q) and abstractions that do not contribute to infiltration (e.g., evapotranspiration). A simple tool that can be used to estimate runoff and abstractions, which uses readily available data, is the Natural Resources Conservation Service (NRCS) Curve Number (CN) Method (NRCS, 1986). Determination of the CN depends on the watershed's soil and cover conditions, cover type, treatment, and hydrologic condition. The CN Method runoff equation is

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

Where,

Q = runoff (inches)

P = rainfall (inches)

S = potential maximum retention after runoff begins (inches) and

I_a = initial abstraction (inches)

The initial abstraction (I_a) represents all losses before runoff begins, including initial infiltration, surface depression storage, evapotranspiration, and other factors. The initial abstraction is estimated as $I_a = 0.2S$. S is related to soil and cover conditions of the watershed through the CN, determined as $S = 1000/CN - 10$. Using these relations, the runoff equation becomes:

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

The CN is estimated based on hydrologic soil group (HSG), cover type, condition, and land use over the area of recharge, which is estimated as the area of the Burns Valley Watershed. However, to be conservative, a small unnamed 23.1-acre tributary draining to the project parcel and eventually into Burns Valley Creek was used as the recharge area (Figure 2).

Soils are classified into four HSGs (A, B, C, and D) according to the ability of the soil to infiltrate water; where HSG A has the highest infiltration potential and HSG D has the lowest infiltration potential. HSGs are based on soil type and can be determined from the NRCS Web Soil Survey. 100% of the recharge area is comprised of HSG C. Approximately 70% of the recharge area is undeveloped with a cover type of 'Woods' in fair condition (wooded area may be grazed but not burnt, with some leaf litter on ground) with a CN of 73 for HSG C. The remaining recharge area is classified as 'Woods-grass combination' in fair condition due to sparse rows of trees with annual grassland in aerial imagery, represented with a CN of 76. The weighted CN for the recharge area is 74.



Figure 3: The recharge area for the proposed project is a 23.1-acre subbasin that drains to the project parcel and Burns Valley Creek.

The PRISM Climate Group gathers climate observations from a wide range of monitoring networks and provides time series values of precipitation for individual locations (<https://prism.oregonstate.edu/explorer/>). Using the annual precipitation from 1895 to 2020, as predicted by PRISM, the annual average precipitation over this period is 27.6 inches and the minimum precipitation over this period is 6.5 inches.

Using the above information, and assuming that 50% of the initial abstraction infiltrates and the remainder is evapotranspiration (0.35 inches or 0.7 AF), the estimated annual recharge over the recharge area of 23.1 acres is 6.7 AF during an average year and 4.9 AF during a dry year (Table 1).

Table 1. Estimated annual recharge over the recharge area of the project's well.

Recharge Area (acres)	P (inches)	CN	S (inches)	I _a (inches)	Q (inches)	Recharge = P - Q - 0.5*I _a (inches)	Recharge (AF)
23.1	6.5	74	3.5	0.70	3.6	2.5	4.9
23.1	27.6	74	3.5	0.70	23.8	3.5	6.7

CUMULATIVE IMPACT TO SURROUNDING AREAS

Annual water demand of the proposed project is approximately 1.7 AF per year. The demand represents approximately 25% and 35% of the annual recharge during an average and dry year, respectively. Recharge in the Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed, which drains to the Burns Valley Groundwater Basin, delineated as 4 square miles of area (CDM, 2006). The area used to estimate the recharge for the proposed project is only 0.3% of the Burns Valley Watershed that drains to and recharges the Burns Valley Groundwater Basin. The area used to estimate the recharge did not include the project parcel, which would provide additional recharge. Thus, the recharge estimate is a conservative (low) estimate of the available recharge over the entire recharge area. Overall, the project would need only 0.9-inches of rainfall to infiltrate over the recharge area to meet the project's demand. Thus, there is sufficient recharge, on an annual basis, to meet the project's demand during both average and dry years.

The estimated storage capacity of the Burns Valley Groundwater Basin is 4,000 AF, with a usable storage capacity of 1,400 AF. According to DWR, groundwater in the Burns Valley Groundwater Basin is derived from rain that falls within the 12.5 square mile Burns Valley Watershed drainage area. It takes 2.1-inches of rainfall to infiltrate into the 12.5 square mile watershed to recharge 1,400 AF. The project's demand is only 0.12% of the usable storage capacity of the Burns Valley Groundwater Basin.

According to the Lake County Groundwater Management Plan, there are 86 domestic wells and 9 irrigation wells in the Burns Valley Groundwater Basin and agricultural demand during an average year is 105 AF per year; of this, 14 AF is supplied from groundwater. The Groundwater Management Plan is dated 2006 and does not include the demand from additional proposed/potential cannabis cultivation projects in the Burns Valley Groundwater Basin. The Lake County Zoning Ordinance allows 1-acre of outdoor canopy for each 20 acres of parcel size for specific zones. Within the Burns Valley Groundwater Basin, there are 57 parcels with total area of 1,124 acres with zoning that would allow for outdoor cultivation with a County Use Permit, of this area, approximately 11 parcels or 741 acres, are existing vineyards/hops/agriculture. Excluding these 11 parcels, there are 46 parcels with 383 acres eligible for cannabis cultivation in areas without pre-existing agriculture activities, or up to 19 acres of potentially new cultivation/agriculture (the County allows only 1-acre of cultivation for each 20 acres of parcel area). The increased irrigation demand could be up to approximately 31.5 AF assuming 3,000 gallons per day per acre for 180 days. The City of Clearlake Zoning Ordinance allows for mixed-light/indoor cultivation in the Burns Valley Groundwater Basin, with a City Cannabis Permit, on 23 parcels with a total area of 242 acres. Accounting for existing development, steep topography, waterbody setbacks, and flood zones only approximately 20 to 25 acres of this area could have the potential for mixed-light/indoor cultivation. The increased irrigation demand could be up to approximately 69 AF assuming 3,000 gallons per day per acre for 300 days. The total potential new demand from both the County and City for cannabis cultivation could be up to 89 AF per year, which includes the proposed project at 2160 Ogulin Canyon Road.

Cumulatively, the existing (CDM, 2006) and potential new agricultural groundwater demand could be up to 103 AF per year or up to 7.4% of the usable storage capacity in the Burns Valley Groundwater Basin. The demand of the proposed project, 1.7 AF, is only 1.7% of the potential future demand.

Since project's well has sufficient yield to meet the project's demand; the project proposes 26 days of water storage; there is sufficient recharge and supply to meet the project's demand during average and dry years; the project's demand is only 0.12% of the usable storage capacity of the Burns Valley

Groundwater Basin; and the potential future cannabis demand in the basin is a fraction of the usable storage capacity, the proposed project water use would have little to no cumulative impact on the surrounding area.

Additionally, if needed in the future to create water redundancy for the project, the project could install a rainwater catchment system. The project proposes 47,975 sq. ft. of footprint that could be utilized as rainwater catchment. The rainwater catchment potential is approximately 0.60 acre-feet (195,500 gallons) during a dry year and up to 2.5 acre-feet (814,600 gallons) during a wet year.

QUALIFICATIONS OF AUTHOR

I have a PhD in Water Resources Engineering. In addition, I am a registered Professional Engineer with the State of California with 30-years of experience practicing and teaching Water Resources Engineering, including over 15 years of teaching, practicing, and modeling surface and groundwater hydrology.

LIMITATIONS

The study of groundwater hydrology is very complex and often relies on limited data, especially in rural areas. Recommendations and conclusions provided herein are based on professional judgment made using information of the groundwater systems and geology in Lake County, which is limited and allows only for a general assessment of groundwater aquifer conditions and recharge. NorthPoint Consulting Group, Inc. is making analyses, recommendations, and conclusions based on readily available data, including studies and reports conducted by other professionals, Lake County, the State of California, and other consultants hired by the project proponent to prepare technical studies for the proposed project. If additional information or data becomes available for the project area, the recommendations and conclusions presented herein may be subject to change.

ATTACHMENTS

1. Well Completion Report
2. NRCS Soil Survey Results
3. PRISM Climate Precipitation 1895-2020

REFERENCES

- Bauer S, Olson J, Cockrill A, van Hatten M, Miller L, Tauzer M, et al. (2015). Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. PLoS ONE 10(9): e0137935. <https://doi.org/10.1371/journal.pone.0137935>
- C DFA (2017) CalCannabis Cultivation Licensing Program Draft Program Environmental Impact Report. State Clearinghouse #2016082077. Prepared by Horizon Water and Environment, LLC, Oakland, California. 484 pp.
- California DWR (2003). California's Groundwater Bulletin 118 Update 2003. October 2003. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/Statewide-Reports/Bulletin_118_Update_2003.pdf
- California DWR (2003). California's Groundwater Bulletin 18, Update 2003. October 2003.
- California DWR (2021). California's Groundwater. <https://water.ca.gov/programs/groundwater-management/bulletin-118>
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Hearn, B.C., Jr., Donnelly-Nolan, J.M., and Goff, F.E., 1995, Geologic map and structure sections of the Clear Lake Volcanics, northern California: U.S. Geological Survey Miscellaneous Investigations Map I-2362, 3 sheets, scale 1:24,000, available at <https://pubs.usgs.gov/imap/2362/>.

Natural Resources Conservation Service, NRCS (1986) Urban Hydrology for Small Watersheds. US DFA NRCS Technical Release 55. June 1986.

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

ATTACHMENT 1: WELL COMPLETION REPORT



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

Denise Pomeroy
Health Services Director

Erin Gustafson
Public Health Officer

Jasjit Kang
Environmental Health Director

SEAL WITHOUT WITNESS

Permit Number: WE 5718-AG
Site Address: 2160 Ogulin Canyon RD Clarklake CA. 95422
Assessor's Parcel No: 010 - 044 - 21
Owner Name: Ogulin Hills Holdings LLC
Date: 10/1/21

REASON FOR SEAL WITHOUT WITNESS:

- Emergency Seal - Explain: _____
- Inspector unable to witness
- Other: _____

IMPERMEABLE LAYER in which annular space terminates:

2" at a depth of 20' feet.

SEALANT USED: Bentonite clay & concrete
METHOD OF PLACEMENT: Pour down Hole and mix and pour concrete cap

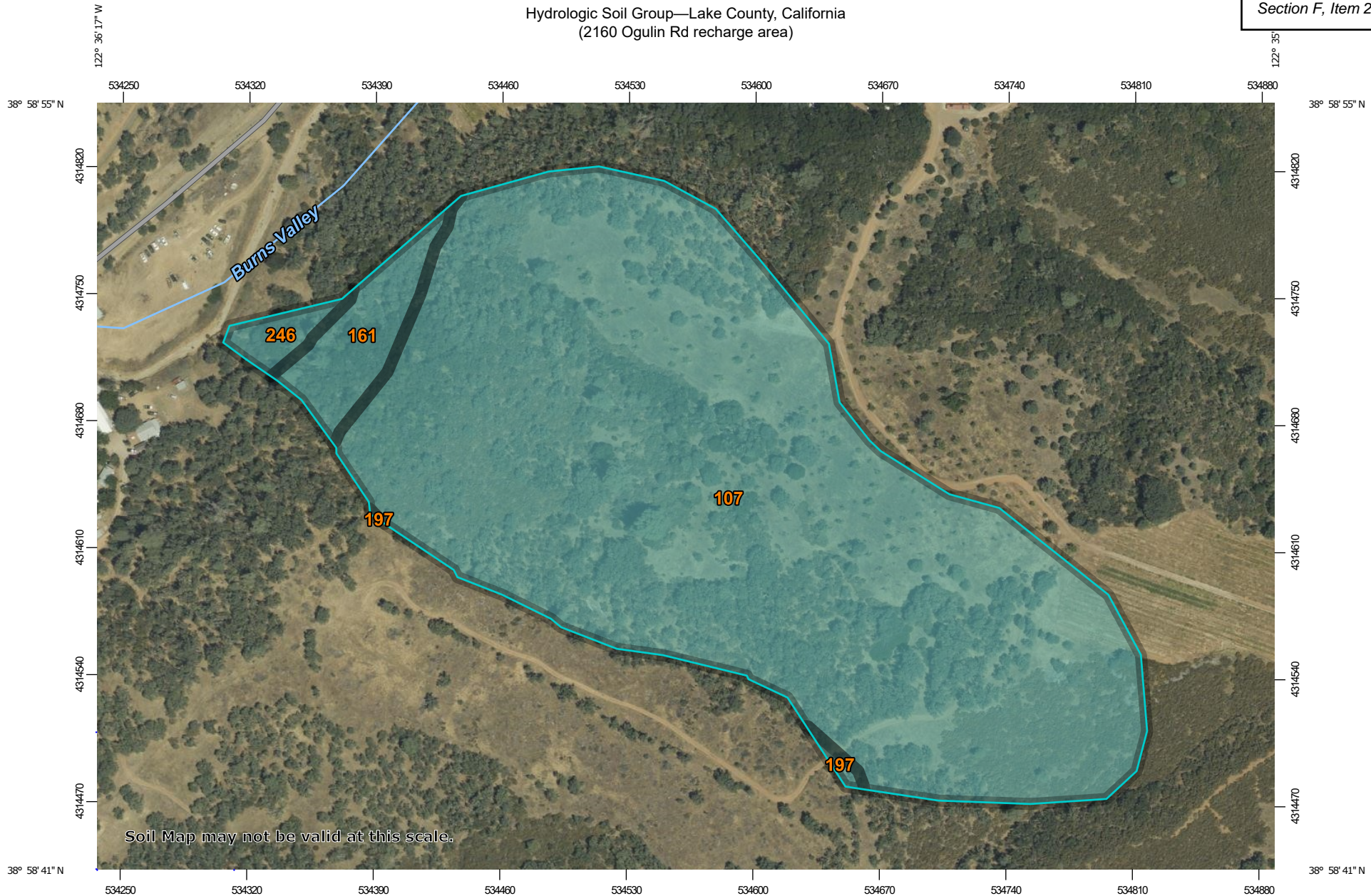
I hereby certify that I have installed the annular seal in accordance with the provisions of the Lake County Well Ordinance and unless otherwise specified in the Lake County Well Ordinance, with the California Department of Water Resources Bulletin 74-81 or as modified by subsequent revisions or supplements.

DRILLING CONTRACTOR SIGNATURE: [Signature]
COMPANY: Will Peterson Well Drilling LICENSE NO: 1009053

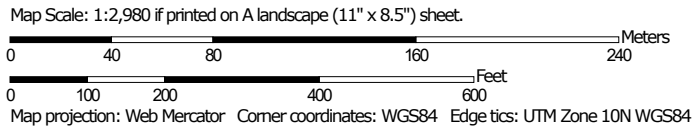
ATTACHMENT 2: NRCS SOIL SURVEY RESULTS

Hydrologic Soil Group—Lake County, California
(2160 Ogulin Rd recharge area)

































Section F, Item 2.



Soil Map may not be valid at this scale.



MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Lines**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Points**
 -  A
 -  A/D
 -  B
 -  B/D
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography
- Other**
 -  C
 -  C/D
 -  D
 -  Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County, California
Survey Area Data: Version 18, Sep 6, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2019—Jul 5, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
107	Bally-Phipps complex, 15 to 30 percent slopes	C	20.8	93.4%
161	Manzanita loam, 15 to 25 percent slopes	C	1.1	4.8%
197	Phipps complex, 30 to 50 percent slopes	C	0.1	0.3%
246	Wolfcreek gravelly loam	C	0.3	1.5%
Totals for Area of Interest			22.3	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

ATTACHMENT 3: PRISM CLIMATE PRECIPITATION 1985-2020

PRISM Time Series Data

Location: Lat: 38.9801 Lon: -122.6001 Elev: 1637ft

Climate variable: ppt

Spatial resolution: 4km

Period: 1895 - 2020

Dataset: AN81m

PRISM day definition: 24 hours ending at 1200 UTC on the day shown

Grid Cell Interpolation: On

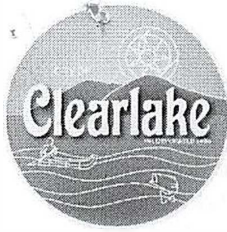
Time series generated: 2021-Dec-15

Details: http://www.prism.oregonstate.edu/documents/PRISM_datasets.pdf

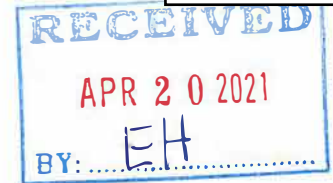
Date	ppt (inches)		
1895	33.65	average	27.64
1896	39.54	minimum	6.47
1897	26.51		
1898	15.11		
1899	36.11		
1900	24.89		
1901	26.3		
1902	34.57		
1903	26.85		
1904	43.01		
1905	23.19		
1906	43.23		
1907	35.8		
1908	18.8		
1909	45.52		
1910	17.49		
1911	33.98		
1912	20.54		
1913	26.32		
1914	31.28		
1915	35.75		
1916	30.09		
1917	13.05		
1918	20.66		
1919	23.08		
1920	29.95		
1921	24.21		
1922	27.56		
1923	14.72		
1924	21.12		
1925	26.24		
1926	34.62		
1927	28.56		
1928	20.66		
1929	15.35		
1930	17.43		

1931	25.08
1932	12.81
1933	20.93
1934	18.96
1935	25.57
1936	25.58
1937	34.51
1938	31.94
1939	12.69
1940	46.18
1941	45.3
1942	32.4
1943	21.32
1944	26.56
1945	29.34
1946	14.25
1947	16.85
1948	23.47
1949	16.87
1950	34.45
1951	29.85
1952	34.57
1953	21.29
1954	29.51
1955	25.11
1956	21.24
1957	30.94
1958	35.76
1959	20.72
1960	27.18
1961	20.09
1962	27.14
1963	28.56
1964	23.1
1965	26.03
1966	22.74
1967	27.62
1968	30.57
1969	34.17
1970	35.46
1971	17.75
1972	19.43
1973	41.75
1974	24.09
1975	24.4
1976	8.68
1977	19.26

1978	30.31
1979	35.13
1980	24.72
1981	31.37
1982	33.72
1983	62.59
1984	21.31
1985	16.74
1986	38.77
1987	27.96
1988	17.68
1989	21.03
1990	16.85
1991	24.17
1992	30.03
1993	36.44
1994	21.37
1995	55.6
1996	37.2
1997	30.3
1998	52.65
1999	23.63
2000	27.59
2001	36.25
2002	28.89
2003	33.03
2004	33.67
2005	39.24
2006	34.9
2007	13.72
2008	19.47
2009	17.74
2010	34.12
2011	23.3
2012	30.68
2013	6.47
2014	31.45
2015	18.12
2016	35.83
2017	43.81
2018	23.64
2019	43.4
2020	9.97



City of Clearlake
 14050 Olympic Drive, Clearlake, California 95422
 (707) 994-8201 Fax (707) 995-2653



DISTRIBUTION DATE: April 20, 2020

REQUEST FOR REVIEW (RFR)

	CITY DEPARTMENTS		LOCAL AGENCIES		STATE/FEDERAL AGENCIES
@	<i>Building Dept</i>	@	<i>Air Quality Management</i>	@	<i>CalTrans</i>
@	<i>Code Enforcement</i>	@	<i>Assessor's/Recorders Office</i>		<i>BLM</i>
@	<i>Police Department</i>	@	<i>Environmental Health Dept.</i>		<i>CA Dept. of Fish & Wildlife</i>
@	<i>Public Works/Engineering.</i>		<i>Lakebed Management</i>		<i>Army Core of Eng.</i>
		@	<i>Lake County Special Districts</i>		<i>U.S Fish & Wildlife Serv.</i>
			<i>Lake County Water Resources</i>	@	<i>Sonoma State (NWIC)</i>
			<i>Lake County Tax Collector</i>		<i>CHP</i>
@	<i>PG&E</i>		<i>Lake Transit</i>	@	<i>CA Dept. of Drinking Water</i>
			<i>Lake Area Planning Council</i>		<i>Cal Fire</i>
					<i>ABC</i>
			WATER DISTRICT		
			<i>Golden State Water</i>		CANNABIS PROJECTS
		@	<i>Konocti Water Co,</i>	@	<i>Cal Cannabis</i>
			<i>Highlands Water Co.</i>	@	<i>CA Dept. Public Health (Manufacturing)</i>
				@	<i>Bureau of Cannabis Control (retailers, distributors, 3rd party testing laboratories and microbusinesses)</i>

REQUEST: REQUEST: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by May 7, 2020. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

APPLICATIONS:

- UP 2021-23 – Cultivation
- UP 2021-24 – Manufacturing
- UP 2021-25 – Distribution
- UP 2021-26 – Processing
- UP 2021-27 – Retail Delivery
- UP 2021-28 – Nursery

LOCATION(S): 2160 Ogulin Canyon Road; Clearlake, CA 95422

APPLICANT: Ogulin Hills Holdings, LLC c/o Brian Pensack

APN(s): 010-044-210-000

LAND USE DESIGNATION(S): Commercial

GENERAL PLAN DESIGNATION(S): Commercial

PROPOSAL: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.**

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

- Proposed Structures:
 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

COMMENTS:

See attached memorandum

NAME: *Tina Rubin*

DATE: *5/28/21*



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



Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: Multiple Use Permits
Commercial Cannabis
APN: 010-044-21 2160 Ogulin Canyon Rd, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-21 – a 1974 septic permit 3402-S designed to service a 3 bedroom residence. The permit also indicates there is a well on the property.

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

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

Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

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

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

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

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



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

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

May 6, 2021

File No.: 20-2099

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

re: UP 2021-23, UP 2021-24, UP 2021-25, UP 2021-26, UP 2021-27, UP 2021-28 / APN 010-044-210, 2160 Ogulin Canyon Road / Ogulin Hills Holdings, LLC c/o Brian Pensack

Dear Mark Roberts,

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

Project Description: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. Hours of Operation: Monday Through Saturday: 8:00AM to 5:00PM. Up to 35 employees. Up to +/- 4 managers. Proposed Structures: 33,600 SQFT cannabis processing, manufacturing, and distribution building. 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space. Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each) Proposed Parking: +/- 46 Parking Spaces.

Previous Studies:

XX This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

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

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

Built Environment Recommendations:

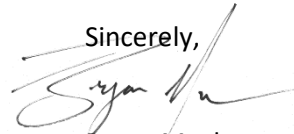
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

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

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

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

Sincerely,



Bryan Much
Coordinator

From: [Fahmy Attar](#)
To: [Mark Roberts](#)
Cc: [Doug Gearhart](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Monday, June 7, 2021 11:42:19 AM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mark,

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

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation

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

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

Best Regards,

Fahmy Attar

Air Quality Engineer
Lake County Air Quality Management District
2617 S. Main Street, Lakeport, CA, 95453
fahmya@lcaqmd.net

On Apr 20, 2021, at 10:44 AM, Mark Roberts <mroberts@clearlake.ca.us> wrote:

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.** If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021.** –

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

From: [Andrew White](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 10:05:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good Morning,

The Police Department opposes the application as presented for failing to demonstrate compliance with City Ordinances related to the proposed operation. Additionally, although the application seems to represent that a criminal history check has been completed and approved by me. I have not reviewed or approved any criminal history check with regards to this applicant.

The security plan, consisting of one sentence, is wholly inadequate and requires further review in the interest of public safety, health and welfare.

We look forward to the applicant submitting a complete application that sufficiently demonstrates compliance with the City Code. We are also open to meeting with the applicant to address any questions or concerns as they revise their submittal.

Thank you



Andrew White | *Chief of Police*
Clearlake Police Department
14050 Olympic Dr | Clearlake, CA 95422
(O) 707 994-8251 x301 | (C) 707 681-5688 | Dispatch: 707 994-8251



From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following:

Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021. –**

- Hours of Operation:
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 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75’ X 25’ (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,



Mark Roberts | Senior Planner

City of Clearlake

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

From: [Lori Baca](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 9:49:25 AM
Attachments: [image003.png](#)
[image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Parcel 010-044-210 is outside of any Special Districts service area, no impact.

Have a wonderful day!

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



From: Mark Roberts [mailto:mroberts@clearlake.ca.us]
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: [SUSPICIOUS MESSAGE] RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for**

From: kcwd@mchsi.com
To: [Mark Roberts](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Friday, April 23, 2021 9:48:03 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Konocti County Water District has no comments. This area is not in our district. Thank you, Frank.

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

From: "Mark Roberts" <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:44:30 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them no later than May 7th, 2021.

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· Proposed Structures:

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- o 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
- o Five (5) Greenhouse - Each greenhouse will be 75' X 25' (1,875 SQFT Each)

· Proposed Parking:

- o +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

From: [Mark Roberts](#)
To: [Gary Price](#)
Subject: FW: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Tuesday, April 12, 2022 9:24:00 AM
Attachments: [image003.png](#)
[image004.png](#)
[image006.png](#)

Bureau of Cannabis Control Comments for 2160 Ogulin Canyon RD

From: BCCLocalGov@DCA <BCCLocalGov@dca.ca.gov>
Sent: Tuesday, April 20, 2021 11:45 AM
To: Mark Roberts <mroberts@clearlake.ca.us>
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

This appears to be information related to an internal local process. The Bureau has no information to add to this.

Thank you,



Janet Zimmer
Local Liaison/Equity Manager
(916) 465-9057
www.bcc.ca.gov
<https://cannabis.ca.gov>



From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

[EXTERNAL]: mroberts@clearlake.ca.us

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

DO NOT: click links or open attachments unless you know the content is safe.

NEVER: provide credentials on websites via a clicked link in an Email.

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.** If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021.** –

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 - Five (5) Greenhouse – Each greenhouse will be 75’ X 25’ (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,



Mark Roberts | *Senior Planner*

City of Clearlake

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

Central Valley Regional Water Quality Control Board

13 May 2022

Mark Roberts
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
mroberts@clearlake.ca.us

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, OGULIN HILLS HOLDINGS, LLC - COMMERCIAL CANNABIS OPERATION PROJECT, SCH#2022040072, LAKE COUNTY

Pursuant to the State Clearinghouse's 4 April 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Ogulin Hills Holdings, LLC - Commercial Cannabis Operation Project, located in Lake County.

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

I. Regulatory Setting

Basin Plan

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

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

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

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

Antidegradation Considerations

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

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

In part it states:

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

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

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

II. Permitting Requirements

Cannabis General Order

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

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

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

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

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

Construction Storm Water General Permit

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

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

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

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

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

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

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

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

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

Industrial Storm Water General Permit

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

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

Clean Water Act Section 404 Permit

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

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

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

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

will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

May 12, 2022

Clearlake, City of
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

CITY OF CLEARLAKE (CITY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE OGULIN HILLS HOLDINGS, LLC- COMMERCIAL CANNABIS OPERATION PROJECT (PROJECT); SCH # 2022040072

Dear Mr. Mark Roberts:

Thank you for the opportunity to review the Mitigated Negative Declaration for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations (CCR) title 22, chapter 16 et. seq). The above referenced Project will require a new water supply permit.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the City's draft MND:

- The State Water Board regulates public water systems in Lake County. The Project will create a new public water system. On PDF page 5 under "23. Federal and State Agencies:" please list "State Water Resources Control Board, Division of Drinking Water".
- The Project will use an existing well that was drilled in late September/early October 2021 for domestic and irrigation water (PDF page 28). The water will be pumped from a 400+ gallon per minute well into a new 50,000-gallon elevated water tank for distribution (PDF page 28 & Appendix E). Will the water require treatment? Further describe any new water system infrastructure that will be installed as part of the Project.
- The document states on PDF page 38, that, "The project area to be developed is not located within the vicinity of known waterways nor is it located within a designated flood zone. Therefore, the risk of flooding/runoff, landslides, slope instability, or drainage changes would not be increased due to this project" (PDF page 38). However, there are several contradictory statements in the document:
 - "The report notes that a small riparian area is present on the subject parcel. Since Burns Valley Creek travels through the site and the creek will be impacted by the project, such as erosion, sedimentation, changes in drainage patterns." (PDF page 20)
 - "However, since improvements are being constructed within the creek wetlands located down-stream will be impacted." (PDF page 21)
 - "There will be modifications to the drainage pattern of Burns Valley Creek due to grading and introduction of parking improvements withing the Burns Valley

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Creek. These proposed improvements within the Burns Valley Creek area could impact and alter the existing drainage pattern of the site or the area, including the alteration of the course of a stream.” (PDF page 30)

- Project designs also show Burns Valley Creek runs through the Project site and the proposed driveway and parking area occur within Zone AE, a flood zone. (PDF page 4)

Please resolve the discrepancies in the document relating to potential impacts to waters of the state and discuss possible flooding impacts related to domestic water quality. Include best management practices and/or mitigation measures to reduce impacts to waters of the state as needed.

- The Project appears to have other water quality concerns that should be addressed. Please coordinate with the following contacts to address waste discharge water quality issues and the Project permitting requirements, before going to construction:

Division / Unit	Project Issues/ Concerns	Permit	Contact	Phone Number	Email
State Water Board, Division of Water Quality (DWQ), NPDES Industrial and Construction Stormwater Unit	Stormwater Construction Impacts for construction that disturbs greater than one acre of soil	General Stormwater NPDES permit	Brandon Roosenboom	(916) 341-5566	Brandon.Roosenboom@waterboards.ca.gov & stormwater@waterboards.ca.gov
Central Valley Regional Water Quality Control Board (Central Valley Water Board, Redding), Cannabis Regulation and State Water Board, DWQ	Discharge impacts for cannabis operations	Cannabis Cultivation Waste Discharge Permit	Janae Fried	(530) 224-3291	Janae.Fried@waterboards.ca.gov & CannabisWR@waterboards.ca.gov
Central Valley Water Board, Sacramento, Non-15 Permitting	Small domestic wastewater treatment systems over 10,000 gallons per day	General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, WQO 2014-0153-DWQ	Lani Andam	(916) 464-4723	Lani.Andam@waterboards.ca.gov

Once the MND is adopted, please forward the following items in support of the new water system's permit application to the State Water Board, DDW Mendocino District Office at DWPDIST03@waterboards.ca.gov:

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- Copy of the stamped Notice of Determination filed at the Lake County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding State Water Board CEQA comments.

Sincerely,

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Zachary Rounds
State Water Board, DDW
Mendocino District
District Engineer

Brandon Roosenboom
State Water Board, DWQ
NPDES Industrial and Construction Stormwater Unit
Water Resources Control Engineer

Landi Andam
Central Valley Regional Board, Sacramento
Non 15 Permitting
Water Resources Control Engineer

Janae Fried
Central Valley Regional Board, Redding
Cannabis Regulation
Engineering Geologist



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

Jonathan Portney
Health Services Director

Jennifer Baker
Deputy Health Services Director

Erik McLaughlin, MD, MPH
Public Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: April 12, 2022
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: Multiple Use Permits
Commercial Cannabis
APN: 010-044-21 2160 Ogulin Canyon Rd, Clearlake

Since the initial review completed on May 28, 2021 (see below) a field clearance was performed on September 9, 2021 and it was determined that a minor repair would be required to ensure the existing septic tank is water and vapor proof; septic abandonment permits (19157 D and 19158 D) was issued and final via photos completed on September 22, 2021 for buildings being removed and to abandon gray water system; a well permit (WE 5718 AG) for an AG well was issued September 28, 2021.

Initial Review dated May 28, 2021

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-21 – a 1974 septic permit 3402-S designed to service a 3 bedroom residence. The permit also indicates there is a well on the property.

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

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

Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

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

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

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

Tina Rubin

From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Monday, April 4, 2022 2:14 PM
Subject: [SUSPICIOUS MESSAGE] Notice of Intent - 2160 Ogulin Canyon Rd (Cannabis Operation)
Attachments: image001_png was removed from this message; Final Draft CEQA for 2160 Ogulin Canyon -NOI Circulation_pdf was removed from this message; Attachment A - Project Description_pdf was removed from this message; Attachment B - Proposed Grading and Site Plans_pdf was removed from this message; Attachment C – Biological AssessmentReport_pdf was removed from this message; Attachment D - Agency Comments_pdf was removed from this message; Attachment E - Water Availability Report_pdf was removed from this message; Attachment F - Traffic Impact Report_pdf was removed from this message; Attachment G - Technical Memorandum – Ground Water Hydrology_pdf was removed from this message

Importance: High



This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.

Good Afternoon,

Notice is hereby given that the City of Clearlake has tentatively determined that the project described below will not result in a significant adverse impact on the environment and that, in accordance with the California Environmental Quality Act, the City is prepared to issue a “mitigated negative declaration” in accordance with the California Environmental Quality Act (CEQA).

Project Summary: The proposed project includes development of industrial style structures to be used for cannabis related facilities including a 33,600 ft.² single story building and a 5,000 ft.² office building that will also serve as the administrative center/cannabis delivery and storage space. Five - 75’ x 25’ greenhouses for indoor cannabis cultivation will be developed. The amount of paved surface area will include 22,660 square feet of parking lot. Specific project uses are to include: 1. Cannabis cultivation/processing; 2. Cannabis manufacturing; 3. Cannabis distribution; 4. Cannabis nursery. For a detailed description of the project, please refer to the link below.

Project Location: 2160 Ogulin Canyon Road, Clearlake, CA 95422, Assessor Parcel Number (APN): 010-044-21.

This tentative determination is based on an environmental study that assesses the project’s potential environmental impacts and those potential impacts have been reduced to less than significant levels with the incorporated mitigation measures. Anyone can review this study at Clearlake City Hall, 14050 Olympic Drive, Clearlake, CA 95901, during normal business hours or by downloading from the State Clearinghouse Website at: (I have also attached a Complete Initial Packet above for your convenience.

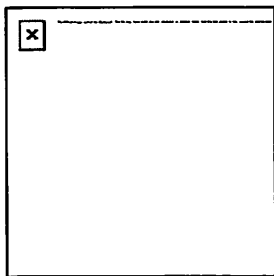
- <https://ceqanet.opr.ca.gov/>

Final environmental determinations are made by the decision-making body, which, in this case would be the City of Clearlake, Planning Commission. The public review period for this notice will remain open for a period of at least 30 days from the publication of this **Notice (04/07/2022), until (05/13/2022)**. For more information, please call (707) 994-8201 during normal business hours of City Hall (Monday through Thursday – 8am to 5pm). During

this period written comments on the project and the proposed mitigated negative declaration may
You may also submit comments via email at mroberts@clearlake.ca.us (**Please Note: All comments must be received no later than May 13, 2022 by 5pm).**

City of Clearlake
Planning Department
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

Published Date: April 4, 2022



Mark Roberts | *Senior Planner*
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201



City of Clearlake
14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

RECEIVED
APR 20 2021
BY: EH

DISTRIBUTION DATE: April 20, 2020

REQUEST FOR REVIEW (RFR)

CITY DEPARTMENTS	LOCAL AGENCIES	STATE/FEDERAL AGENCIES
@ Building Dept	@ Air Quality Management	@ CalTrans
@ Code Enforcement	@ Assessor's/Recorders Office	BLM
@ Police Department	@ Environmental Health Dept.	CA Dept. of Fish & Wildlife
@ Public Works/Engineering.	Lakebed Management	Army Core of Eng.
	@ Lake County Special Districts	U.S Fish & Wildlife Serv.
	Lake County Water Resources	@ Sonoma State (NWC)
OTHER AGENCIES	Lake County Tax Collector	CHP
@ PG&E	Lake Transit	@ CA Dept. of Drinking Water
	Lake Area Planning Council	Cal Fire
		ABC
	WATER DISTRICT	
	Golden State Water	CANNABIS PROJECTS
	@ Konocti Water Co.	@ Cal Cannabis
	Highlands Water Co.	@ CA Dept. Public Health (Manufacturing)
		@ Bureau of Cannabis Control (retailers, distributors, 3 rd party testing laboratories and microbusinesses)

REQUEST: REQUEST: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by **May 7, 2020**. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

APPLICATIONS:

- UP 2021-23 – Cultivation
- UP 2021-24 – Manufacturing
- UP 2021-25 – Distribution
- UP 2021-26 – Processing
- UP 2021-27 – Retail Delivery
- UP 2021-28 – Nursery

LOCATION(S): 2160 Ogulin Canyon Road; Clearlake, CA 95422

APPLICANT: Ogulin Hills Holdings, LLC c/o Brian Pensack

APN(s): 010-044-210-000

LAND USE DESIGNATION(S): Commercial

GENERAL PLAN DESIGNATION(S): Commercial

PROPOSAL: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.**

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

- Proposed Structures:
 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

COMMENTS:

See attached memorandum

NAME: *Lina Rubin*

DATE: *5/28/21*



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

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: Multiple Use Permits
Commercial Cannabis
APN: 010-044-21 2160 Ogulin Canyon Rd, Clearlake

Lake County Division of Environmental Health (EH) has on file for the subject parcel:
APN: 010-044-21 – a 1974 septic permit 3402-S designed to service a 3 bedroom residence. The permit also indicates there is a well on the property.

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

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

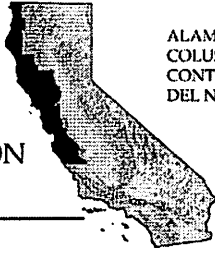
Due to the limited documentation on file for this parcel, a field clearance will be required to validate septic or well locations prior to site plan approval.

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

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

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

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.568.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

May 6, 2021

File No.: 20-2099

Mark Roberts, Senior Planner
City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

re: UP 2021-23, UP 2021-24, UP 2021-25, UP 2021-26, UP 2021-27, UP 2021-28 / APN 010-044-210, 2160 Ogulin Canyon Road / Ogulin Hills Holdings, LLC c/o Brian Pensack

Dear Mark Roberts,

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

Project Description: The applicant is requesting approval of the above use permits to allow the development of a commercial cannabis operation. Hours of Operation: Monday Through Saturday: 8:00AM to 5:00PM. Up to 35 employees. Up to +/- 4 managers. Proposed Structures: 33,600 SQFT cannabis processing, manufacturing, and distribution building. 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space. Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each) Proposed Parking: +/- 46 Parking Spaces.

Previous Studies:

XX This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

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

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

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

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

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

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

Sincerely,

Bryan Much
Coordinator

From: [Fahmy Attar](#)
To: [Mark Roberts](#)
Cc: [Doug Gearhart](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Monday, June 7, 2021 11:42:19 AM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mark,

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

1. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads.
2. Any manufacturing or delivery Cannabis operations must comply with LCAQMD rules and regulations. An application must be submitted. Contact LCAQMD for more details.
3. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
4. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
5. If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
6. All engines must notify LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
7. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation

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

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

Best Regards,

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

On Apr 20, 2021, at 10:44 AM, Mark Roberts <mroberts@clearlake.ca.us> wrote:

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: **Please refer to attached packet, site plans and architectural plans for further details.** If you have any concerns and/or comments on the project, please submit them **no later than May 7th, 2021.** –

- Hours of Operation:
 - Monday Through Saturday: 8:00AM to 5:00PM.
 - Up to 35 employees
 - Up to +/- 4 managers

- Proposed Structures:
 - 33,600 SQFT cannabis processing, manufacturing, and distribution building
 - 5,000 SQFT office building that will also serve as the administrative center and the cannabis delivery and storage space.
 - Five (5) Greenhouse – Each greenhouse will be 75' X 25' (1,875 SQFT Each)

- Proposed Parking:
 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,

<image001.png>

Mark Roberts | *Senior Planner*
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201

<RFR - All Agencies 2160 Ogulin Canyon RD.pdf>

From: [Andrew White](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 10:05:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good Morning,

The Police Department opposes the application as presented for failing to demonstrate compliance with City Ordinances related to the proposed operation. Additionally, although the application seems to represent that a criminal history check has been completed and approved by me. I have not reviewed or approved any criminal history check with regards to this applicant.

The security plan, consisting of one sentence, is wholly inadequate and requires further review in the interest of public safety, health and welfare.

We look forward to the applicant submitting a complete application that sufficiently demonstrates compliance with the City Code. We are also open to meeting with the applicant to address any questions or concerns as they revise their submittal.

Thank you



Andrew White | *Chief of Police*
Clearlake Police Department
14050 Olympic Dr | Clearlake, CA 95422
(O) 707 994-8251 x301 | (C) 707 681-5688 | Dispatch: 707 994-8251



From: Mark Roberts <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following:

Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them no later than May 7th, 2021. –

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-

- Proposed Parking:
 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,



Mark Roberts | Senior Planner
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201

From: [Lori Baca](#)
To: [Mark Roberts](#)
Subject: RE: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Wednesday, April 28, 2021 9:49:25 AM
Attachments: [image003.png](#)
[image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Parcel 010-044-210 is outside of any Special Districts service area, no impact.

Have a wonderful day!

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



From: Mark Roberts [mailto:mroberts@clearlake.ca.us]
Sent: Tuesday, April 20, 2021 10:45 AM
Subject: [SUSPICIOUS MESSAGE] RFR - 2160 Ogulin Canyon road Cannabis Project
Importance: High

This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following:
Please refer to attached packet, site plans and architectural plans for

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 - +/- 46 Parking Spaces

If you have any questions and/or need additional information, please let me know.

Sincerely,



Mark Roberts | *Senior Planner*
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201

From: kcwd@mchsi.com
To: [Mark Roberts](#)
Subject: Re: RFR - 2160 Ogulin Canyon road Cannabis Project
Date: Friday, April 23, 2021 9:48:03 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Konocti County Water District has no comments. This area is not in our district. Thank you, Frank.

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

From: "Mark Roberts" <mroberts@clearlake.ca.us>
Sent: Tuesday, April 20, 2021 10:44:30 AM
Subject: RFR - 2160 Ogulin Canyon road Cannabis Project

Good Morning,

I hope you are well. This email is in regards to the proposed project/development located at 2160 Ogulin Canyon Road; Clearlake, CA 95422. The applicant is requesting approval of multiple use permits to allow the development of a commercial cannabis operation. According to the application packet, the project includes but is not limited to the following: Please refer to attached packet, site plans and architectural plans for further details. If you have any concerns and/or comments on the project, please submit them no later than May 7th, 2021.

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If you have any questions and/or need additional information, please let me know.

Sincerely,

[cid:image001.png@01D735CE.BED42BF0]
Mark Roberts | Senior Planner
City of Clearlake
14050 Olympic Drive | Clearlake, CA 95422
707-994-8201

RECORDING REQUESTED BY AND WHEN RECORDED MAILTO:

City of Clearlake
14050 Olympic Dr.
Clearlake, CA 95422
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recording Fee Exempt per Government Code §27383

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this 13th day of December 2022 (the "Execution Date"), by and between the CITY OF CLEARLAKE, a California municipal corporation ("City") and Brian Pensack, Manager Ogulin Hills Estates, LLC ("Owner").

RECITALS

- A. The State of California enacted California Government Code Sections 65864 et seq. ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.
B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
C. Owner owns an approximately +/- 9.56 acres acre property at 2160 Ogulin Canyon Road, Clearlake, CA, Assessor's Parcel No. 010-044-21-000 and proposes development and operation of cannabis Processing - No Cultivation and/or Nursery Activities will occur onsite); manufacturing, distribution, and retail delivery with development of related facilities as described in more detail per development applications submitted to the City of Clearlake, on file with the City of Clearlake Community Development Department.
D. Owner intends to operate a cannabis facility and operation. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 et seq.) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General (the "AG Guidelines"), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA"), creating a unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the "California Cannabis Laws"). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the facility and operations.

- E. Ultimately, Owner intends to obtain state licenses issued pursuant to MAUCRSA to operate cannabis facilities at the Site, once such licenses are being issued.
- F. Owners presently intend to develop and open a cannabis operation on the Site consistent with the California Cannabis Laws and Project Approvals (known as the “Project”).
- G. Owner applied to City for a development agreement and will subsequently need to obtain special use permits and regulatory permits for the Project. This Agreement, and the special use and regulatory permits, when and if issued by the City, shall collectively be referred to as “Project Approvals”.
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted a Zoning Ordinance permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual fee based on the gross revenue of the operations, and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.
- K. All procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied as the project is categorically exempt under CEQA guidelines sec. 15301, for modification of existing facilities.
- L. City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City’s General Plan, zoning code and municipal ordinances.
- M. City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement; *i.e.*, assuring Owner that it will enjoy the development rights.
- N. The City agrees that Owner’s land use entitlements for the Project shall vest for the term of this Agreement as described below.
- O. After conducting a duly noticed hearing on **December 13th, 2022**, in conjunction with certain amendments and additions to the City’s Municipal Code, the Planning Commission of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.

P. After conducting a duly noticed hearing on **December 13th, 2022**, in conjunction with amendments and additions to the City’s Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

1. **Binding Effect of Agreement.** The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and shown in **Exhibit B (Site Map)** and incorporates by reference all Development Approvals approved by the City for the Site. Except as otherwise provided in Section 15 of this Agreement, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word “Owner” as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. **Relationship of the Parties.** It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. **Term.** Except as otherwise specified herein, the term of this Agreement (the “Term”) is 3 years from the date the Owner begins commercial operation at the Project Site (“Operation Date”). The Operation Date shall be no later than 12 months following the Execution Date. The Term shall generally be subject to earlier termination or extension as hereinafter provided.

3.1 **Term Extension – Third Party Issues.** Notwithstanding the Parties’ expectation that there will be no limit or moratorium upon the Project’s development or the issuance of building or other development related permits (a “Development Limitation”) during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 **Litigation.** Any third party-initiated litigation that arises from or is related to any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project’s development, or third party- initiated litigation having the actual effect of delaying the Project’s development. This extension period related hereto shall include any time during which appeals may be filed or are pending.

3.1.2 **Government Agencies.** Any delay arising from or related to the act(s) or omission(s) any third-party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project's development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, that both of the conditions listed in subparts 3.2.1 and

3.2.2 below have been fully satisfied are the Owner is in full compliance:

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City's satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above for a seven-year term extension, this Agreement's Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to engage in the Project activities at the Project Site, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. "Certified Report" shall mean a detailed document prepared by Owner on a form acceptable to the City's Director of Finance to report to the City the gross receipts of the Project's operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly-authorized officer of Owner.

4.2. Development Approvals. "Development Approvals" means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. "Production Fee" shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, in the amount of 5% of gross sales from operations.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days

past due will constitute a breach subject to Section 20 of this agreement.

4.6. Semi-Annual Production Fee. The semi-annual Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.7. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. “Land Use Regulations” do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.7.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.7.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement;

4.7.3. The control and abatement of nuisances;

4.7.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.7.5. The exercise of the power of eminent domain.

4.8. “Existing Land Use Regulations” means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.9. “Gross Receipts” means 5% (five percent) for 1) wholesale and retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City’s entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner’s compliance with this Agreement, California Cannabis Laws and the City’s municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. Annual payments of the Facility Fee by Owner to the City. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen and sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City's Finance Director and a payment for the Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Tenants and/or any operator of the facility. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner's submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at Owner's expense, of Owner records regarding Certified Reports and the Production Fees. The City's Finance Director shall provide at least seven (7) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants' operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee, Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City's Director of Finance in addition to all costs of the audit, including city staff time and outside consultants. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner's subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.

8.2. Enhanced Design Requirement. Owner shall submit a design plan for the building and site, for review and approval by the Planning Director, which shall incorporate at a minimum upgraded fencing and landscaping improvements consistent with the Community Character and Design Policies in the City's General Plan.

8.3. Maintain & Operate Project. Owner shall maintain and operate the Project on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.

8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the "Indemnified Parties") harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys' fees and costs), damages (including, without limitation, consequential damages), claims and liabilities arising from the Project, this Agreement, the approval of the Project, and the activities of Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

9.2. Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

9.3. Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b) payment of the usual and customary fees and charges of general application charged for the processing of such applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

9.4. Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

10.1. Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2. Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3. Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any

proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or Project. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 10.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the processing of applications for development and construction upon the Site so long as such fees and charges are of general application and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is reasonably required in order to prevent a condition dangerous to the public health or safety; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees permitted by, Section 4.1; or (v) it is otherwise expressly permitted by this Agreement. The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays, Superseded by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder as soon as possible

after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 2.1 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized upon consultation with the Owner, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair or interfere with the right of City to require the processing of building permits as required by law relating to any specific improvements proposed for the Project pursuant to the applicable provisions of the City's municipal code, inclusive of such California and International Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however, no such permit processing shall authorize or permit City to impose any condition on and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributees, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement ("Assignable Rights") to a third party, a subordinate entity, or a related entity (make an "Assignment") without the prior written consent of City in each instance, which consent may be withheld in City's sole discretion. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City's prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner's good faith compliance

with its terms (the “Periodic Review”). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and subsection 3.2 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile (“Fax”) machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake 14050
Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones & Mayer, City Attorney 8150 Sierra

College Blvd., Suite 190
Roseville California 95661
Attention: Ryan R. Jones, Esq.

If to Owner: Ogulin Hills Estates, LLC
637 Lindaro St., Suite 201
San Rafael, CA 94901

Notices sent in accordance with this Section shall be deemed delivered upon the: (a) date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); (b) date of actual receipt (if personally delivered by other means); (c) date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or (d) date of delivery as indicated on the return receipt (if sent by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner’s rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner’s rights under this Agreement. Default by any Assignee or Owner’s successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner’s rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable

harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: (a) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and (b) acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrances of all or any portion of the Site. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device ("Mortgage") securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns ("Mortgagee") shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder. No Mortgagee will be liable for any monetary defaults arising prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will terminate the Agreement and Mortgagee's right to operate.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee's acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City's written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement ("Successors"). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's

and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this Agreement's provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Jointly Drafted. It is agreed among the parties that this Agreement was jointly negotiated and jointly drafted by the Parties and their respective counsel, and that it shall not be interpreted or construed in favor of or against any party solely on the ground that it drafted the Agreement. It is also agreed and represented by all Parties that said Parties were of equal or relatively equal bargaining power and that in no way whatsoever shall this Agreement be deemed to be a contract of adhesion, or unreasonable or unconscionable.

39. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

40. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this

Agreement.

41. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

“CITY”

CITY OF CLEARLAKE, CA a California
Municipal Corporation

Date: <Insert date and year >

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones & Mayer

By: _____

Ryan R. Jones, Esq.

City Attorney

“OWNER”

Ogulin Hills Estates, LLC, Brian D. Pensack,
Manager

Date: _____, _____

By: _____

Brian D. Pensack, Manager

EXHIBIT A LEGAL DESCRIPTION

ISSUED BY THE COUNTY CLERK OF THE COUNTY OF LAKE

Doc # 2021003188
Page 1 of 2
Date: 2/23/2021 11:39A
Filed by: FIRST AMERICAN TITLE
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$627.50

RECORDING REQUESTED BY:
First American Title Company

MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:
OGULIN ESTATES HOLDINGS LLC
637 Lindero St, Suite 201
San Rafael, Ca 94901

Space Above This Line for Recorder's Use Only

A.P.N.: 010-044-21-00

File No.: 1701-6465534 (KH)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$610.50; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$
[X] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [X] City of Clearlake, and
EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **MISTY M. SPRINGER, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY**

hereby GRANTS to **OGULIN ESTATES HOLDINGS LLC, a Delaware limited liability company**

the following described property in the City of **Clearlake**, County of **Lake**, State of **California**:

PARCEL B AS SHOWN ON A MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON JULY 17, 1987, IN BOOK 29 OF PARCEL MAPS AT PAGES 30 AND 31.

Mail Tax Statements To: **SAME AS ABOVE**

8

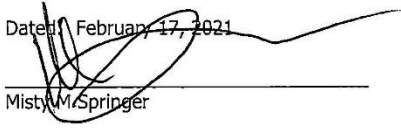
Grant Deed - continued

Date: **02/17/2021**

A.P.N.: 010-044-21-00

File No.: 1701-6465534 (KH)

Dated February 17, 2021


Misty M. Springer

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Lake)

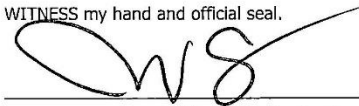
On February 18, 2021 before me, Robert K. Crosby, Notary Public, personally appeared Misty M. Springer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal.


Notary Signature Robert K. Crosby

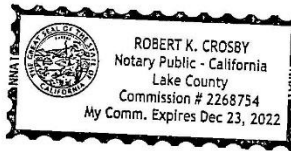
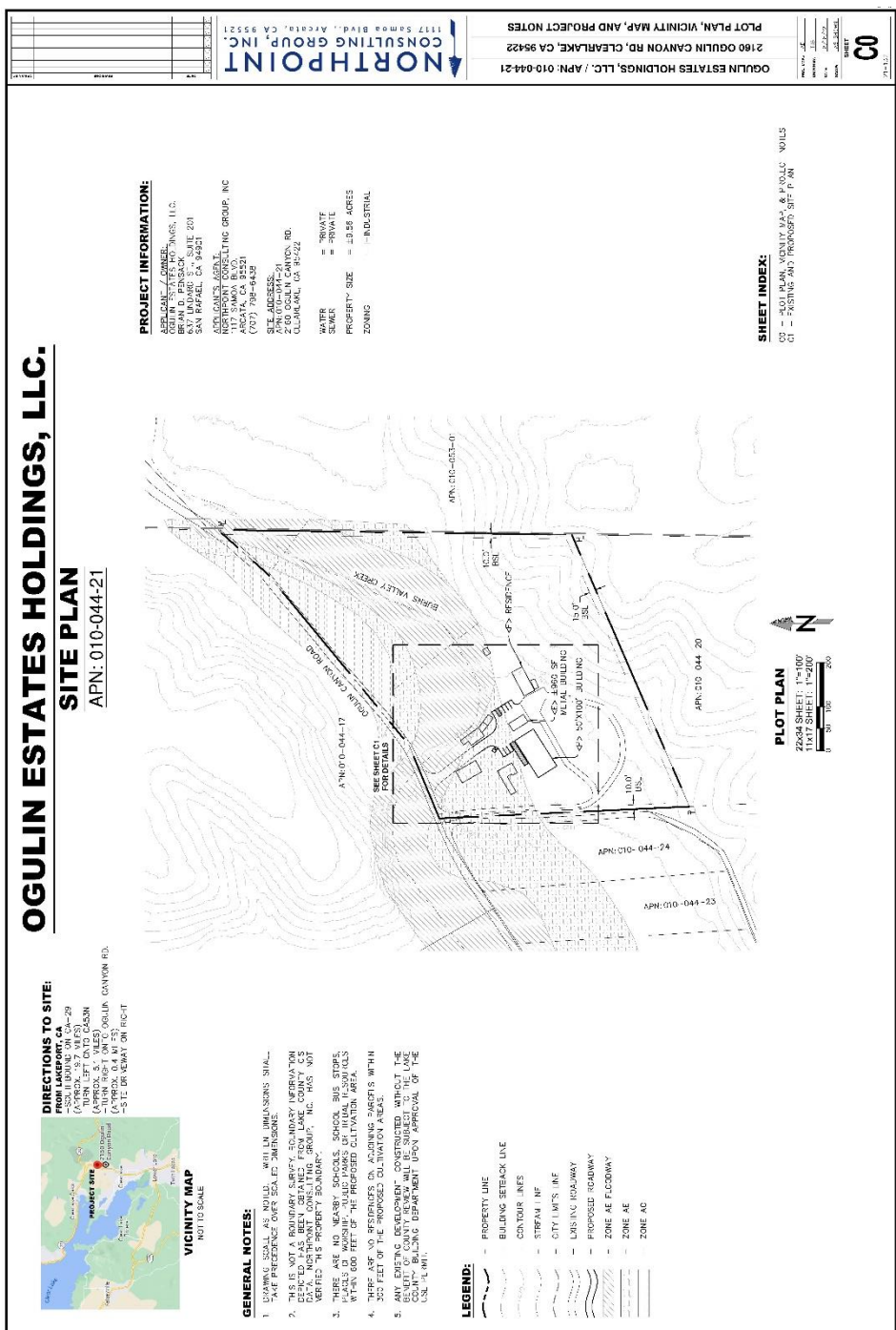
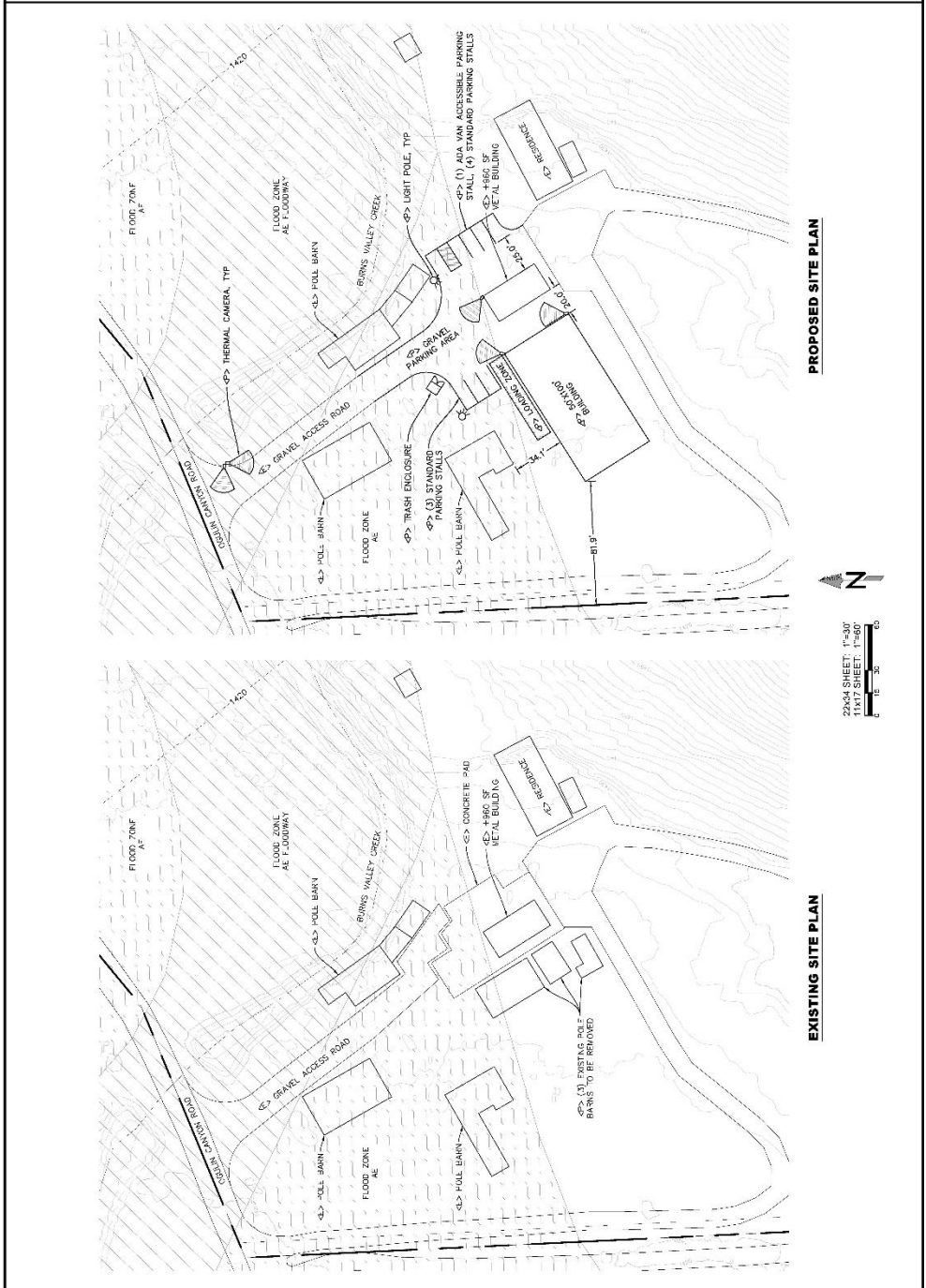
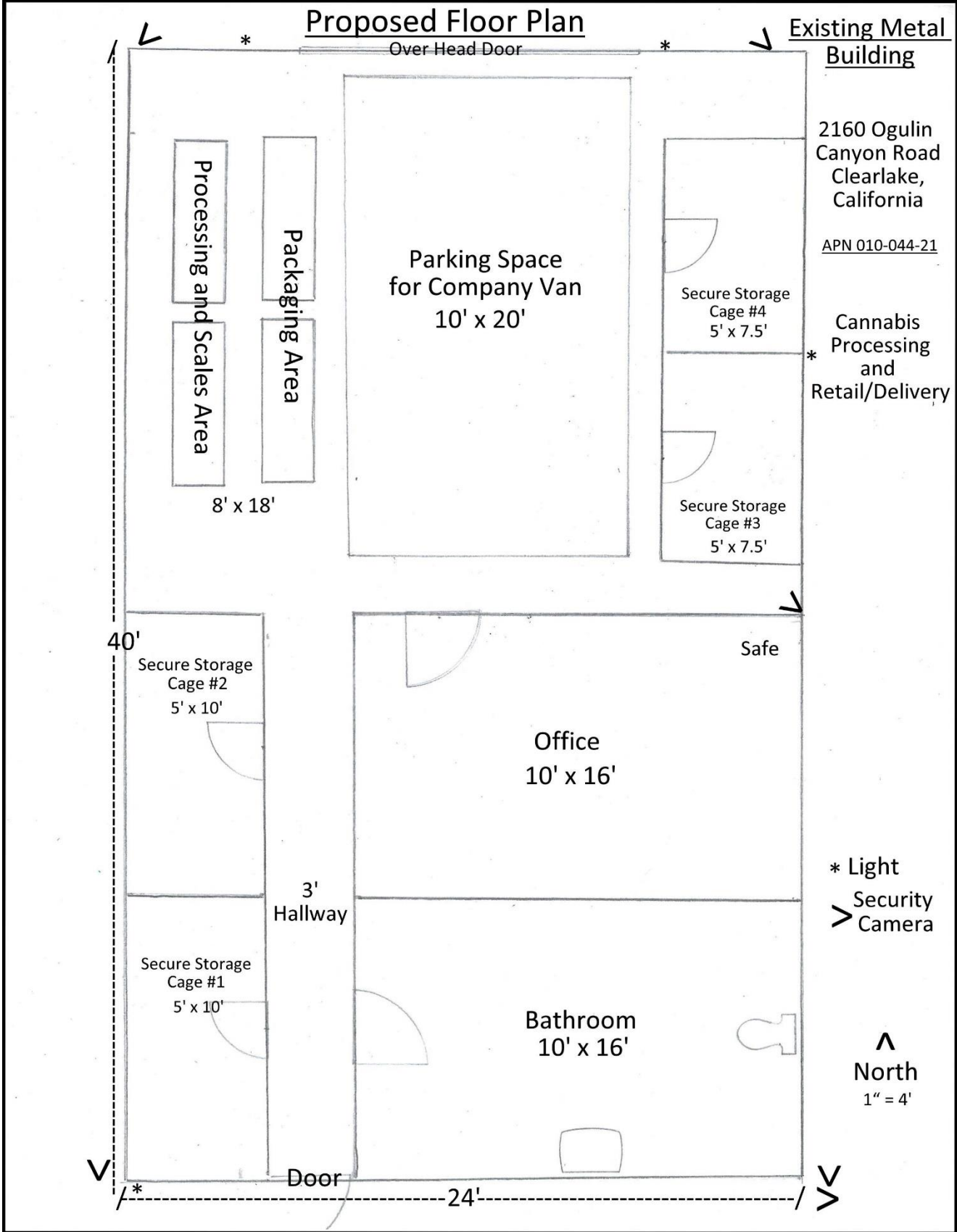


EXHIBIT B – SITE PLANS



<p>NORTHPOINT CONSULTING GROUP, INC. 117 SERRA BLDG., AUBURN, CA 95621</p>		<p>OGULIN ESTATES HOLDINGS, LLC. / APN: 010-044-21 2160 OGULIN CANYON RD., CLEARLAKE, CA 95422</p>	
<p>DATE: 07/2017 SCALE: AS SHOWN</p>		<p>PROJECT: 2160 OGULIN CANYON RD. / APN: 010-044-21 SHEET: 15</p>	





ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____ }

On _____ before me,

(insert name and title of the officer)

personally _____ appeared
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary



City of Clearlake –Notice of Intent to Adopt a Mitigated Negative Declaration

Notice is hereby given that the City of Clearlake has tentatively determined that the project described below will not result in a significant adverse impact on the environment and that, in accordance with the California Environmental Quality Act, the City is prepared to issue a “mitigated negative declaration” in accordance with the California Environmental Quality Act (CEQA).

Project Summary: The proposed project includes development of industrial style structures to be used for cannabis related facilities including a 33,600 ft.² single story building and a 5,000 ft.² office building that will also serve as the administrative center/cannabis delivery and storage space. Five - 75’ x 25’ greenhouses for indoor cannabis cultivation will be developed. The amount of paved surface area will include 22,660 square feet of parking lot. Specific project uses are to include: 1. Cannabis cultivation/processing; 2. Cannabis manufacturing; 3. Cannabis distribution; 4. Cannabis nursery. For a detailed description of the project, please refer to the link below.

Project Location: 2160 Ogulin Canyon Road, Clearlake, CA 95422, Assessor Parcel Number (APN): 010-044-21.

This tentative determination is based on an environmental study that assesses the project’s potential environmental impacts and those potential impacts have been reduced to less than significant levels with the incorporated mitigation measures. Anyone can review this study at Clearlake City Hall, 14050 Olympic Drive, Clearlake, CA 95901, during normal business hours or by downloading from the State Clearinghouse Website at: (I have also attached a Complete Initial Packet above for your convenience.

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

Final environmental determinations are made by the decision-making body, which, in this case would be the City of Clearlake, Planning Commission. The public review period for this notice will remain open for a period of at least 30 days from the publication of this **Notice (04/04/2022), until (05/13/2022)**. For more information, please call (707) 994-8201 during normal business hours of City Hall (Monday through Thursday – 8am to 5pm). During this period written comments on the project and the proposed mitigated negative declaration may be addressed. You may also submit comments via email at mroberts@clearlake.ca.us (**Please Note: All comments must be received no later than May 13, 2022 by 5pm**).

City of Clearlake
Planning Department
Attn: Mark Roberts
14050 Olympic Drive
Clearlake, CA 95422

Published Date: April 4, 2022

**CITY OF CLEARLAKE
PUBLIC HEARING NOTICE
PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the City of Clearlake Planning Commission will hold a public hearing at a regularly scheduled meeting on **Tuesday, December 13th, 2022, at 6:00 p.m.** or soon thereafter in the City Council Chambers at City Hall, 14050 Olympic Drive, Clearlake, CA., to consider:

- *Conditional Use Permit Applications CUP 2022-03 (Processing – No Cultivation and/or Nursery Activities will occur onsite); CUP 2022-04 (Manufacturing), CUP 2022-05 (Distribution), CUP 2022-06 (Retail Dispensary; Delivery Only); Development Agreement and corresponding Environmental Analysis (CEQA IS 2022-02) to allow a Commercial Cannabis Operations located at 2160 Ogulin Canyon Road; Clearlake, CA 95422 further described as Assessor Parcel Number 010-044-21*

If you would like to comment remotely, please send all comments to Senior Planner Mark Roberts at mroberts@clearlake.ca.us prior to the commencement of the meeting and be sure to identify the subject you wish to comment on in the subject line.

The Council Chambers are open to the public and members of the public may also participate via Zoom (*link to be circulated with agenda materials*). Please contact the Community Development Department for any additional information or questions, available by phone at (707) 994-8201.

The City of Clearlake does not discriminate in housing or employment on the basis of race, religion, sex, age, national origin, or disability. The location of the public hearing is fully accessible to mobility-impaired individuals. In compliance with the Americans with Disabilities Act, the City of Clearlake encourages those with disabilities to participate fully in the public hearing process. If you require special accommodations in order for you to participate in this public meeting process, please contact the City Clerk at (707) 994-8201 or by e-mail at mswanson@clearlake.ca.us in advance of the public hearing so that we may make every reasonable effort to accommodate you.

POSTED: Saturday, December 3rd, 2022



City of Clearlake
 Conditional Use Permit
 Planning Commission

STAFF REPORT	
SUBJECT: Conditional Use Permit, CUP 2024-01 Categorical Exemption, CE 2024-03	MEETING DATE: 07/09/2024 6:00 p.m.
SUBMITTED BY: Michael Taylor, Associate Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only	
LOCATION: 15176 Lakeshore Drive Clearlake, CA 95422	APPLICANT: Maria Veronica Onate Solis (Monterrey Mexican Grill and Bar)
APN: 040-330-37	PROPERTY OWNER: Raymond Choy Lakeshore Drive II, LLC
ZONING: General Commercial (GC)	GENERAL PLAN: Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider Conditional Use Permit, CUP 2024-01, and corresponding environmental filing, Categorical Exemption, CE 2024-03 to allow live music and disk jockey entertainment within the Monterrey Mexican Grill and Bar located at 15176 Lakeshore Drive, Clearlake, CA.



SUMMARY:**Highlands Center Shopping Center**Business Types

Monterrey Mexican Grill and Bar Restaurant, also known as Tequila's Mexican Grill, is within the Highlands Center Shopping Mall, which fronts the Lakeshore Drive General Commercial Corridor.

Highlands Center comprises a variety of tenant spaces including multi-tenant lease spaces. The businesses that currently occupy the tenant spaces include medical offices, general offices, grocery, restaurant, salon, and apparel stores.

Surrounding Uses

Within 300 feet of Highlands Center property line are a mix of uses including residential to the north and west, and general commercial to the south and east along Lakeshore. Redbud Park is approximately 800 feet to the southwest of the restaurant.

Access and Parking

Primary vehicular access is from Lakeshore Drive and Old Highway 53. West 40th Street, an east west local collector road, serves as primary access to residential neighborhoods to the north and as well as secondary access to Highlands Center. Monterrey Mexican Grill backs onto West 40th Street. There are approximately 330 total parking spaces in the shopping center with about 105 parking spaces within 300 feet of the restaurant.

Monterrey Mexican Grill and BarCurrent Operation

Operating since 2013, also known as Tequila's Mexican Grill & Bar, the restaurant is comprised of two (2) tenant spaces sharing a common wall and pass through. Each tenant space is approximately 2,700 square feet for a total floor area of 5,400 square feet (Attachment 2, Page 13).

The west tenant space currently serves as the as the main restaurant which includes food storage, preparation, server station, and dining space while the east tenant space includes full bar and additional dining area. The maximum capacity for the main restaurant is 75 people, and 145 people for the full bar space according to a recent fire inspection report by the Lake County Fire Protection District.

The applicant currently holds a California Department of Alcoholic Beverage Control type 47-On-Sale General-Eating Place license which authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises, and must operate and maintain the licensed premises as a bona fide eating place. The license expires on August 31, 2024.

The current hours of operation are daily 11:00 a.m. to 1:30 a.m., closed on Tuesdays.

Proposed Live Music

The applicant proposes to add live music to the existing restaurant and bar operations. A stage for bands, dance floor, and 13 VIP tables, would be in the tenant space for the existing bar, and a disk jockey stage and second dance floor would be in the main restaurant (Attachment 2, page 11). Food, beverages, beer, wine and distilled spirits will be available during the live music.

Hours of Live Music:	Friday and Saturday only, 9:00 p.m.-1:30 a.m.
Expected Customers:	Up to 210 per day
Peak Shift Employees:	10
Valet Parking:	None

According to the applicant security will be provided during the live music by one or more security companies, with up to four (4) security guards during the live music, depending on the number of customers. The applicant will station a security guard at the entrance checking identification and handheld metal detector, second guard patrolling the bar and restaurant, and third at the restrooms and second entrance. See Attachment 2, page 9-10.

Security companies that the applicant has contracted with in the past:

- Park Security
- Classic Security and Event Services
- Professional Event Services, Inc.

Temporary Use Permits

Live music events were approved in the past by temporary use permit. No nuisance reports or violations were reported in conjunction with the permits.

AGENCY REVIEW

A request for review (RFR) was distributed by email on April 10, 2024, to applicable city departments and county agencies, and were asked to provide and submit comments by April 26, 2024. During the review period, the city received the following comments:

The County of Lake Environmental Health Division provided comments related to food safety certifications and knowledge of food safety principles and practices. Please see Attachment 3, Environmental Health Memorandum.

The Lake County Fire Protection District provided comments regarding corrections needed from an inspection conducted on April 2, 2024. Please see Attachment 3, Fire Inspection Report.

MUNICIPAL CODE

Zoning

Pursuant to Chapter 18-18 Use Regulations, Section 18-18.010 Uses Allowed by Zones, b. Interpretation of Use Listing. These regulations are intended to permit similar types of uses within each zone. The Director, subject to the appeal procedures of Article 18-36, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.

Live music is not specifically allowed nor identified as prohibited but is like other uses and in conjunction with other use activities such as a bar and alcoholic beverage consumption would require an administrative or conditional use permit. Live music would be like an event facility, dance hall requiring a conditional use permit.

Noise

Pursuant to Chapter V Police Regulations, Section 5-4 Noise Restrictions; Exceptions, a., No person shall produce any noise by any means between the hours of 10:00 p.m. and 7:00 a.m. which when measured within fifty (50') feet of any dwelling or transient accommodation exceeds 55 decibels. "Dwelling" includes apartments, duplexes, mobile homes, and conventional single-family residences. "Transient accommodation" includes hotels, motels, hospitals, travel trailer parks and campgrounds.

- *The restaurant is located within 50 feet of residential, however the live music is located indoors and at the front of the tenant space. Previous approved temporary use permits did not result in public complaints as far as staff is aware.*

ENVIRONMENTAL REVIEW (CEQA)

Upon review, the staff has determined the project to be exempt from the California Environmental Quality Act (CEQA) in accordance with Chapter 19, Section 15301, Existing Facilities, Class 1 and Section 15601(b)(3), Common Sense Exemption.

LEGAL NOTICE & PUBLIC COMMENT

The public hearing was noticed at least ten (10) days in advance in an electronic publication of the Lake County Record Bee on June 29, 2024, and mailed (via USPS) to all surrounding property owners within 300 feet of the subject parcel as required pursuant to the Clearlake Municipal Code.

- All mailing addresses are drawn from the electronic database supplied by the Lake County Assessor Office.
- The City of Clearlake did not receive any written public comment or concerns regarding the project.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2024-02, A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permit, CUP 2024-01 and Categorical Exemption, CE 2024-03 located at 15176 Lakeshore Drive, Clearlake, CA 95422, further described as Assessor Parcel Number 040-330-37.
2. Move to deny Resolution PC 2024-02, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS

- 1) Resolution PC 2024-02 with Conditions of Approval
- 2) Application/Project Description
- 3) Agency Comments

RESOLUTION No. PC 2024-02

**A Resolution of the Planning Commission
City of Clearlake, State of California
Approving Conditional Use Permit CUP 2024-01 and
Categorical Exemption CE 2024-03
to allow Live Music and disk jockey entertainment**

WHEREAS, Maria Veronica Onate Solis (applicant) applied for approval of a Conditional Use Permit to allow for live music and disk jockey entertainment at an existing operating restaurant in the “GC” General Commercial Zoning District located at 15176 Lakeshore Drive, Clearlake, CA 95422, APN 040-330-370-000; and

WHEREAS, the following applications have been made in accordance with the following sections of the City’s Municipal Zoning Code 18-18, and,

WHEREAS, these applications have been processed in accordance with the City’s Environmental Review Guidelines; and

WHEREAS, the project is Categorical Exempt from Environmental Review Pursuant to Article 19, Categorical Exemptions of the State of California Environment Quality Act (CEQA) Statute and Guidelines under Section 15301 (Class 1) Existing Facilities and Section 15601(b)(3), Common Sense Exemption; and

WHEREAS, adequate public noticing was made for the project in accordance with the Municipal Code; and

WHEREAS, the City’s Zoning designates the project site as “GC” General Commercial as conditioned, the proposed use and design would be consistent with the General Plan; and

WHEREAS, the General Plan designates the project site as Commercial as conditioned, the proposed use and design would be consistent with the General Plan; and

WHEREAS, the project is subject to obtaining a conditional use permit from the Planning Commission in accordance with Section 18-18 regarding live music and disk jockey entertainment. Therefore, in accordance Section 18-28.040 of the Zoning Code regarding use permits, the Planning Commission finds that these uses as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.
- b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,

- c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- d) Treatment given, as appropriate, to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs.

WHEREAS, with the incorporated conditions of approval, referenced as Exhibit A herein, the project complies with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the City of Clearlake – Planning Commission of the City of Clearlake that the project is hereby approved, subject to approved Conditions of Approval (Exhibit A).

PASSED AND ADOPTED on this 9th day of July 2024 by the following vote:

Planning Commissioners	AYES	NOES	ABSTAIN	ABSENT
Chair Fawn Williams				
Vice Chair Terry Stewart				
Commissioner Robert Coker				
Commissioner Chris Inglis				
Commissioner Jack Smalley				

City of Clearlake – Planning Commission Chair

ATTEST: _____
City of Clearlake Clerk/Deputy Clerk

Exhibit A

**CITY OF CLEARLAKE
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT, CUP 2024-01
CATEGORICAL EXEMPTION, CE 2024-03
MARIA VERONICA ONATE SOLIS
(MONTERREY MEXICAN GRILL & BAR)**

Pursuant to the approval of the **City of Clearlake’s – Planning Commission on July 9th, 2024**, it is hereby granted to **Maria Veronica Onate Solis**, with the following conditions of approval to allow live music and disk jockey entertainment within an operating restaurant **located at 15176 Lakeshore Drive; Clearlake, CA 95422; further described as Assessor Parcel Number (APN) 040-330-37** is subject to the following terms and conditions of approval.

GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the **Site Plan(s), and Project Description** submitted with application dated **March 28, 2024**, and any conditions of approval imposed by the above Conditional Use Permit and Review Authority as shown on the approved site plan for this action dated **July 9th, 2024**, including all requirements of the City of Clearlake Municipal Codes.
2. The operation shall not exceed the maximum occupancy as prescribed by the California Building Code.
3. The applicant shall always keep a copy of the approved conditions of approval on premises.
4. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
5. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Director, Planning Commission or on appeal, the City Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
6. This Conditional Use Permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.

7. The operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state, and local laws.
8. The applicant is responsible for ensuring that all project workers including third party vendors are informed of, understand, and agree to abide by the approved plans and project conditions.
9. **Prior to operation**, the permit holder shall meet and operate in full compliance with fire safety rules and regulations of the Lake County Fire District.
10. **Prior to operation**, the permit holder shall meet and operate in full compliance with Alcoholic Beverage Control (ABC) regulations regarding live music.
11. **Prior to operation**, the permit holder shall meet and operate in full compliance with all required food safety rules and regulations of the County of Lake Environmental Health Division.
12. All building access and bathrooms shall meet the American with Disabilities Act (ADA) requirements and must be reviewed and approved of a Certified Accessibility Access Specialist (CASP). Handicapped accessibility routes and handicapped parking spaces shall not be effected by the operation.
13. In lieu of installing curb, gutter, and sidewalk improvements, as normally required, the applicant shall pay a fee to the City equal to the cost of installing the improvements to the City standard. This is in recognition of the project's location within the area of a city project including road and pedestrian improvements to the Lakeshore Drive corridor. The costs shall be determined by a qualified professional, at the expense of the applicant, and with final approval by the City Engineer. **Said fees shall be paid prior to commencement of special events.**
14. **Prior to building permit issuance and/or commencing construction**, the following shall be submitted for review and approval by the City:
 - Subject to Public Works Department approval, an encroachment permit shall be secured for all improvements, within the right of way (if applicable).
 - Subject to Community Development Department approval a Landscaping and Irrigation Plans. Plans shall demonstrate compliance with the City's Municipal Code regarding landscaping.
 - Subject to Community Development Department approval a detailed Trash Enclosure Plan. The plans shall show that the enclosure will be constructed of block with an attractive cap and the gates should incorporate solid metal materials painted to match the building colors. The gates should be mounted on separate posts mounted inside the enclosure. A hose bib should be located next to the enclosure for maintenance.
 - Subject to Community Development Department approval an Exterior Lighting Plan. Lighting poles, if used, should not exceed 15 feet in height. All lighting shall be shield and directed downwards and adhere to all Federal, State and local agency requirements, including the

dark-sky requirements found at <https://www.darksky.org/>. All lighting shall not project beyond the project parcel boundaries

- Subject to Community Development Department approval a *Final Signage Plan* for all existing and proposed signs. The sign plan shall comply with the City's Municipal Code/Design Requirements. No bunting strips, banners, flags, whirligigs or other attention-getting devices shall be displayed on site without Director approval.
15. **Prior to operation and/or development**, the applicant shall secure/maintain any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department, Lake County Special Districts and/or all applicable Federal, State and local agency permits.
 16. **Prior to Operation**, the applicant shall apply and obtain a Business License from the City of Clearlake.
 17. All hazardous waste shall not be disposed of on-site without review or permits from the Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.
 18. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.
 19. The storage of hazardous materials equals to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division.
 20. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.
 21. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the district at least 14 days prior to beginning any demolition work. The applicant must contact the district for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.

22. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
23. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilize water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits
24. Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine use. Mobile diesel equipment used for construction and/or maintenance shall be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. Contact LCAQMD for more details.
25. Significant dust may be generated from increased vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy.
26. The review authority may revoke or modify the Conditional Use Permit if the review authority finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more of the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action.
27. During construction/ground disturbance activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the owner shall utilize a qualified professional archaeologist to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits.
28. If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (*California Health and Safety Code Section 7050.5*). Further, pursuant to California Public

Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours.

29. The archaeologist's investigation shall proceed into formal evaluation to determine their eligibility for the National Register of Historic Places and California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recording, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California or National Register, additional work shall not be required. The cultural resource report shall be prepared with input from the Consulting Tribe. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it shall be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Information Center within 90 days of completion of the Project. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If a historic artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project. It is understood that destructive data testing and/or curation of tribal cultural resources is strongly opposed by the Consulting Tribe and should be avoided.
30. The developer/landowner shall relinquish ownership of all sacred items, burial goods and all archaeological artifacts that are found on the project area to the Koi Nation for proper treatment and disposition.
31. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
32. This use permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.
33. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or

proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

- 34. All conditions are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, the whole entitlement shall be invalid. The Director specifically declares that it would not approve this entitlement unless all of the conditions herein are held as valid.

- 35. The use permit may be transferred to new owners at the same location/use upon notifying the City Planning Department of said ownership transfer and upon the new owner's written agreement to maintain all conditions of approval.

- 36. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - *Noncompliance with any of the foregoing conditions of approval; or*
 - *The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.*

- 37. Said Conditional Use Permit shall be subject to revocation or modification by the review authority if the review authority finds that there has been:
 - a) *Noncompliance with any of the foregoing conditions of approval; or*

 - b) *The Planning Director finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.*

- c) *If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.*

- d) *Expiration of Use Permit. When a use that was allowed by approval of a use permit ceases operation for one (1) year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.*

To be Completed by Authorized Representative/Applicant

ACCEPTANCE

I have read and understand the foregoing Conditional Use Permit and agree to each term and condition of approval and/or mitigation measure(s) thereof.

Name: _____

Signature: _____

Date: _____

To Be Completed by Authorized Personnel

Name: _____

Signature: _____

Title: _____

Date: _____



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

Planning Application

CONDITIONAL USE PERMIT CEQA: Categorical Exemption

OFFICE USE ONLY		Section F, Item 3.
Permit Fee		2,200.00
Categorical Exemption Fee		150.00
General Plan Maintenance Fee		25.00
Technology Fee (2%)		47.50
County Clerk Processing Fee for CE/MND (County Requirement)		50.00
	Subtotal	2,472.50
	3% CC/DC Processing Fee (\$74.18)	
	Total	
Date:	3.28.24	
Receipt Number:		
File Number:	CUP 20 24 -- 01	
	CE 20 24 03	

APPLICANT

NAME: Maria Veronica Onate Sofis

MAILING ADDRESS: 15176 Lakeshire drive

CITY: Clearlake

STATE: California ZIP CODE: 95422

PRIMARY PHONE: 707-295-1402

EMAIL: Veroyeni2786@gmail.com

SIGNATURE: _____

PROPERTY OWNER (IF NOT APPLICANT)

NAME: Raymond Choy

MAILING ADDRESS: 170 23rd. Ave

CITY: San Francisco

STATE: California ZIP CODE: 94121

PRIMARY PHONE: 415 387-5148

EMAIL: tbjholdings@gmail.com

SIGNATURE: Raymond Choy

I declare under penalty of perjury that I am the owner of said property or have written authority from the property owner to file this application. I certify that all the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

I declare under penalty of perjury that I am the owner of said property or have written authority from the property owner to file this application. I certify that all the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

PROJECT LOCATION

ADDRESS: 15176 Lakeshore drive Clearlake, Ca. 95422

ASSESSOR PARCEL NUMBERS: 040-330-37-000

PRESENT USE OF LAND: Shopping Center

WATER SUPPLY: PUBLIC GROUNDWATER WELL

SANITATION: PUBLIC SEWER SEPTIC SYSTEM

FLOOD ZONE: None

OFFICE USE ONLY

ZONING DISTRICT: _____

GENERAL PLAN DESIGNATION: _____

RELATED FILE NUMBERS: _____

NOTES: _____

APPROVED: _____ DATE: _____

DESCRIPTION OF PROJECT
Monterrey Mexican Grill and Bar wants to continues encourage the performance of Music that enriches the Hispanic Culture in our community , therefore we are planning this project, bringing live Music Events to our Town Clearlake at Monterrey Mexican Grill establish Business since 2013.. The events will be taking place Every weekend (Friday or Saturday) depends on the availability of the Music Bands.
Operating from 9:00 pm. And Concluding at 1:30 am. There will be 10 employees per shift. Shifts are scheduled from 5 hours per night. They are going to be in charge of the setup, maintenance and cleaning of the premises .
All the Solid Waste will be disposed to existing Garbage Bins from the Facility Collected every Week by the Waste Company.
Also, There will be a License Security Company Contracted for each Event.
We are anticipating 100 to 210 attendees per event.
We plan to operate within City's General Plan and Zoning Ordinance.
Our music events will help the community not going out of Town and risking their safety, since there is a necessary of this kind of event towards our Hispanic Community we will have more employment opportunities for our Town and will bring an Economic impact includes direct, indirect, and induced effects around the community, making the currency stay Local .

Revised August 15, 2022

Supplemental Data for Use Permit

Please answer the following questions as thoroughly as possible. If questions do not apply to your project, please provide an explanation of why. Use separate sheets of paper if necessary. **IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY OF CLEARLAKE - PLANNING DIVISION.**

Description of objective of project and its operational characteristics:

Type of Business: Live music Events taking place on existing Business Monterrey Mexican Grill and Bar

Product or service provided: Live Music Entertainment

Hours of operation: 4.5

Days of operation: Every Friday or Saturday

Number of shifts (normal): 1

Number of shifts (peak): 1

Employees per shift (normal): 8 plus 4 securities

Employees per shift (peak): 10 plus 4 securities

Number of deliveries per day: 1

Number of customer per day: Expecting 210

Number of pick-ups per day: N/A

Lot size: 60 ft x 90 ft = 5400 in square feet

Number and type of company Vehicles:

Type of loading facilities:

Floor area of existing structures: 1

Proposed building floor area: 1

Number of existing parking spaces: 230

Number of proposed parking spaces: 230

Number of floors: 1

Additional relevant information: Shopping center parking spaces more that 300 patrons

Supplemental Data Continued)

When do you anticipate starting construction?

N/A

How long will construction take?

N/A

What days/times will construction occur?

N/A

What type of construction equipment will be used?

N/A

How many truck/vehicle trips will be necessary for construction?

N/A

Will equipment be idling during construction?

N/A

Where will construction equipment be staged/stored?

N/A

Will any trees or vegetation be removed? If yes, please provide type and amounts.

N/A

Supplemental Data (Continued)

How much grading is anticipated to occur and where?

N/A

Will soil be imported or exported to/from the site? If so from where and what amount?

N/A

Is trenching required? If yes, please provide location, dimensions and cubic yards.

N/A

How much water will be used for construction, operation and maintenance? What is the water source?

N/A

Describe how scenic views or vistas are impacted by the cultivation site.

N/A

What lighting is proposed for the project? Will areas be lit at night?

Existing lighting on premises , on parking spaces and all over shopping Center

What type of hazardous materials may and/or will occur on site? How will the hazardous material be disposed of?

Beer cans, plastic Cups, to be disposed on existing big Gabage Bins

Supplemental Data (Continued)

Describe the soils found at the site and their potential for landslides, erosion, lateral spreading, subsidence, liquefaction, or collapse.

N/A

Describe methods to be taken to reduce greenhouse gases.

N/A

Will solid waste be produced? If yes, how will it be disposed of?

Yes, disposed on existing Garbage Bins, Collected every week

Will hazardous waste be produced? If yes, how will it be disposed of?

N/A

How will vegetative waste be managed?

N/A

How will growth medium waste be managed?

N/A

Will any material be taken to a landfill? If yes, which one and how much material is anticipated?

N/A

Supplemental Data (Continued)

Describe risk of an explosion or release of hazardous substances in case of an accident.

N/A

Do portions of the cultivation site periodically flood?

N/A

Describe the existing drainage patterns on the site and how they may be alternated and to what degree as a result of this project.

N/A

What Best Management Practices (BMP's) or measures will be implemented in order to prevent erosion and impacts to water quality?

N/A

Is wastewater treatment required for the project? If yes, what is the source?

N/A

Describe how this project is consistent with the City's General Plan and Zoning Ordinance.

~~The Existing Business is under a business Permit by the city of Clearlake, and also~~
have a Lease Agreement contract with the Shopping Center Property Management

Describe the level and frequency of noise or vibration that will be generated from this project.

Commercial Zoning maximum noise levels shall not exceed 50 dBA

~~between the hours of 10pm and 7am.~~

Which we are to conclude at 1:30 am

Supplemental Data for (Continued)

Will this project result in the loss of forest land? If so, describe how many acres and what type of trees.

N/A

How will dust, ash, smoke, fumes or odors generated by the cultivation site be managed?

N/A

Are there any water features (drainages, streams, creeks, lakes, rivers, vernal pools, wetlands, etc.) on-site or immediately adjacent to the project? If yes, will any work take place in or near them?

N/A

Will there be a loss of any wetland or streamside vegetation? If yes, describe where, total area, and type of vegetation lost.

N/A

Describe and site or buildings have any archaeological or historical significance.

N/A

What are the slopes on project site?

N/A

Supplemental Data for Initial Study (Continued)

Describe what measures have been taken to maintain or improve level of service for the appropriate emergency services (Fire, Police, etc.).

The employees have been trained along with the security guards that have been hired for these music events. We check IDs to prevent minor drinking. If any other measures fall through we call the appropriate authorities to ensure safety and prevent violence.

How is the site accessed?

There is 2 front entrances and 3 back and rear doors in the building

Describe the amount of traffic the project will generate.

Expecting about 150-210 Patrons per Event .

Are there any road improvements that would be required? If yes, please provide specs (type of materials and dimensions).

N/A

Describe if this project will result increased traffic hazards to motor vehicles, bicyclists, or pedestrians?

Motor vehicles between 9:00 pm to 2:00 am.

Are greenhouses or other accessory structures proposed? If yes, what are the dimensions of the structures and materials/colors they will be constructed out of?

N/A

What sources of energy will be used?

Electrical Energy

From: [Maria Solis](#)
To: [Michael Taylor](#)
Subject: Re: Monterrey Mexican Grill & Bar, CUP 2024-01 Letter of Completeness
Date: Tuesday, April 9, 2024 2:29:06 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,
 I'm attaching the floor plan and my letter of Completeness

Monterrey Mexican Grill
 April 9, 2024
 CUP 2024-01

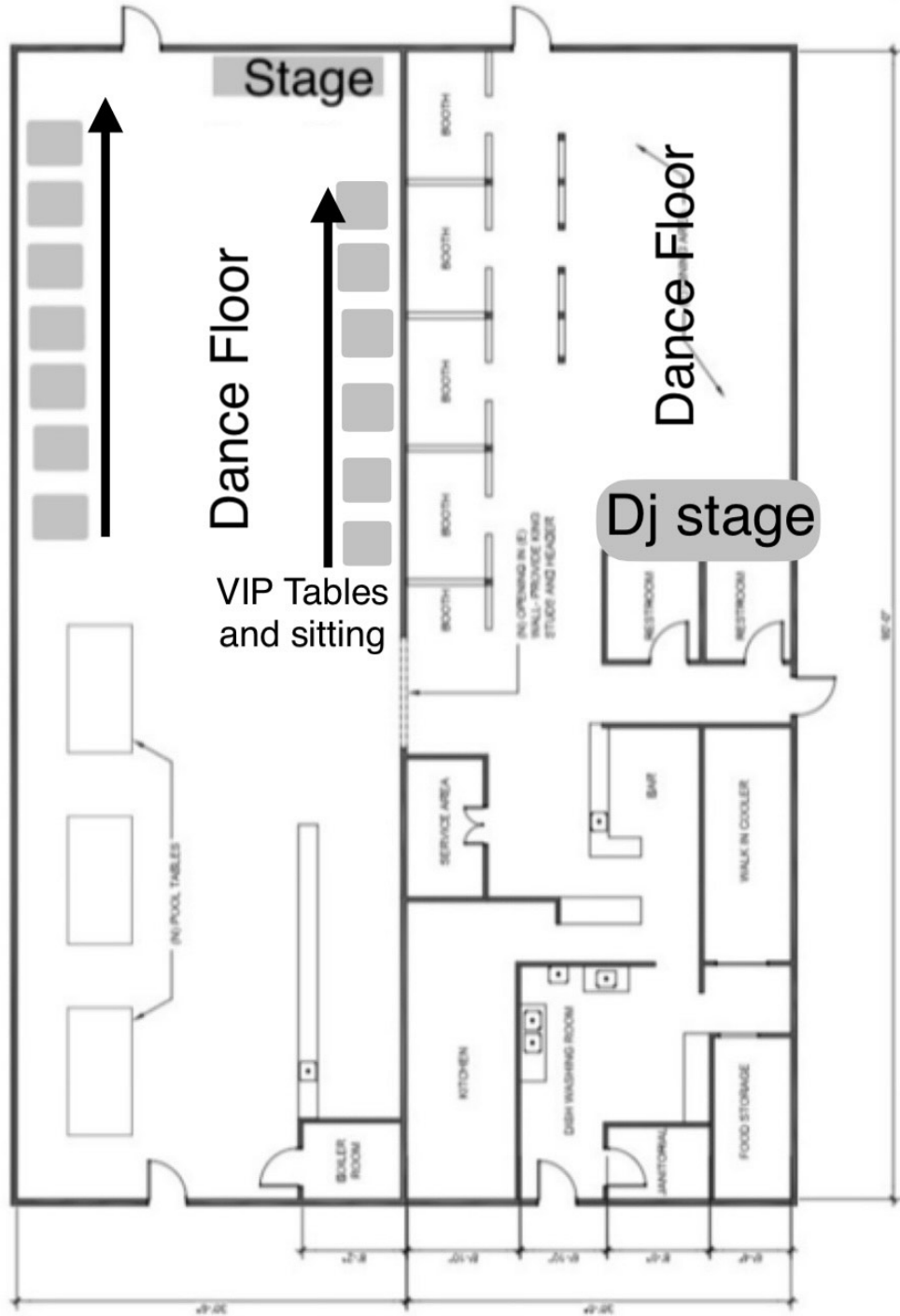
Letter of Completeness

- 1.-I'm attached a floor plan to this email showing the location of The Stage and Dance Floor on Both sides of the Premises.
- 2.-I'm adding a total of 13 tables for the live music Events They are named VIP tables and sitting on the floor plan.
- 3.-We will sell food and beverages, also alcoholic beverages on the events during the live music event from 9:00 pm to 1:30 am.
- 4.-Total legal seating capacity Bar Side is 145
 Total legal seating capacity Restaurant Side 75
- 5.-There is signage existing on the Premises
 Example: - exit routes, exits signs,
 21+ for alcohol and ID requesting, Max Capacity signs,
 Doors remain open during business hours, Extinguishers signs.
 Bathrooms signs.
 If there is any other sign you need me to add I will add it.
- 6.- No Valet Parking for now, only self parking.
- 7.- Minimum Age restriction is 21 years old.
- 8.- I have access to Three different Security Guards Companies
 I have contracted and worked with the three already.
 - a.-Park Security PPO-PPO010906 I Contact Earl Chavez 707-3913684
 -Classic Security and Event Services PPO- PPO15164
 Contact Edith Langley 707-3913193
 -Professional Event Services, INC. PPO-PPO 121629
 Contact Carolan Meek 707-4631733
 - b.-Estimate number of security for Event
 I have been told by Police Department that we need

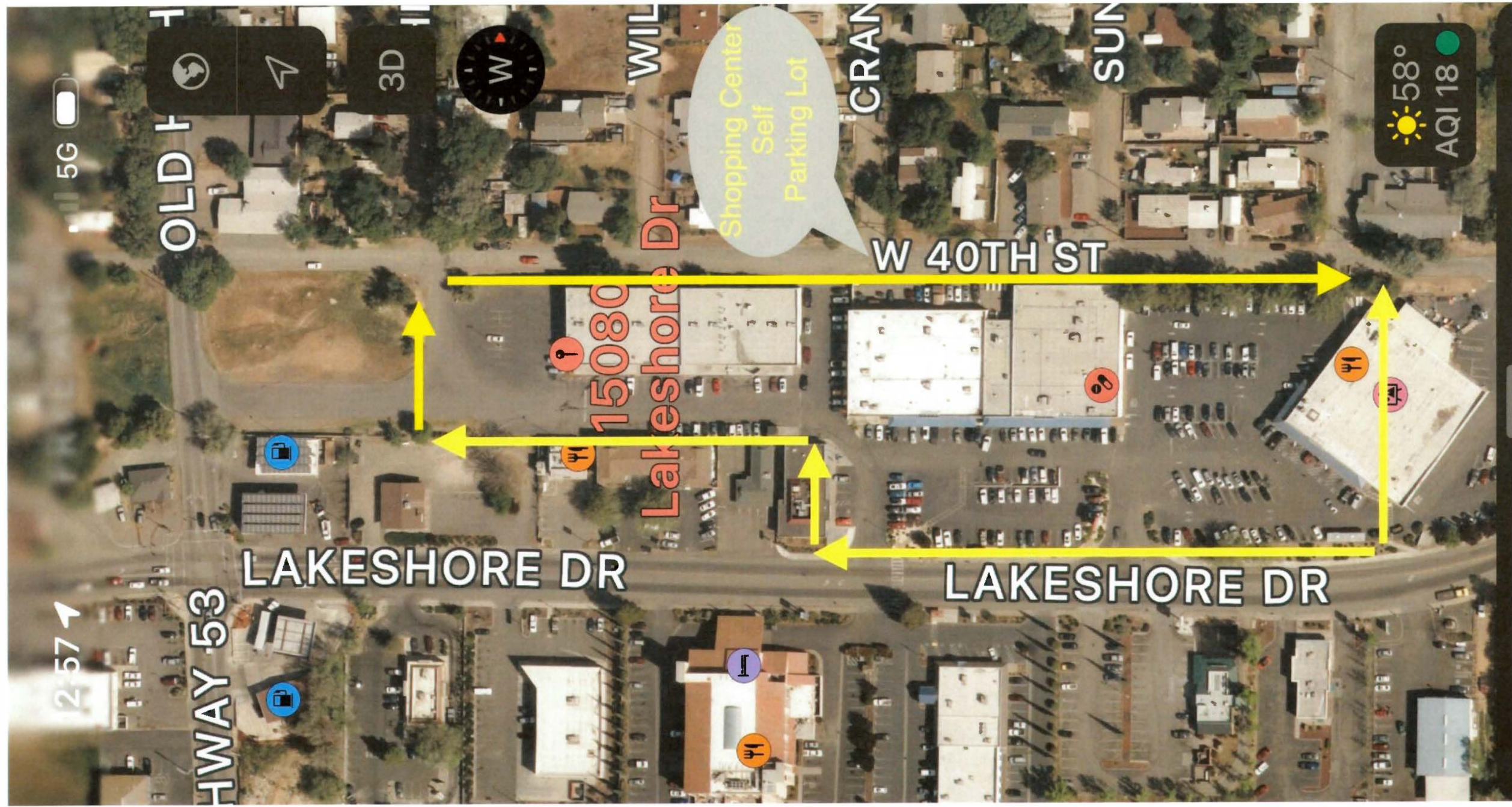
3 for 145 That was my Maximum Capacity.
Which I'm assuming they need 1 for every 50 attendees.
100- 2. 150-3. 200-4.

c.-Usually we have one officer at the Entrance where we check ID's
and He is Bodily checking Over with a hand help electric and metal device.
A Second one walking around the Bar and Floor Dance area.
A Third one standing in the other entrance near to the Bathroom area
helping the bathroom traffic and Checking that entrance.

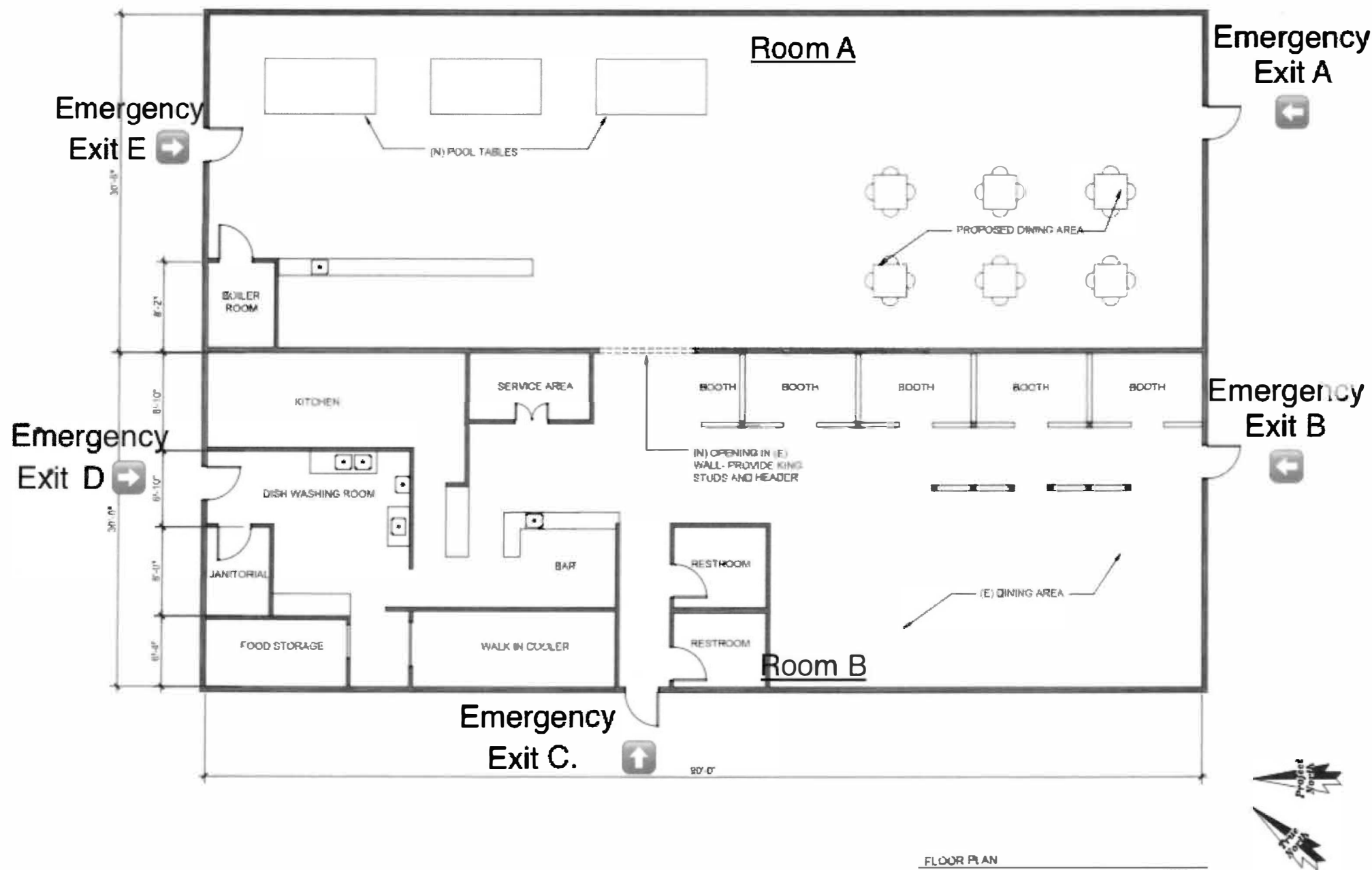
Section F, Item 3.



On Mon, Apr 8, 2024 at 5:24 PM Michael Taylor <mtaylor@clearlake.ca.us> wrote:



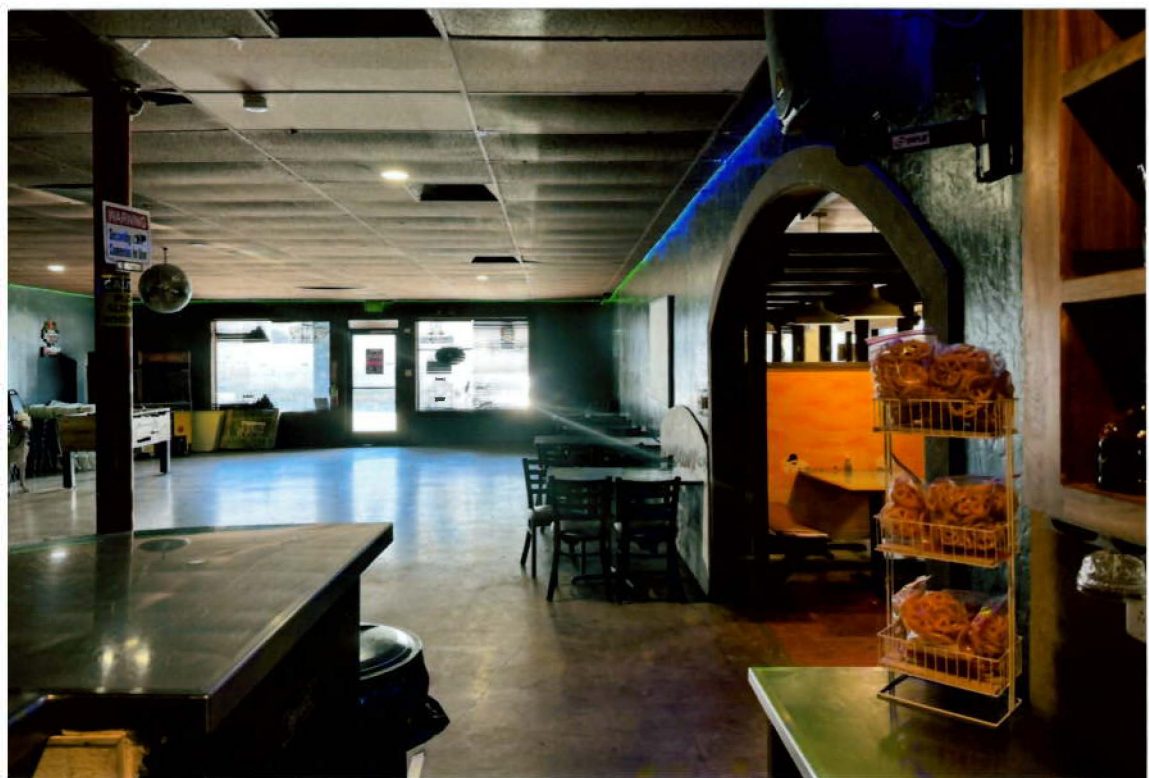
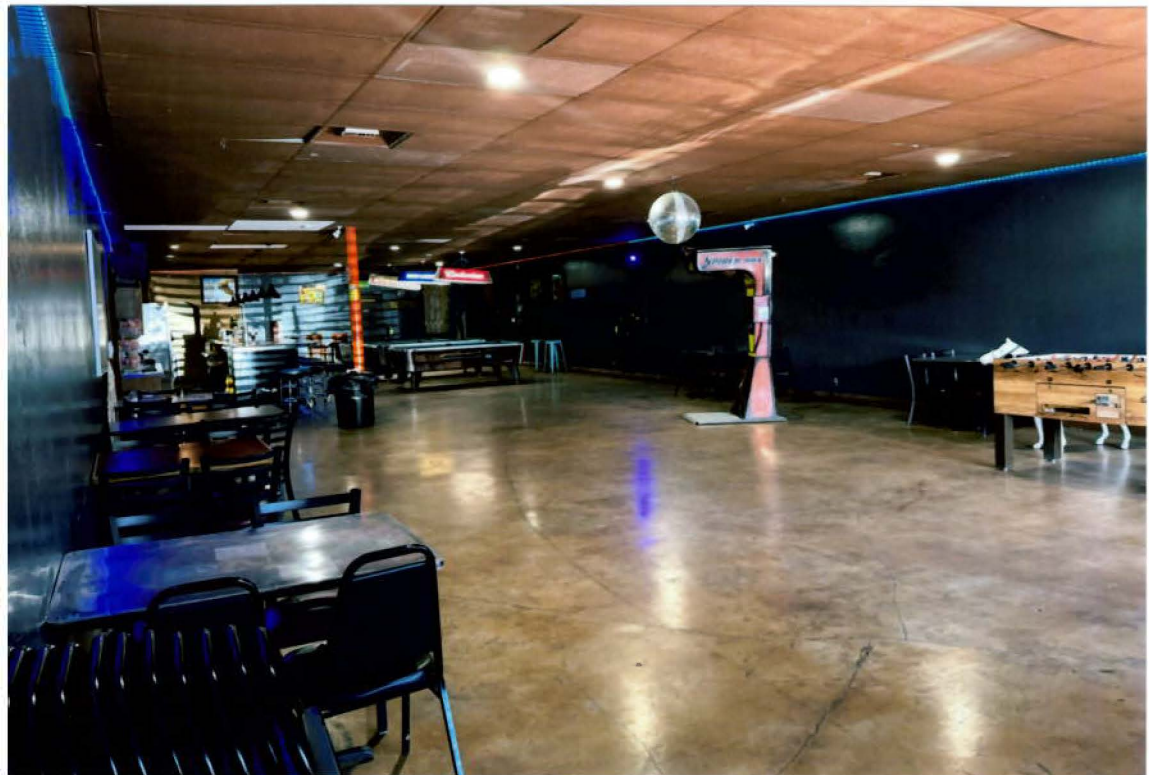
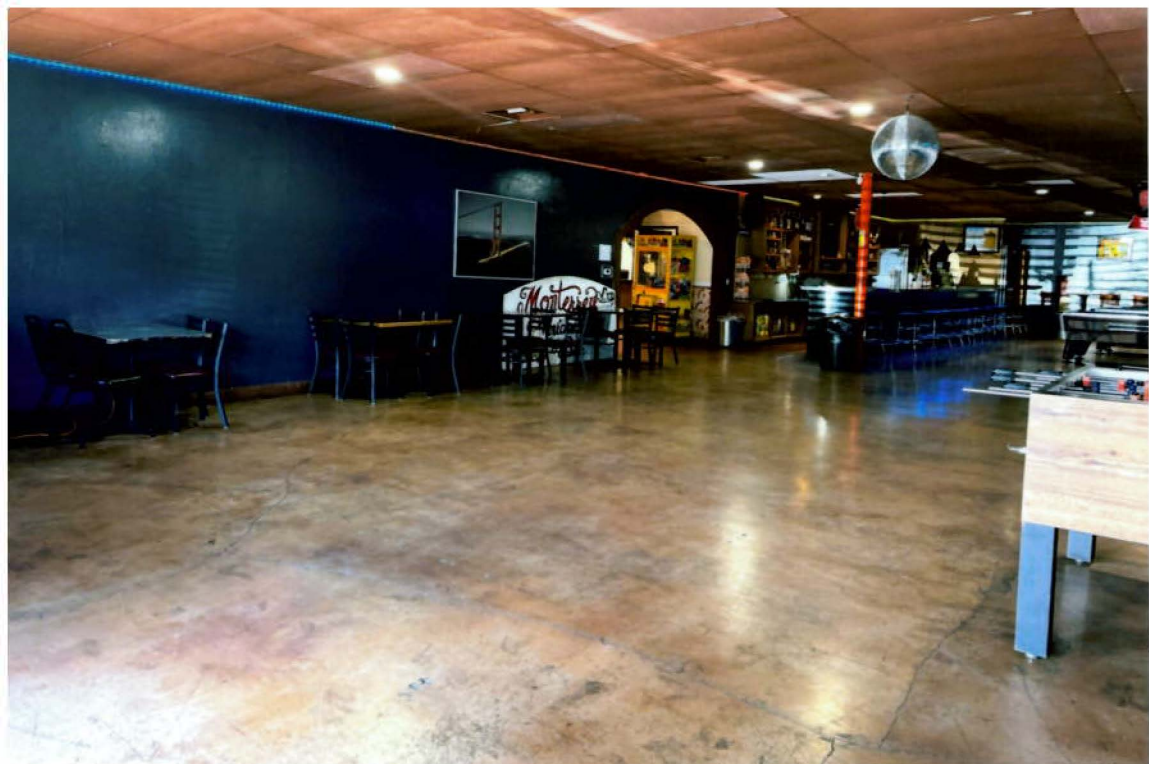
Subject: Y
From: Maria Solis <veroyeni2786@gmail.com>
Date: 3/26/2024, 4:45 PM
To: btj@shelleygraphics.com

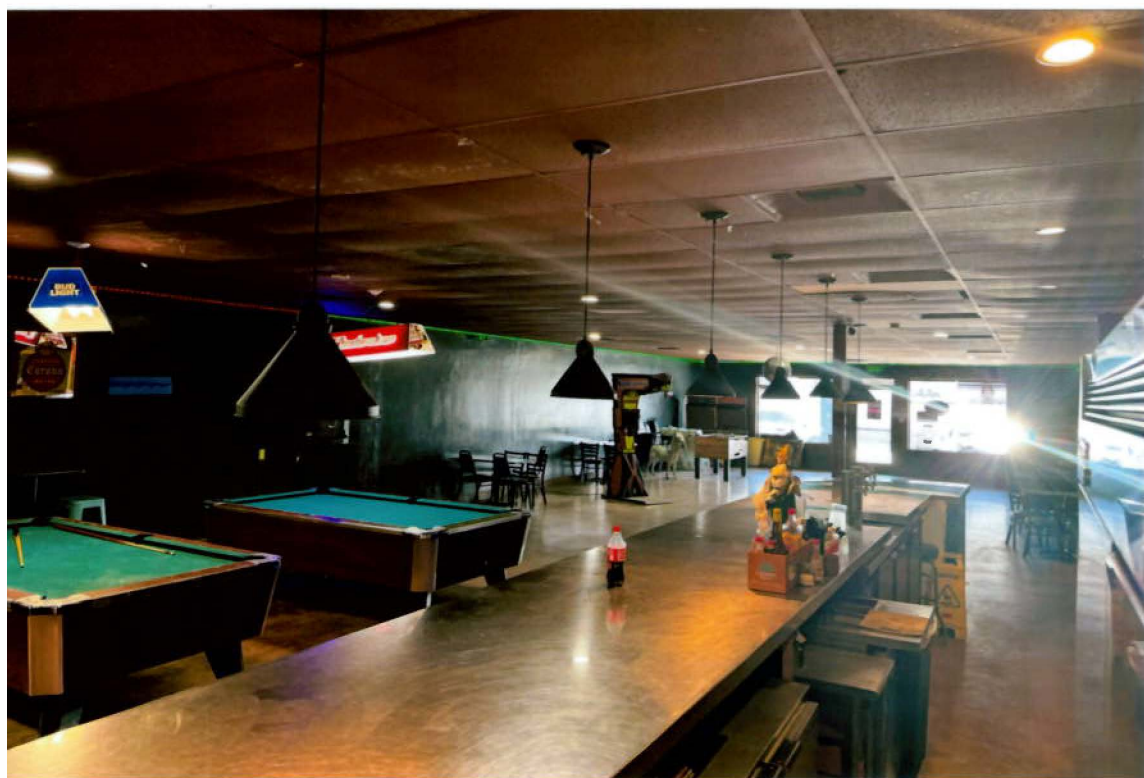
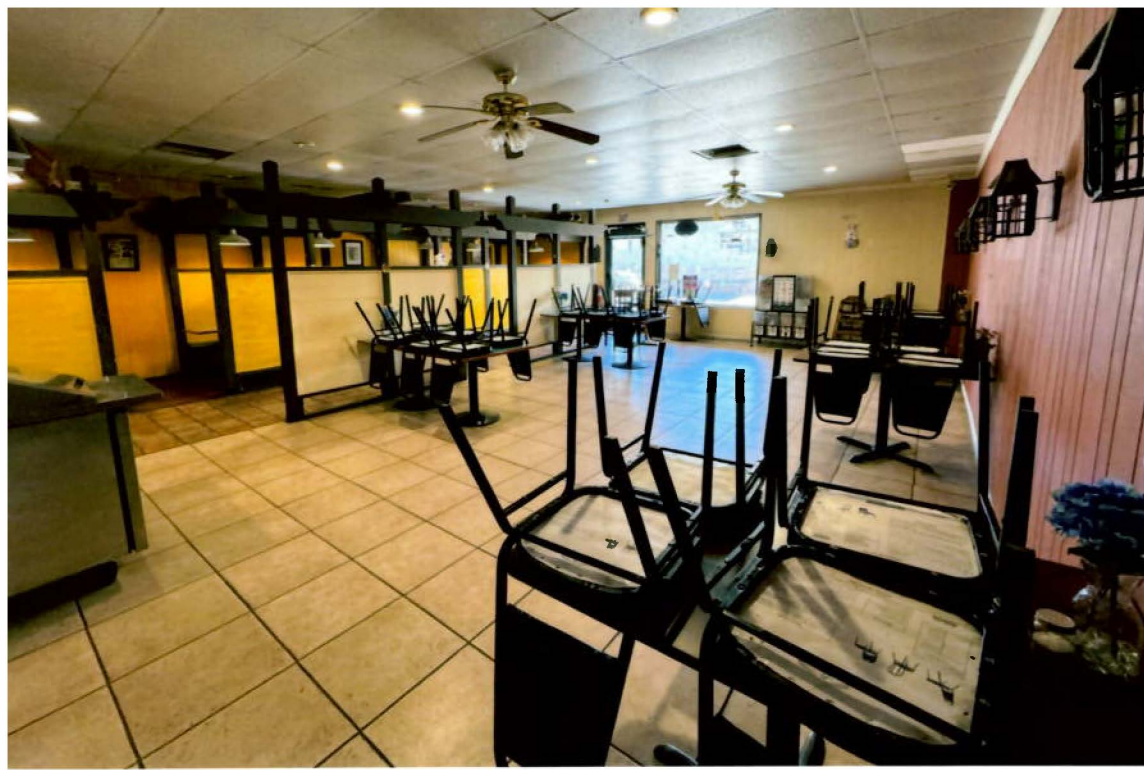


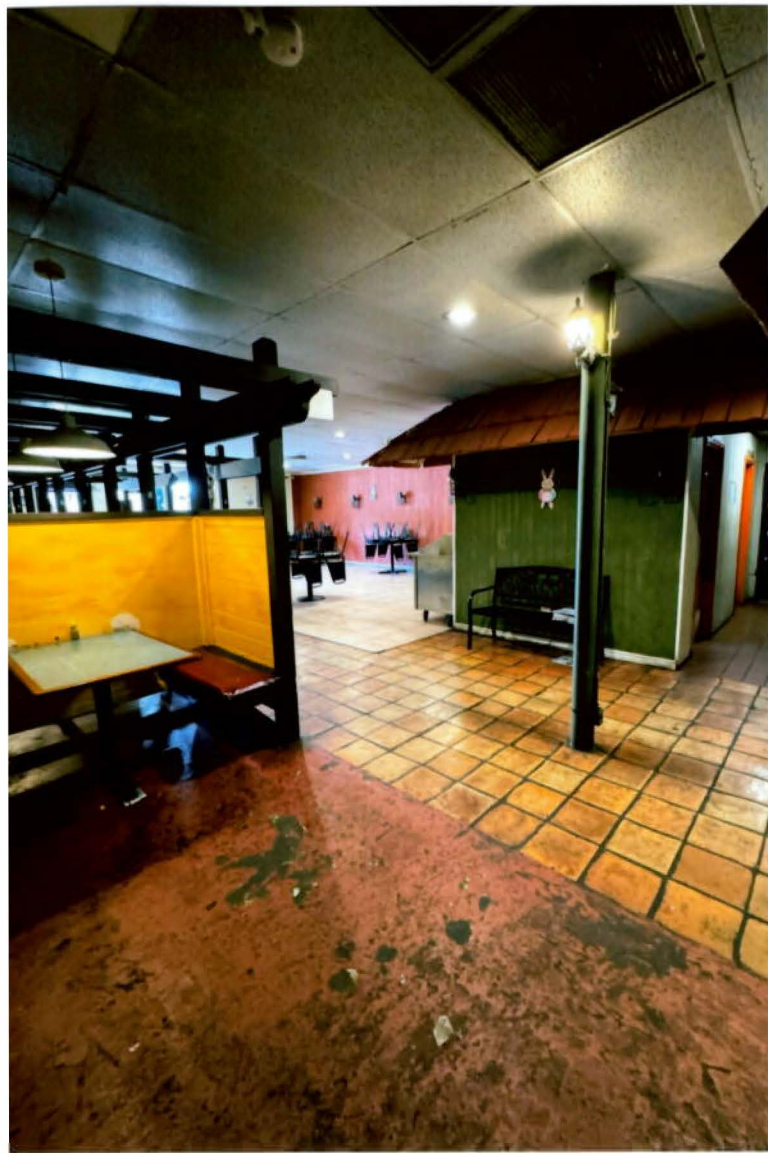
PROJECT:	MONTERREY MEXICAN GRILL
PARCEL NUMBER:	040-330-37-000
SELLER:	Self Parking on designated areas
ADDRESS:	15176 LAKESHORE DR CLEARLAKE, CA 95422
ROOM A:	Max Occupancy 145
ROOM B:	Max Occupancy 75
TENANT IMPROVEMENTS:	(BAR, POOL TABLES AND DINING)
DATE:	3/26/24
BY:	
PROJECT NUMBER:	A2.1

FLOOR PLAN











From: [Pheakdey Preciado](#)
To: [Michael Taylor](#)
Cc: [Katie Carpenter](#); [Shanna Parsons](#); [Donna Cloninger](#); [Kayla Steele](#); [Vincent Hawkins](#)
Subject: RFR CUP 2024-01/Tequila"s Mexican Grill/SR0005461
Date: Monday, April 22, 2024 5:03:07 PM
Attachments: [APN 040-330-37 Tequila"s Mexican Grill SR0005461.doc](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Michael,

Please see the attached file for Environmental Health Division's comments. At this time, our office can't give approval until the applicant can demonstrate food safety principles. We are asking for the applicant to contact our office to schedule a Routine Inspection and demonstrate that all the staff have current food safety certifications and have knowledge of food safety principles and practices.

Please let me know if you have any questions or concerns. I hope you have a wonderful day.

Thank you,

Pheakdey (Pack-a-day) Preciado, REHS
Senior Environmental Health Specialist

County of Lake
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, CA 95453

Office: (707) 263-1164
Fax: (707) 263-1681
Email: Pheakdey.preciado@lakecountyca.gov

Anthony Arton
Health Services Director

Noemi Doohan, MD, PhD, MPH
Public Health Officer

Craig Wetherbee
Environmental Health Director



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

Promoting an Optimal State of Wellness in Lake County

Memorandum

DATE: April 22, 2024
TO: Michael Taylor, Associate Planner
FROM: Pheakdey Preciado, Senior EHS
RE: Conditional Use Permit, LM 2024-01/SR0005461
APN: 040-330-37

The Lake County Environmental Health Division is unable to give approval for the conditional use permit to allow two (2) live music venue areas (a live band area and disk jockey area) within the existing restaurant and bar establishment. During our Food Safety Inspection on 01/03/2024, the staff had no knowledge of food safety practices (such as proper handwashing, cooling, cooking, holding food temperatures, and more) nor has a current Food Safety Certification for Manager.

Our office needs clarification on the business name. On our annual permit to operate a restaurant and bar showed doing business as Tequila’s Mexican Grill (PR0002366). However, on the Request For Review, the doing business as Monterrey Mexican Grill. The applicant needs to contact our office to schedule a Routine Inspection, provide current food safety certification and demonstrate food safety knowledge for all the employees working at the food establishment. Furthermore, if the proposed additions do not impact the food service areas, then our office will not require the applicant to apply and pay for a plan check application.



From: [Autumn Lancaster](#)
To: [Michael Taylor](#)
Subject: Re: Request for Review, Conditional Use Permit CUP 2024-01, Monterrey Mexican Grill, 15176 Lakeshore Dr.
Date: Thursday, April 11, 2024 8:56:38 AM
Attachments: [image001.png](#)
[LAKE COUNTY FIRE PROTECTION DISTRICT \(2\).pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I met with Maria and did a fire and life safety inspection of her business (report attached). There were corrections needed before compliance, such as getting the ANSUL system serviced, and hood cleaned. She reported her plan for the events would be wrist bands to keep the underage persons separate on the restaurant from the bar side. Keeping the occupant load below the max for both sides of the venue.

Once the corrections are made, I will have no other comments.

Respectfully,

Autumn Lancaster

Fire Marshal/FF Paramedic
Lake County Fire Protection District
707-350-4140 Fax 707-994-4861

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Michael Taylor <mtaylor@clearlake.ca.us>
Sent: Wednesday, April 10, 2024 5:39 PM
To: Michael Taylor <mtaylor@clearlake.ca.us>
Subject: Request for Review, Conditional Use Permit CUP 2024-01, Monterrey Mexican Grill, 15176 Lakeshore Dr.

Good day,

Request

Please review the enclosed application material and respond with any comments by **April 26, 2024** via email: mtaylor@clearlake.ca.us or postal mail: Clearlake City Hall attn. Planning Department, 14050 Olympic Drive, Clearlake, CA 95422.

LAKE COUNTY FIRE PROTECTION DISTRICT

BUREAU OF FIRE PREVENTION AND INVESTIGATION

14815 OLYMPIC DR. CLEARLAKE CA. 95422 PH. (707) 994-2170

FIRE INSPECTION REPORT

FACILITY/OWNER NAME: Maria Onate INSPECTION DATE: 04/21/2024
 ADDRESS: 15176 Lakeshore Dr, Clearlake DATE OF LAST INSPECTION: -
 AGENCY CONTACT: A. Lancaster 707-390-4140 PHONE: 707-295-1402
alancaster@lakecounttyfire.com Veroyeni2786@gmail.com
 ACCOMPANIED BY: _____

TYPE OF OCCUPANCY A NO. FLOORS 1 CONSTRUCTION: V

INSPECTION TYPE REGULAR COMPLAINT SYSTEM HOME CERT. OF OCCUPANCY
75 restaurant
 CAPACITY 145 restaurant FIRE CLEARANCE: **GRANTED** **DENIED** **WITHHELD**

NA = NOT APPLICABLE			IC = IN COMPLIANCE			CN = CORRECTIONS NEEDED			COMMENTS / CONDITIONS
NA	IC	CN	NA	IC	CN	NA	IC	CN	
Aisles/ Halls			Electrical						max 75 restaurant side (pre established)
Width		X	Wiring						
lighting		X	Extension cords						
Not blocked		X	Equipment						~ provide
Alarm System			Extinguishers						ANSUL inspection certificate + proof of last hood cleaning
Smoke		X	Type						
Pull	X		Serviced						
Audibility	X		Location						
Panel	X		Flammable Liquids						
Building Repairs			Permit			X			~ bar side breaker box needs covers on exposed breakers
Permit	X		Storage			X			
Dangerous Conditions			Distance from heat			X			
Building			Safety cans			X			
Attic Space	X		Dispensing			X			
Roof	X		Housekeeping						
Fire place/Chimney	X		Kitchen				X		~ front bar side exit needs "door to remain unlocked during business hours signs"
Garage/Sheds	X		Rooms				X		
Chemicals			Yard/ Veg. Clearance					X	
Permit	X		Heating Equipment						
Storage	X		HVAC				X		
Combustibles			Water heater					X	
storage		X	Ventilation				X		
Exits			Gas/Oil appliances/ Tanks			X			~ max 145 bar side (pre established)
Doors		X	Miscellaneous						
Windows		X	Address posted				X		
Locks		X	Escape maps				X		
Number of exits		X	Pre-fire plan				X		
Hardware		X	Sprinkler/ Ext. system				Yes		
Signs		X	inspection needed				No		

A copy of this notice will be on file with the Lake County Fire Prot. Dist.

Owner/ Agent / Manager/ Representative: [Signature] INSPECTOR: [Signature] P715

From: [Michael Taylor](#)
To: [Michael Taylor](#)
Bcc: [David Swartz](#); [Lee Lambert](#); [Timothy Hobbs](#); [Autumn Lancaster](#); katie.carpenter@lakecountycalifornia.gov; SantaRosa@abc.ca.gov; [Pheakdey Preciado](#); [Mark Roberts](#)
Subject: Request for Review, Conditional Use Permit CUP 2024-01, Monterrey Mexican Grill, 15176 Lakeshore Dr.
Date: Wednesday, April 10, 2024 5:39:00 PM
Attachments: [image001.png](#)
[CUP_2024-01_RFR.pdf](#)
[CUP_2024-01_RFR_Application.pdf](#)

Good day,

Request

Please review the enclosed application material and respond with any comments by **April 26, 2024** via email: mtaylor@clearlake.ca.us or postal mail: Clearlake City Hall attn. Planning Department, 14050 Olympic Drive, Clearlake, CA 95422.

Applicant: Maria Veronica Onate Solis (Monterrey Mexican Grill)
 Property Owner: TBJ Holdings

Project Description

The applicant is requesting approval of a conditional use permit (Per 18-19.020 of the Clearlake Municipal Code) to allow two (2) live music venue areas which include a live band area and disk jockey area, in conjunction with food and beverage service within an existing restaurant.

The live band area includes a stage, VIP seating (13 tables), and dance floor in the east room, and the disk jockey stage and dance floor in the west room. A wall opening between the rooms will allow access between rooms. The applicant anticipates that both the live band venue and disk jockey venue will be operating simultaneously.

The existing restaurant is in the Highlands Center. Highlands Center is an approximately 7-acre neighborhood shopping center that includes a grocery store, medical offices, restaurant, and other retail businesses serving local neighborhoods. The applicant is not proposing any improvements to the existing building or tenant improvements that would require a building permit (s) as of this request for review.

Business name: Monterrey Mexican Grill and Bar
 Business Owner: Maria veronica Onate Solis
 Hours of operation: 9:00 p.m.-1:30 a.m., Fridays and Saturdays
 Employees: 8-10 employees per 5-hour shift, Fridays, and Saturdays
 Seating capacity: 220 per applicant
 Anticipated attendees: 100-210
 Security: Licensed security company during event. Up to 4 guards.
 Parking: Shopping center
 Valet Parking: None proposed.
 Floor area: 5,400 square feet total (each room approximately 2,700 square feet)

The applicant currently holds a State of California Department of Alcoholic Beverage Control, Type 47, On-Sale-General Eating Place. which “authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place...”

Property Summary

Land Use:	Shopping center
Property Address:	15176 Lakeshore Drive, Clearlake
APN(s):	040-330-37
Zoning:	General Commercial (GC)
General Plan:	Commercial
Flood Zone:	X
Water Supply:	Highlands Water District
Wastewater:	Lake County Special Districts

If you have any questions, please let me know.

Thank you for your review. Have a great week.

Best regards,



Michael Taylor | Associate Planner
City of Clearlake
 14050 Olympic Drive | Clearlake CA 95422
 P:(707) 994-8201 F:(707) 995-2653