EXHIBIT 1

From:	Julie Cannard
To:	Casey Shorrock
Subject:	RE: UP 20-96 & IS 20-116 Public records Act Request
Date:	Friday, November 8, 2024 8:09:41 AM
Attachments:	image001.png image002.png image003.png image005.png

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Good morning, Ms. Shorrock,

I sent your PRA to our County Counsel for an email/communication scrub, and subsequently, County Counsel sends the request to our IT department for the scrub, and that takes time. I will check on the status of their discovery, and follow up with you later today.

Thank you,

Julie Cannard
Helpline Technician, CDD

From: Casey Shorrock <cshorrock@somachlaw.com>
Sent: Friday, November 8, 2024 7:56 AM
To: Julie Cannard <Julie.Cannard@lakecountyca.gov>
Subject: [EXTERNAL] RE: UP 20-96 & IS 20-116 Public records Act Request

Thank you Ms. Cannard. Do you have a status update on the correspondence included as part of this PRA request?

There are several written documents that were submitted to the County by the project applicant during this time frame. The Community Development Department informed us that it was forwarding any documents from the applicant to us as they arrived, so perhaps we have already received everything. We do not require copies of anything that the County has already forwarded to me, Tom Lajcik, or Margaux Kambara, but we require receipt of any other written material that may not have been forwarded.

Sincerely,
Casey

Casey Shorrock
Attorney

Somach Simmons & Dunn | ATTORNEYS AT LAW
500 Capitol Mall | Suite 1000 | Sacramento, CA 95814

(916) 446-7979 | OFFICE
(916) 469-3828 | DIRECT
(916) 446-8199 | FAX

somachlaw.com | vcard | map | cshorrock@somachlaw.com

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From: Julie Cannard <Julie.Cannard@lakecountyca.gov>
Sent: Thursday, October 31, 2024 8:15 AM
To: Casey Shorrock <cshorrock@somachlaw.com>
Subject: FW: UP 20-96 & IS 20-116 Public records Act Request

Good morning, Ms. Shorrock,

In response to your Public Records Act Request dated October 18, 2024, received and stamped by the Community Development Department on October 18, 2024. I have concluded along with our Principal Planner that there are no written documents you are seeking for this time frame. However, "all emails and all correspondence" related to the items you note have been submitted to County Counsel for further processing. If you have questions, please contact me at – 1-707-263-2221 Ext. 37110.

Thank you,

Julie Cannard
Helpline/Complaint Technician
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221 x 37110
Fax: (707) 263-2225
Email: julie.cannard@lakecountyca.gov
STAY CONNECTED:

From: Julie Cannard
Sent: Friday, October 25, 2024 4:51 PM
To: 'cshorrock@somaclaw.com' <cshorrock@somaclaw.com>
Subject: UP 20-96 & IS 20-116 Public records Act Request

Good afternoon, Ms. Shorrock,

There are no written documents you are seeking for this time frame. However, "all emails and all correspondence" related to the items you note have been submitted to County Counsel for further processing.

Thank you,

Julie Cannard
Helpline/Complaint Technician
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221 x 37110
Fax: (707) 263-2225
Email: julie.cannard@lakecountyca.gov
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report this email as spam.

EXHIBIT 2

F om Sa ah Bodna
o Au umn Ka cey
Cc a e C unty Commun ty Dev lo me t - Cannab s M ch lle I ce And ew D bbs-K ame
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Passcode B?0P@#pv

On F Sep 6 2024 at 9 43 AM Autumn Ka cey <Au umn@a em scopack com> w o e

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> Autumn Ka cey
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> > Ma y C aybon
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> > **To** ake County Communi y Deve opment - Cannabis <cannab s@lakecoun yca gov>
> > **Cc** M chel e I ace <Michel e I ace@lakecoun yca gov> And ew Dobbs-K ame <ak ame @a tem scopack com>
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> > Autumn Ka cey, CEO
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> > A emis Co- ack
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> > O ice 707) 346-2526
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> > Ce l (530) 379 8588

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To Autumn Ka cey <_____>
Cc M chel e l ace <Michael.a.ace@lakecounty.ca.gov>
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He o Autumn

We w eschedu e fo F day Sep embe 27 Th s w be a mo n ng nspect on

Thank you
Ma y

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om Autumn Ka cey <ka.ramirez@artemis-charms29.com>
Sent Wednesday September 4 2024 7 49 M
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Best Rega ds

Autumn Ka cey, CEO

A ernis Co- ack

O ice 707) 346-2526

Ce l (530) 379 8588

www.a tem scopack.com

om ake County Commun ty Development - Cannab s <[redacted]>
Sent Tuesday September 3 2024 12 48 M
To Autumn Ka cey <[redacted]>
Cc ake County Commun ty Development - Cannab s <cannab s@lakecounty ca gov>
Sub ect Comp ance Moni o ing S te nspec ion 9 25 24

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The Commun y Deve opment Depa ment has schedu ed you p ocess ng fac ty s annua nspect on s te v s t fo Wednesday Septembe 25 2024 P ease be su e to have a p oject ep esen at ve o fa m manage p esent fo he nspect on nspect ons a e schedu ed fo AM PM Th s nspect on s schedu ed fo ea y PM P ease adv se f the e s a ga e code equ ed fo access

Thank you

Ma y C ayson

Cannabis
Licensing Division
Community Development Department
Licensing Division – 3rd Floor
255 N. Forbes Street
Lakeport, CA 95453
Phone: (707) 263-2221
Fax: (707) 262-4235
Email [redacted]

EXHIBIT 3

Audio Transcription Of:

LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT MEETING WITH HIGHLAND FARMS CANNABIS FARM APPLICANT TEAM

Audio Taken On August 30, 2024

Transcribed By: Otter.ai

Transcript GMT20240830-201333_Recording_1712x898

SPEAKERS

Autumn Karcey [applicant], James Anderson [applicant's attorney], Sarah Bodnar [applicant's consultant], Mary Claybon [Lake County Community Development Dept./Planning Division Planner]

Autumn Karcey
Can you guys hear me, okay?

Sarah Bodnar
Yeah, we can hear you and see you.

Autumn Karcey
Great

James Anderson
Yeah

Autumn Karcey
Mary, just went to get her glasses

Sarah Bodnar
And Michelle is meeting with you as well, right?

Autumn Karcey
I think it's just me and Mary

Sarah Bodnar
That was not what the request was or what was scheduled.

Autumn Karcey
Yeah.

Sarah Bodnar
OK. James, Mary is the Staff Planner who's been working on this project the whole way through. Well, actually, that's not true, because it has changed hands due to staff turnover.

James Anderson
For a year process, I imagine there's a number of people who've been running on this.

Sarah Bodnar
Yeah, so that - she's the one who's brought this current application through the process. So she's kind of been in ownership of the- the noticing and whatnot. I and - then Michelle Irace is the Principal Planner for the county.

Autumn Karcey
Yes.

Mary Claybon
Hello

James Anderson
Hi, there.

Sarah Bodnar
Hey, Mary. Is Michelle not joining us for the call? For the meeting?

Mary Claybon
No, Michelle is not joining us. She had an emergency circumstance come up. [unintelligible] Mireya

Sarah Bodnar
Okay. So, I just wanted to let you know that we are recording this so that we don't have to scramble to take notes while we're chatting, and it's me, Sarah, on the call, as well as James Anderson, who is legal counsel. They wanted him to listen in, so that we could just be all having the same conversation.

Mary Claybon
Excellent. [overlapping conversation] recording

James Anderson
Hey, Mary, how's it going? I'm gonna turn my video off. I just want you to see a face behind the voice, just in case I hop in. So, if you need anything, I'll turn the video back on, but just for efficiency, I'll turn it off, if that helps.

Mary Claybon
Okay, thank you.

Sarah Bodnar
And I did give everyone sharing permissions. So, if you need to pull anything up, you should have ability to do that.

Autumn Karcey

Okay, great. All right, do you want to start with stuff you have?

Mary Claybon
Yes

Autumn Karcey
And maybe we have answers that you don't and vice versa?

Mary Claybon
So, originally, we had looked at the deed for deeded access with the easement that was contested with the appellants' attorneys as to whether it was valid. So, with that, the Community Development Department does need mapped easements for the parcels for access if there are easements. And I do have the title report, but I'm not a surveyor, so I can't map those. And then when the Request for Review, for agency review, was sent out to the county surveyor's office, that was one of his requests, was to confirm that there were easements for the locations. So, we identified easements, but the easements were then challenged as to be not the access easements, but completely different easements that were not the access point of the project. So, that's the first thing that I wanted to discuss today, is, do we have confirmed and verified access easements through the intended access roadway?

Autumn Karcey
So let me just pull this up here. Sorry, my desktop is a mess because I just pulled it off of four different screens. [laughter]

Sarah Bodnar
And I just want to say that as we talk about each easement, we have to not bundle them together each, we need to talk about each.

Autumn Karcey
Yeah, we're going to separate each part of it like we did on that document.

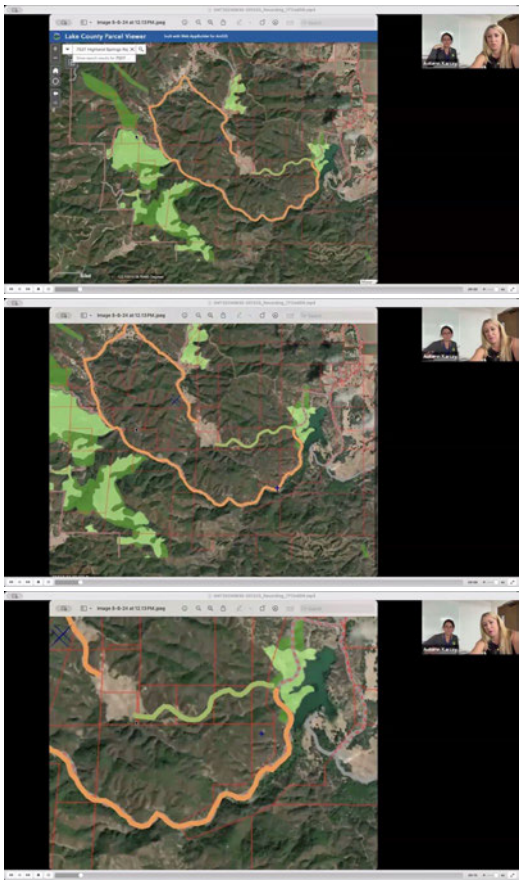
Sarah Bodnar
Because each road has different circumstances.

Autumn Karcey
Yes.

Mary Claybon
Each- each parcel will have different access requirements. And then, Autumn and I had briefly spoken about prescriptive easements, easements that had been used for, you know, a significant amount of time. Prescriptive ease- easements would need to be identified within the courts. It wouldn't be identified just as the use. So, it would need to be a granted prescriptive easement in order for it to be a legal access point.

Sarah Bodnar
So, procedurally, this is not something that was included in the original Staff Report or as a Condition of Approval?

Mary Claybon
No, no. And the reason why is we identified easements where it had stated there were easements for access, but that is being challenged by the appellants that these specific easements are not the easements that were identified.



Autumn Karcey
Okay, so we have these - this is the county parcel.

Mary Claybon
Yes.

Autumn Karcey
This is the county parcel. Or, sorry, this is a county parcel. This is the County parcel under the jurisdiction of Water Resources, correct?

Mary Claybon
Correct.

Autumn Karcey
One and two. Now, this is what we would call the prescriptive easement through. But I don't need an easement through my own land -

Mary Claybon
Correct

Autumn Karcey
- because I own all of this.

Mary Claybon
You would just need access —

Sarah Bodnar
We actually would not use the term prescriptive easement there, because prescriptive easements aren't available on county-owned unrestricted access property.

Autumn Karcey
Let me finish. So, on the County property, that's a separate issue.

Mary Claybon
Mm hmm.

Autumn Karcey
But this, the easement to my property, it wouldn't be —

Mary Claybon
No

Autumn Karcey
— I don't need an easement.

Mary Claybon
No, we would just need to identify the easement through County property. However, it's considered unrestricted public access.

Autumn Karcey
And you can't get an easement.

Mary Claybon
However, it is also important to know, um, Water Resources staff has recently told me that their sign there at the bottom of the entrance of the roadway indicates no motor vehicles can utilize that roadway. And I challenged that, because the sign actually says "No Off-Road Vehicles", and shows a picture of a Jeep. And I said, "This is a standard motor vehicle is not necessarily a off-road vehicle, which is what's listed on the sign." And I was told, "Well, if we wouldn't allow off-road vehicles, we wouldn't allow standard vehicles either." So, that came from staff, not department head, but they also advised that they were going to put in a request for a gate at the bottom of that so, it could only be accessed by bikes, by horseback and by walking trail.

Autumn Karcey
Did you have - have —

Sarah Bodnar
When you say, when you say, bottom? Can you point out where that would be? [07:12]

Autumn Karcey
It's what Highland Springs Road, right here, right there.

Mary Claybon
To Highland Springs Road — [overlapping dialogue]

Autumn Karcey

There's talking about putting a gate now.

Sarah Bodnar
To block Autumn's access to her property?

Mary Claybon
To block automobile access through —

Autumn Karcey
Period.

Mary Claybon
— through that area anyway. Their stance, and this is from staff, not from their department head. And this was in passing they had said that they were going to request a gate go up because that area is not for motor vehicle use, and it's for bike, horseback and walking trail access only.

Autumn Karcey
Well what about the fact there is a house? There's a house here.

So, this - this kind of gets at one of those foundational questions, I think, as we head into this hearing, which is, that is this the first time they reviewed that proposed use?

Autumn Karcey
So, can we back up for one second? So if there's a house here and that's been used for 30 years, —

Mary Claybon
Plus

Autumn Karcey
— they can put a gate there?

Mary Claybon
If there's no prescriptive access, as determined within a court of law. Is my understanding.

Autumn Karcey

So, I would have to take water resources to court?

Mary Claybon
No, I think that we need to have a conversation with them.

Autumn Karcey
With the developers?—

Mary Claybon
But we haven't. We still haven't met with the department head. I wanted to have these internal discussions with us before we move forward. That way, we know if there's any alterations to this project that need to be proposed when we do have that conversation. So, just a couple clarifying questions, like, if you can't have an easement on an unrestricted access road, how is it that they can suddenly restrict access if it's an unrestricted access road?

Autumn Karcey
They can restrict vehicle access—

Mary Claybon
And it is currently posted as "no off road vehicles" for —

Sarah Bodnar
— so the sort of that's- that hard to propose [overlapping dialogue] Yes, but "unrestricted" means unrestricted —

Mary Claybon
Unrestricted. Yes, yeah, it's contradictory.

Sarah Bodnar
And so, what I was - I just want to ask one more question, and then we can bring James on to ask additional things or speak to that. When- was this the first time that they had ever looked at the proposed development of this road, or did they see it during prior review of this project?

Mary Claybon
The Request for Review for Sufficiency, for the project, was sent to the Water Resources Department. However, there's new staff in this role than were previously employed. So, now — [overlapping dialogue]

Sarah Bodnar
— they review it. I- I'm asking a point of- a point of clarification here. Did- did this agency review this proposed road development in the past?

Mary Claybon
So, the whole project was reviewed, and that's in the agency commentary from the Staff Report from when we originally went to the Planning Commission. On I believe — [overlapping dialogue]

Sarah Bodnar
Let me get a little bit more granular, because our understanding is that when this project was noticed, that the site plans that were circulated, the scope of those site plans included the project proposed project area, but perhaps not this section of road? um —

Autumn Karcey
— it takes away this RFR issue where they might not have received the grading plans, or — parts of the project" We had a conversation about that —

Mary Claybon
Right

Autumn Karcey
— last time I was here when you said, "If you kind of abandon the road access,

Mary Claybon
So — [overlapping dialogue] Yeah. [nodding]

Sarah Bodnar
Did they? Because we know whether we're clear — [overlapping dialogue]

Mary Claybon
So, they did not- they did receive notice, the legal notice, and the department also received the request for agency review. They're listed on the legal notification sheet for all of the outside, sorry, all of the surrounding parcels. So, that is there, and it is on

record that the Lake County Flood Control District received legal notice because at that time, the parcels are registered under Lake County Flood Control District, however, that is now what's considered Water Resources Department.

Sarah Bodnar
Yeah, I'm gonna, I'm just gonna keep asking a couple more questions because the details on this really matter. So, did they receive —

Autumn Karcey
Flood Control but Water Resources didn't, because it was a different, different — [overlapping dialogue]

Mary Claybon
So, all of their mail goes to the same place. They're the same. They're one in the same. It's synonymous. So, they were previously identified as Flood —

Autumn Karcey
Like, Oh, it's the same —

Mary Claybon
Yes, they were previously identified as —

Autumn Karcey
Same owner, different name

Mary Claybon
— as "Flood Control District" with the Assessor Reporter's Office for ownership purposes. However, it's still the same responsible party for ownership of the parcel.

Sarah Bodnar
They- they received notice during the RFR. Now, I just seem to get a little bit more granular, because these details matter. Did they receive grading plans of this section of road as part of that?

Autumn Karcey
Got it. OK.

Mary Claybon

So, all of the project documents went out with the RFR. All of the project documents.

Sarah Bodnar
Including grading plans for this specific parcel?

Mary Claybon
Yes

Autumn Karcey
They're proposed it's not an official grading plan.

Sarah Bodnar
Yeah, yeah, yeah because it can't be yet, because, yeah, so- So they did receive these grading plans?

Mary Claybon
Yes.

Sarah Bodnar
It was in the official RFR? [overlapping dialogue]

Mary Claybon
[overlapping dialogue] packet

Autumn Karcey
Okay, got it.

Sarah Bodnar
And they didn't make any comments raising concern about this at that time?

Mary Claybon
About the roadway? No. No. The Water Resources comments are pretty standard to water use: install well meter at the wellhead, things like that. Sorry, we just lost our light [lights went out in Claybon’s and Karcey's meeting room]

Autumn Karcey
[laughter] [lights turned on in meeting room]

Mary Claybon
We weren't moving around enough in here [county meeting room] for the motion sensor. So, with that, they didn't receive their notification. With all of the RFR documentation for review, and we do have a copy of the RFR and all of the agencies that receive that information and everything that was sent within it.

Sarah Bodnar
So, when you said, when you said that we might need to remove this section of road development, it was because of potentially [unintelligible: Bodnar's comment interrupted by Claybon's interjection] deeded access, —

Mary Claybon
Yes

Sarah Bodnar
— but not because it wasn't noticed correctly?

Mary Claybon
No, not because it wasn't noticed correctly because of the deeded access that needs to be identified. It needs to be mapped.

Sarah Bodnar
And is that the kind of modification that could be made at this point and still go forward?

Mary Claybon
So, Michelle and I had been talking about requesting that this project be remanded back to Planning Commission after we can actually recirculate the initial study that identifies the roadway. The roadway was not- as the parcel of the roadway was not considered for the Initial Study, and for serpentine soil, just the actual project site itself.

Sarah Bodnar
So, that's where, that's where the gap was? It wasn't included in the Initial Study of the project?

Mary Claybon
Correct.

Sarah Bodnar
OK, because we need something — [overlapping dialogue]

Autumn Karcey
Yeah, the serpentine — [overlapping dialogue]

Sarah Bodnar
We knew something was left out. So, James, can you chime in here and about this issue of potentially remanding back to Planning Commission?

James Anderson
Yeah, happy to. And if anyone needs any questions, I'm just gonna sit quietly, so there's not too much input. But, my understanding, Mary, was that on the appeal, the board only has three options, that is to uphold the appeal; you know, revoke the appeal;, or modify the project and approve the project as modified. I'm not familiar with a process by which they can remand it, at least, I've didn't see anything in the County code. Now that's not to say that it doesn't exist, especially in this situation where I'd say, you know, the unforeseen or unknown issues that have risen up, like the you know, the easement issue that the county, and this is from what I understand from the County Staff Report, you know, the county verified at least one easement, but now it's in question. So, if that's a possibility, you know, I just want to make sure that's not challenged procedurally by the appellants on [interrupted by other speaker(s), unintelligible].

Mary Claybon
Okay, we have seen this before. Okay, on the project identified as UP 20-90 Presto, where there was an automatic appeal for the project. The project went before the Board. The board remanded the project back to the Planning Commission. Gotcha. And was it sent back to the planning commission was specific instructions by the board for modification? Or- Okay As I recall, it was a automatic appeal, because there was not, um, so- There was a quorum, but there was, I believe three commissioners present, two "yay," one "nay," which is an automatic denial. Yeah, then caused an automatic appeal, and then the appeal then was then remanded back to the Planning Commission

because of the circumstances that we had two vacant seats during that hearing.

Sarah Bodnar
So, in a different situation, is there County code that outlines this process for remanding it back to planning commissions?

Mary Claybon
No, it would be a request the department is making.

James Anderson
Oh, okay, yeah, my concern is, and this is, I'm sure, I'm sure, I haven't been at any of the hearings yet. I've kind of come in in the last two weeks or so to help on a couple discrete, you know, legal issues. My concern is that the appellants are going to, you know, raise this as an issue —

Mary Claybon
For procedural —

James Anderson
— yeah, they've already invested, you're- I'm just paraphrasing my assumption of what they're going to say. They've already invested so much time and money and attorneys fees and blah, blah. So, as long as the county has some sort of, you know, history of doing this and some procedure, I think that's, you know, that's something we definitely want to check in on.

Mary Claybon
Another option would be to request a continuance for a date uncertain for the next hearing — pardon — [Claybon distracted by wristwatch]

James Anderson
Yeah.

Mary Claybon
— and then have an opportunity to recirculate the Initial Study with an addendum. Yeah. Which is what Michelle Iris's stance on this project is. Either we can remand that- request to remand back to PC with the recirculation with addendum or allow for a continuance to a date uncertain to do the same exact thing

Autumn Karcey
Couldn't we?- So I have the serpentine road looked at by a biologist. I'm waiting for a report on it that should be ready within the next week I would say.

Mary Claybon
Okay

Autumn Karcey
If we doesn't need three floristic surveys, if you're not widening or disturbing any additional area.

Mary Claybon
So, this is actually considered roadway maintenance within Chapter 30 of the grading ordinance. You're not widening or lengthening. It doesn't require a grading permit if it's just roadway maintenance. However, there is —

Autumn Karcey
We're reducing the grade though.

Mary Claybon
Yeah, and there is an asbestos dust mitigation plan that has to be approved by Air Quality.

Autumn Karcey
I have that.

Mary Claybon
Okay.

Autumn Karcey
I can send that to you today

Sarah Bodnar
So, to recap what- what you just proposed, Mary, there's like two different pathways potentially before us. One is that we go to the BoS at the next scheduled hearing date, and we request that they remand it back to Planning Commission, and then we re- recirculate the Initial Study there, and then go through the Planning Commission

again. Or alternate path is that we, on October 22 staff requests a continuance because you want to recirculate an Initial Study that includes this eyelash of road development. And then we come back to the board after that Initial Study has been circulated.

Mary Claybon
Yes. That is Michelle Irace's intent for either of those two pathways.

Sarah Bodnar
Okay, so I think we'll just take that under consideration, and we'll have to discuss internally, but either way, because if Autumn decides to develop this road, or if she wants to develop a different road that was not circulated in the Initial Study, there will be some mods to this project, in which case the the Initial Study would have to be recirculated, but we might not have to go backwards to PC to do that?

Mary Claybon
Right. However, going back to PC might be the better option for this project, because they're so familiar with the cumulative impacts and all of the other projects in the area and what they've already approved.

Sarah Bodnar
You know, we will have to discuss internally the pros and cons of both. It- it could be that there are certain aspects that are better in going that pathway, and it could be that there are certain aspects that are worse.

Mary Claybon
Sure

Sarah Bodnar
And so we'll just have to talk, because there's many implications to that. You know procedure?

Autumn Karcey
Well, I think it starts with this, because I could get that document from Geo next week. We might still have time to circulate it before October 22 because there's a 30 day- they have to respond within 30 days. So, if I got it to you and you got it out in the next two

weeks, that RFR process could still happen prior to October 22 and even if we didn't have the information back, we could punt the hearing at that time

Sarah Bodnar
Well, based on what Mary said, didn't she say that, that if it's road maintenance, that floristic study is not mandated?

Autumn Karcey
Right, But it's a- it's grading, it's cutting and removing.

Mary Claybon
It's cutting.

Sarah Bodnar
Okay

Autumn Karcey
We're cutting the grade of the road, but we're not widening, so it would still fall under a grading permit —

Mary Claybon
It would.

Autumn Karcey
— because there's serpentine soil?

Mary Claybon
It would, it would not qualify as maintenance at that point.

Autumn Karcey
What I'm asking is, if we're not widening it. Do we need three floristic surveys still?

Mary Claybon
Okay, so that'll follow up with Michelle.

Autumn Karcey
Okay, because — Oh, it's not three? Yeah, it used to be three, I think.

Mary Claybon
And it's two floristic surveys. It's two floristic surveys within the season.

Autumn Karcey
I just did, August,

Mary Claybon
OK

Autumn Karcey
So, that's complete. When's the next one?

Sarah Bodnar
Meaning, when is the next season?

Autumn Karcey
Yeah,

Sarah Bodnar
Well, she said it's two in a season

Mary Claybon
Two within the floristic season

Autumn Karcey
Two- It's two different seasons though, right? You have to get one in one season, and one in the next season. Yeah, I have those somewhere. Geo told me.

Sarah Bodnar
Yes, so we may already be compliant in that, if it's only two

Autumn Karcey
No, I only have one.

Sarah Bodnar
Okay.

Mary Claybon
This certain area of the roadway where the serpentine soil exists?

Autumn Karcey
Yeah, Geo just did one. AES did not, because we weren't aware that it was needed, because it was already disturbed area, and it was a road. So, the question I asked earlier, if it's an existing road and people are using it, and a endangered species pops up, does it prevent someone from using that road ever again?

Mary Claybon
That's- that's interesting. Hmm, that's- that's an interesting point. So, the appellant had stated there was a sensitive species. I don't think she said —

Autumn Karcey
[Shakes head side-to-side] I brought the bio, our biologists up there directly after, and he did not see it

Mary Claybon
Okay.

Sarah Bodnar
Like, that same week that her brief was filed

Autumn Karcey
I wouldn't put it past her to plant something up there and take a picture of it and walk away. Whatever she says, not valid.

Mary Claybon
Okay, um,

Autumn Karcey
And she's not a biologist, no, but she did bring a biologist up there, according to her documents,

Sarah Bodnar
Well, one of the women in the room self-identified as a biologist. I'm guessing —

Autumn Karcey
That was the woman. Yeah.

Sarah Bodnar
That's probably who she brought up there.

Autumn Karcey
So, it seems like the big deal killer would be if they decided to put a gate up and —

Mary Claybon
Right

Autumn Karcey
— say, "you can't use this as an access."

Mary Claybon
So, that's why Michelle said we need to have your easements mapped and identified, that way we can show that as an exhibit.

Autumn Karcey
By a surveyor?

Sarah Bodnar
So, and again, an easement on this road doesn't exist because on this particular stretch of county road, because it's unrestricted. So, you can't get restricted access on something that's fundamentally — [unintelligible]

Mary Claybon
We would need to [unintelligible, overlapping dialogue]

Sarah Bodnar
That doesn't exist — [23:25 Indicates something on paper map to Claybon in the meeting room, interrupts Claybon; Claybon nods]

Autumn Karcey
Hang on, Sarah, my last easement took two years to get. That's how long it takes to get, or actually, this was almost four years —

Mary Claybon
Wow

Autumn Karcey

— to get it recorded.

Sarah Bodnar
Which was on private property, Autumn, the one that you're talking about?

Autumn Karcey
No, to get an easement through the County. I had the surveyor go up there. It took them months to map it, and then it took the county in about three years to accept the survey. That's how slow and backed up they are. [Karcey made air quotes on "accept"]

Sarah Bodnar
In a- in a case like this, just process question, is it possible to require that the date of access be warranted before she [applicant] starts driving on that road? But that it doesn't have to hold up the permit. Can it just be —

Autumn Karcey
It's still [unintelligible]

Mary Claybon
It is, it is a requirement for the project that it has direct County-maintained road access or a recorded deeded easement.

Sarah Bodnar
So, it can be a Condition of Approval. It has to be on record upon time of consideration of the project?

Mary Claybon
I can ask Michelle.

Autumn Karcey
It doesn't matter. It still cure- kills the season, it kills development, whether I'm held up in waiting for the surveyor to- this county surveyor's office to accept it or not, it's still a three year process to get that road.

Sarah Bodnar
Yeah, no, I get it. But if it's the difference between holding up your hearing or not, like that's what I'm kind of trying to identify,

because if we can't recirculate an Initial Study and expect any different outcome, if we don't have according to this, proof of deeded access to something that is an unrestricted access road, which they want to restrict.

Autumn Karcey
So, let me get this straight, we need a record of survey, along with the agreement from Water Resources for access?

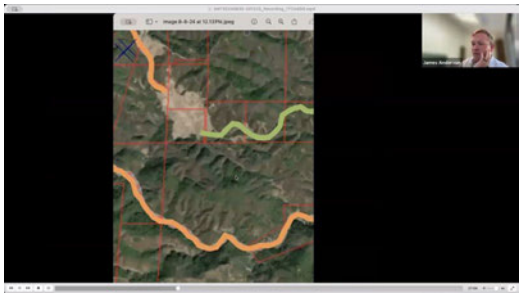
Mary Claybon
So, we have not even discussed with Water Resources anything yet. We wanted meet with you guys first.

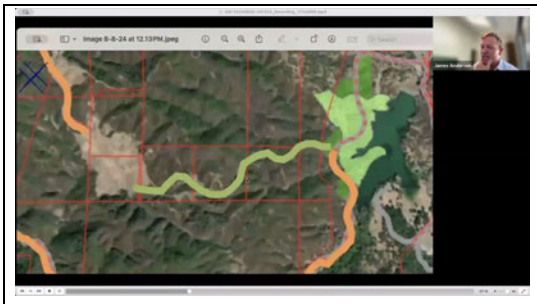
Autumn Karcey
Yeah, but what I need [unintelligible, overlapping dialogue] to legally use this road. I need a record of survey that's approved by the County Assessor's office, right?

Mary Claybon
So, I'm actually going back to what Sarah had mentioned. It's unrestricted public access, so there should be no need for an easement. However, the [cannabis] ordinance does state that a project does require deeded access or frontage to a county-maintained road.

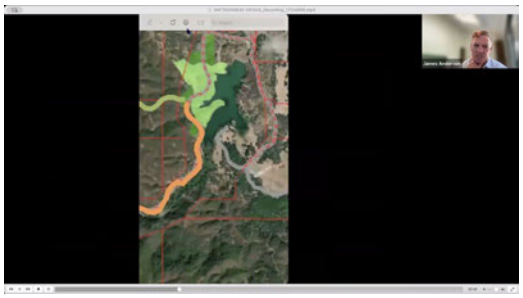
Sarah Bodnar
So, this case, because it's kind of a special scenario, we would need basically proof that it's unrestricted access. So by default, it's deeded?

Mary Claybon
Um, so, we just need proof that it's unrestricted public access, other than the verbal confirmation of it from the Surveyor, because at that point, he was like, "Yeah, I'll tell you what I believe it is," but he wasn't willing to put that into an email or a document.

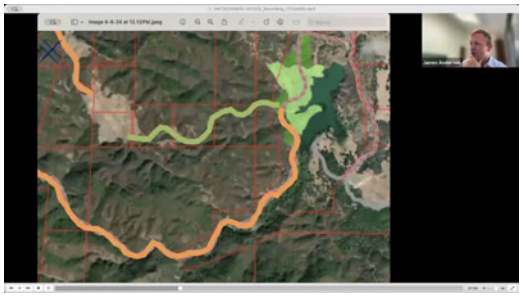




Sarah Bodnar
Autumn, can you share a little bit about what was uncovered as he started trying to dig around for proof of deeded access with the county records?



Autumn Karcey
Yeah, so let me just pull that document up here.



James Anderson
While you're pulling that up, Autumn, can I just ask a question? So, the question here is the in the cannabis ordinance, you have to have access to public road or recorded easement, so, we have been two conversations at the same time? One of them is about whether or not these easements can be recorded, and the other one is about whether this unrestricted public access counts as a public road.

Mary Claybon
Yes.

James Anderson
Okay, just confirming that. And is, how would we, how would we determine, and this is me just trying to, you know, clarify everything from my own mind. We're trying to figure out a way to have some county staff person make a, you know, determination that unrestricted public access equates to public road, correct?

Mary Claybon
Yes, that would be ideal. And that would be up to County Counsel to make that determination, or potentially the Road Superintendent.

James Anderson
Yeah, that would be my experience. Or it's like, it depends county to county, like the director of the transportation department or something like that. Who?- Yeah, okay, that's good to know, because I don't think just- just, you know, thinking out loud here, it sounds like getting a recorded easement for this is going to be prohibitive.

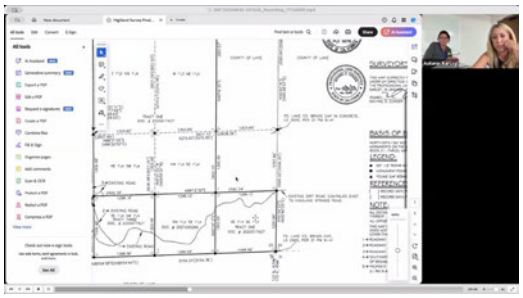
Autumn Karcey
Yeah. [Claybon nodding in the background.]

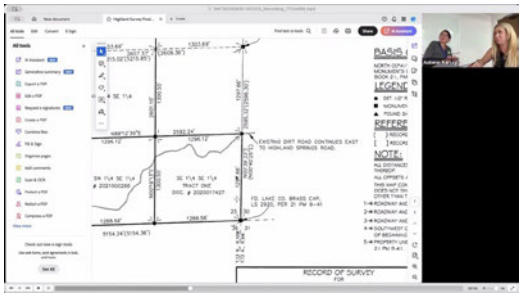
James Anderson
Yeah, time wise, mostly time wise, not cost wise, maybe cost wise. So, really we have to figure out how we can determine this is a public access road. How has it been treated, though, so far, because my understanding, based on the appellants' comments, is that there's a numerous people who have used this road before for some reason? Autumn, am I- am I correct?

Sarah Bodnar
There's, there's some comments which are not necessarily measurably true about the use of the road, yeah.

James Anderson
Gotcha, okay.

Sarah Bodnar
So, Mary, in your estimation, what do you think is the next step for that specific conversation about accessing this road. Do you think it's like the Head of Transportation? Is it Water Resources, who owns this land? County Counsel? Where do you think we should start with asking these questions?





Mary Claybon
So, with that, I would start with the Road Superintendent to determine if an unrestricted public access road would also constitute as you know, access to this site, and obviously we wouldn't need an easement if it's unrestricted, but is it also a county maintained road if it's owned by the County and they have active parks and trails there?

Sarah Bodnar
So, um, who is the current Road Superintendent,

Mary Claybon

um, I believe-

Autumn Karcey
Talk to him

Mary Claybon
So, I believe it's uh, James Hale.

Autumn Karcey
He couldn't answer the question either. I talked to Roads. I talked to the County Surveyor, and they were like, "We don't know," and I guess you guys lost a large part of your documents and historical data?

Mary Claybon
Right, yeah.

Autumn Karcey
Yeah. So, um, excuse me for one minute. I just gotta take this but [30:00 Karcey leaves the meeting room]

Sarah Bodnar
So, it sounds like there's a lack of County records to confirm or verify that this is, in fact, unrestricted access public road. What- What is the way forward? If that is the case, if the county has lost the records, how do- How can we confirm this?

Mary Claybon
Um, the way we would move forward is Michelle, Mireya, myself request a meeting with Water Resources and with the new Public Works Director and both, like, just sit down, hash it out and see what exactly they know about this roadway and whether it is unrestricted public access, because that term came from the Surveyor. So, is that, in fact, what this is at the site, or is it just a private interior drive? That's the ultimate question.

Sarah Bodnar
Yeah, a lot of the arguments by the appellants, as- as James raised, speak to the fact that this is a- well, they- they state, I don't know if it's true, that a lot of people use this road.

Mary Claybon
So, there are a numerous amount of people that do use this road, some on foot, some horseback, but for the most part, it has been unmaintained, and it is in pretty dire condition. So, I'm not sure if it would constitute a county-maintained roadway that maybe had just been abandoned.

Sarah Bodnar
And I think one thing to point out in terms of public safety is that some of these claims that are being made are highly contradictory, like, one is that the public is using this road, and the other is it's filled with dangerous serpentine soils.

Mary Claybon
Right.

Sarah Bodnar
Well, when you walk or run horses on a road like this and kick up the dust, people who are immediately inhaling the dust are the people who are highest danger.

Mary Claybon
Right.

Sarah Bodnar
So, road construction, like the- the time when- it's when there's a need for PPE and protocols is when you're disturbing the dust. So, basically, on one hand, they're saying a lot of people use this road for recreation. On another hand, they're saying it's super dangerous. Well, the only safe path forward is to cap the road and pave it.

Mary Claybon
Yeah.

Sarah Bodnar
And if the county has either abandoned maintenance of the road, then it's essentially posing a threat to public health and safety.

Mary Claybon
It could potentially, very well be, however —

Sarah Bodnar
If we follow kind of the argument that the appellant— And so, one of the ways we would like to see this posed is also get [Lake County] Air Quality [representative(s)] in the room, when you have this conversation and say, like, what's the highest good for public health and safety here and— [33:16]

Mary Claybon
Right. Asphalting and chipping the entirety of the roadway through the parcel containing serpentine soil is the direction and guidance we have received from the Lake County Air Quality Management District. For other projects that do have serpentine soil on site —

Sarah Bodnar
Exactly.

Mary Claybon
— the, the roadway length for the entirety of the parcel with the serpentine soils on site, not necessarily all of the roads, but the parcel that contains the serpentine that access point does need to be fully asphalted, chip sealed.

Sarah Bodnar
So, I would request that when you have that meeting with County Water Resources, you have Air Quality there too, so that the two agencies that are basically governing or have jurisdiction over what happens there are both talking about it, because if Air Quality says, "This is the protocol, it needs to be paved" and then, then, you know, it's on the County to say, "Well, are they going to do that?" And if they're not, you know, it not only could we get access to the road, but we could be requested to improve the safety of the road, and I—

Mary Claybon
You have a very valid point. If the concern is for safety of asbestos dust mitigation, then regularly traversing the property without these measurements in place could potentially cause a threat. [34:37 Karcey present in meeting room]

Autumn Karcey
Yeah, and how is somebody's feet or horse who's safer than a car climbing up it, you're still- so if you look at the- the road,

there's trenches in it. So, in the winter time, there's a river that floods down, crosses the street, and right in the Highland Springs. So then, for years, it's been asbestos dust straight into Highland Springs.

Mary Claybon
Surface runoff

Sarah Bodnar
What I requested, Autumn, is to get Air Quality in the room when the County has this conversation with Water Resources. So, they're both weighing in.

Autumn Karcey
Yeah, it's- it's a hazard. [unintelligible] Great idea.

Sarah Bodnar
Looking at the overall impact, because if the County has abandoned maintenance of this road and wants it to remain unrestricted public access, you know, I said the same thing, horse hoofs and feet actually propose more danger than a motorized vehicle driving on it, because in a motorized vehicle you're indoors and you can roll up the windows —

Autumn Karcey
Yeah

Sarah Bodnar
— but if you've got pedestrians and equestrians passing on the road, you're actually kicking up a lot more dust, and you're- it's right in your face. And so, your exposure is prolonged.

Mary Claybon
So, it should be noted that the Lake County Air Quality Management District Department Head did go in front of the Board of Supervisors this last Tuesday, and he had stated — [35:55 Participants talking over each other; unintelligible speech.]

Autumn Karcey
Sorry, the Department Head for who?

Mary Claybon
For Lake County Air Quality Management District.

Autumn Karcey
Okay

Mary Claybon
Went in front of the Board and had said that they will be limiting services from that office.

Sarah Bodnar
Yeah, I saw that. So, we need to get them in the room as quickly as possible to have this conversation and weigh in about, you know what they think the appropriate mitigation measures are, which you know, what they've applied to every other project that has these same conditions, which is to to cap the road, to properly maintain it, and we're, as the applicant you know, volunteering to incur that cost to make the road safer.

Autumn Karcey
Really, it's at least six figures [36:32 unintelligible]

Mary Claybon
It's an expensive [unintelligible] portion of the project

Sarah Bodnar
Yeah, so that's the angle I'd like to see us approach, absent any sort of record keeping that actually gives us access. I think we need to talk about, well, you know, what can we get rights to, and what can we be asked to do that we agree to.

Mary Claybon
And the serpentine outcropping does not exist further into the project scope. It's just there at the entrance.

Autumn Karcey
Yeah, we looked at it, they said in their documents that it extends way past and that it's- I'm obstructing 1000 feet of roadway. I think it's like 150 feet when it walked it. So, it's 10% of what they're claiming. In addition, there's um yeah. So,okay, so it's, it's a multi layered issue here one we have the access issue, which is first

and foremost, but that dovetails into the conversation with LAQMD and Water Resources of okay, there's an access issue, but there's also a human health hazard issue —

Mary Claybon
Right

Autumn Karcey
— And the County wants to keep these trails open. They want public to access this. It's- it's demonstrated on their brochures,

Mary Claybon
Right, which now brings us into Ordinance 3096, for the setbacks.

Autumn Karcey
Yep.

Mary Claybon
Right. So, it is my understanding that the board had determined that there are setbacks, 1000 foot setbacks, from active trail heads and parks and Autumn and I spoke about this, probably about a month and a half ago, of what trails are actually active, there are some that are mapped —

Sarah Bodnar
So, sorry. Um, we found, we found subsequent language that the board had changed that to 200 feet.

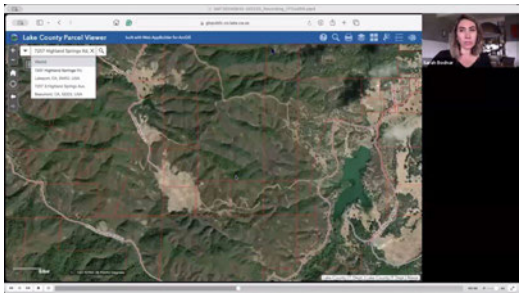
Mary Claybon
So, Michelle had actually looked at a few different ordinances. And while there was a recommendation, we do not believe it was adopted. I haven't reviewed the video.

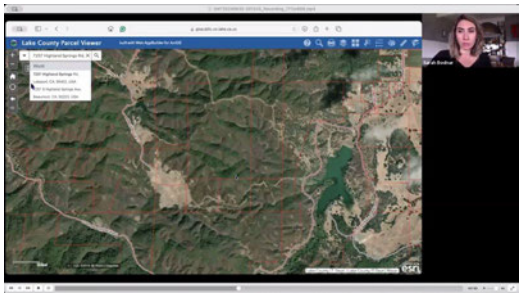
Sarah Bodnar

[38:39] I'm gonna do that. So, we were- we- That's on my list, and we're gonna chase that down to the end, because I did see it move through part of the process, through the minutes, but I — And this was a concern raised by the, um- by some —

Autumn Karcey
I was there when it happened. I was physically present. I amended my maps accordingly, and it, it was the deciding factor of us purchasing this property. So, I remember that very clearly, because I had a couple million dollars riding on the decision. [Smirking] Um, the- and that would be, irregardless [sic], that would be active trails. And then when I went and I- I mapped and walked all of these trails in the property, uh, I think if I do the GIS here, it'll come up. [39:23 Karcey indicates map of "Highland Survey Final" document] The appellant.

Sarah Bodnar
Well, it was oppositional speakers before they became the appellant in the commission hearing itself and Mireya paused the meeting, consulted with the maps to confirm that even- even with the 1000 foot setback, but I actually think that that number is wrong because we believe it has been updated to 200. Even with a thousand it was not encroaching upon that.

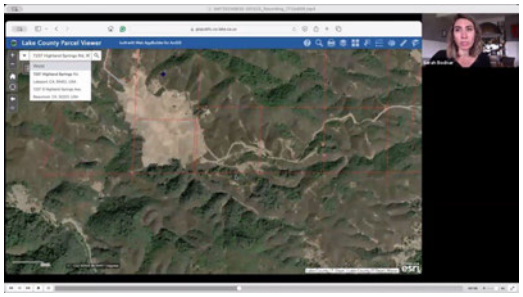


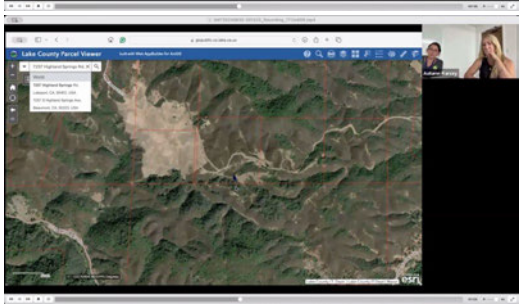


Mary Claybon
Right.

Sarah Bodnar
Is that also your understanding?

Mary Claybon
[39:58] That is my understanding, and that's also what was written in the Board memo for the first appeal hearing that had been uploaded. We are going to make some revisions to the board memo that will include the serpentine soils. And you know, recirculation is what we're going to have to do for those serpentine soils.





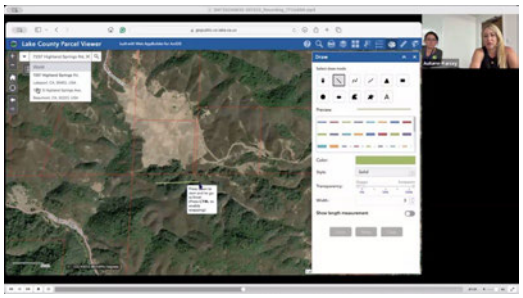
Autumn Karcey
So, um, now, if I don't touch the road, I still have to deal with the easement access issue, right?

Mary Claybon
Right. We still have to deal with that issue.

Autumn Karcey
[40:35] So, so, I don't know. Can you see? Stop sharing [unintelligible] [40:38]

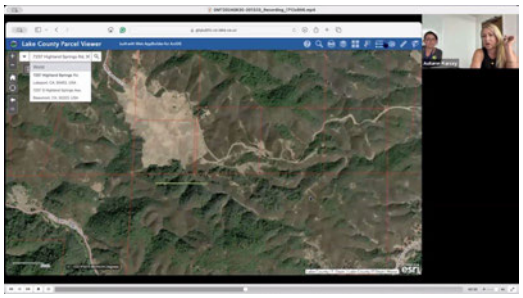
Sarah Bodnar
My theory is there that- that maybe one reason why they wanted to put up that sign to say, you know, no- no vehicles, is because they don't want more disturbance of the soil, but a way to solve for that is also and they might not want to offroad vehicles there, but I think

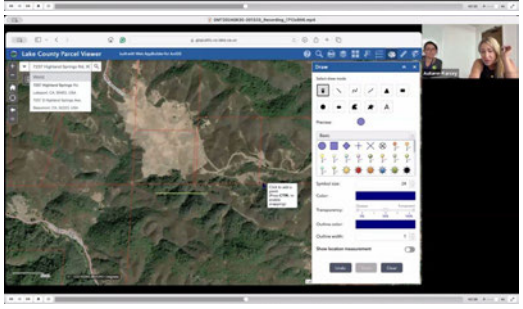
there's an argument to be made that- that that stretch of soil and road needs to be safer.



Autumn Karcey
So, the only trailhead that you can reach over here is over 1500 feet away. It ends like right here. [41:07 map of trails referenced]

Mary Claybon
So, going back to the point that you had just made, Sarah, or safer roads? That was one of the arguments raised by the appellants. The Highland Springs Road and the connecting roads were hazardous, so by having the roadway maintenance in this specific area, that could assist in those efforts

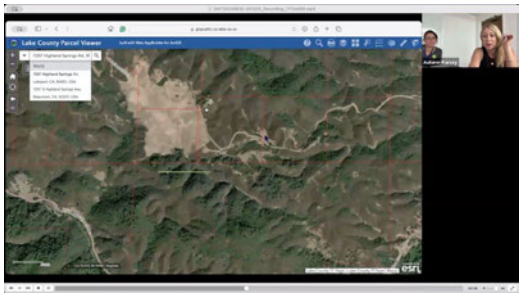


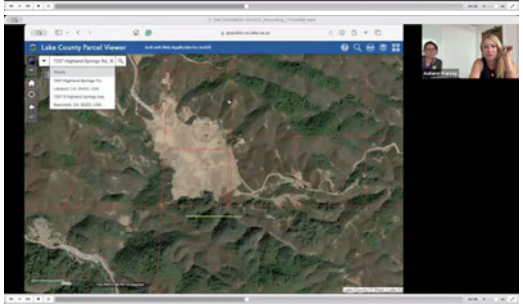


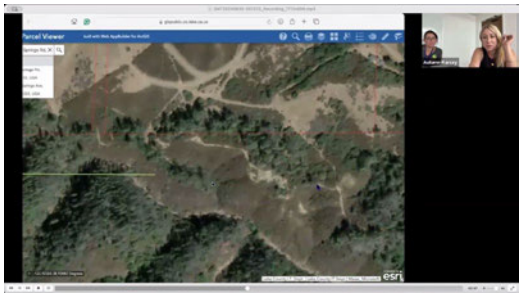
Sarah Bodnar
I zoomed in, I can- I'll zoom back out if you want. Um, [unintelligible]

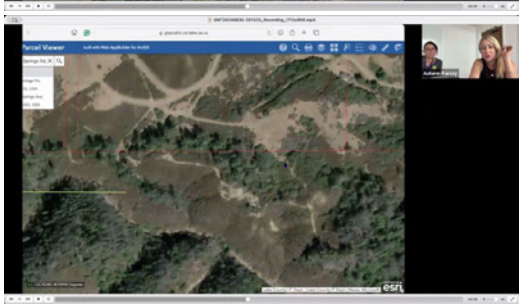
Autumn Karcey

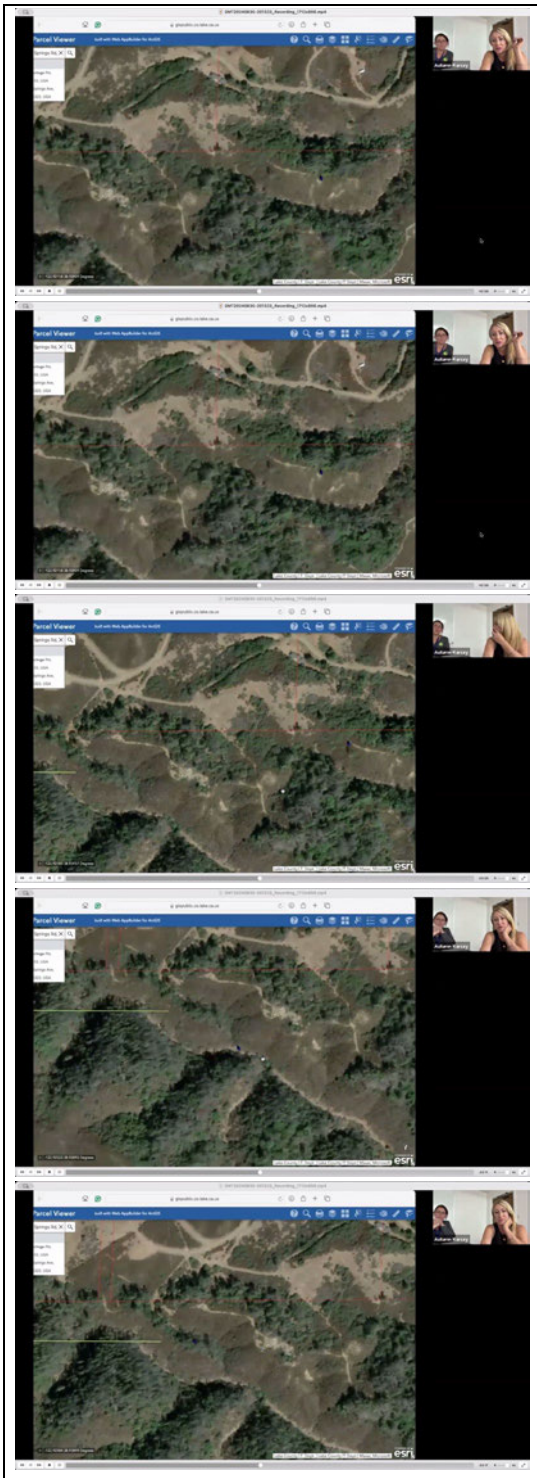
Right. Yeah, so just, I don't think this is an issue, because CEQA was based on the existing conditions, and so part of their argument was, there's a proposed trail that runs, you know, kind of like through here. [41:45] And because of this proposed trail, it should have this set back which cuts off half the farm. That trail does not exist. This is so thick. It's BLM land. It would take millions of dollars and you'd probably plow through a lot of endangered species to try to create this trail. But since CEQA is based on existing conditions, that argument's null and void.







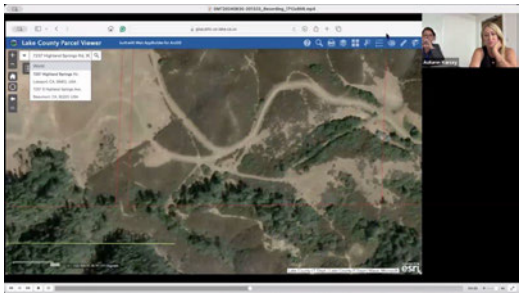


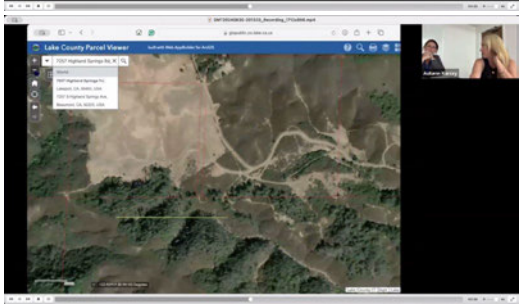


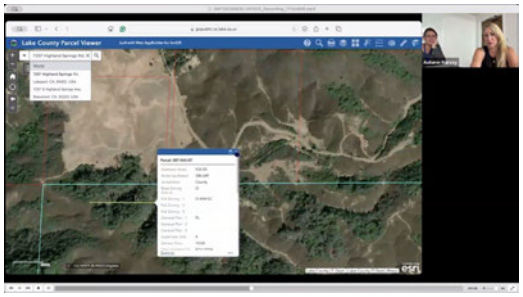
Mary Claybon
Okay. [Nodding]

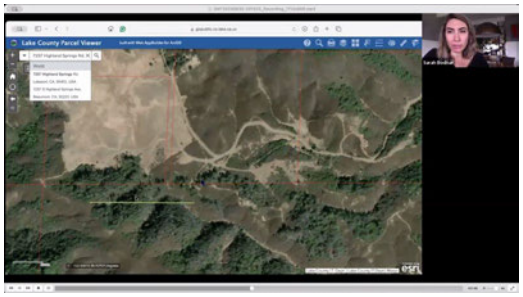
Autumn Karcey

The only trail that we could access was somewhere, and I have pictures of it too. It was, like, back here. It's behind the house over here. [42:36] I- yeah, I just don't understand how someone could access this for over 50 years, and then now it becomes an issue. Just seems, like, crazy. Um, so here's the house here. I think it looks like this is still part of our property. And then the trailhead. Was, like, somewhere over here is where it ends, and it's [43:01]over 1500 [feet] right there.









Mary Claybon

Right. I remember we had looked at that.

Autumn Karcey

And I had pictures of it too. Yeah, so you don't think there's a setback issue?

Mary Claybon
And I mapped it from the trail that's actually above the project, and that was greater than 1400 feet? I don't think there's a setback issue —

Autumn Karcey
I don't think so either.

Mary Claybon
— but I am intrigued to know more about a reduction from the 1000 to 200 foot set back.

Autumn Karcey
We'll get that for you

Sarah Bodnar
I- yeah, it's on my list, and I'm gonna watch those meetings next week so that we can have the- follow it to the end, because I found when it was originally proposed, and then I had to go back to Planning Commission and then come back so —

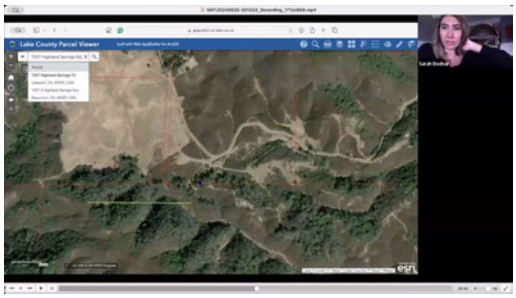
Autumn Karcey
Yeah, Bruno [Supervisor Sabatier] proposed it, and then it was adopted because we augmented our plans because of that, uh. Jeez. [Lights turn off in meeting room, again]

Sarah Bodnar
[Laughter]

Mary Claybon
So, their issues were public safety, traffic, serpentine, insufficient biological and hydrological. So, wetland delineation is another one that we had come up with. How can we determine setbacks if we haven't had a formal delineation of where those waters would be?

Sarah Bodnar

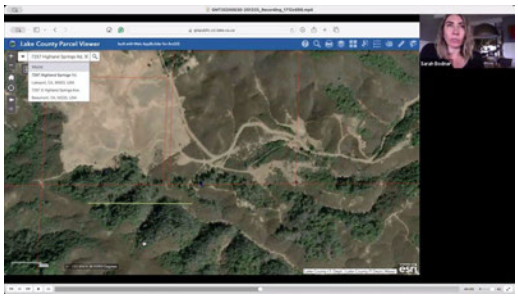
We have an update on that, because one of the agencies that the appellant contacted directly is Water Boards, and we met with them. Is it okay if I just share this part, Autumn?



Autumn Karcey
Well, it did. We don't have a wetland delineation survey. We have—

Sarah Bodnar
No, but I just wanted to share —

Autumn Karcey
— the County maps. So, if a wetland delineation survey is required, we could certainly do one, but that's seasonal as well.



Sarah Bodnar
It's not required. It would- it's not required of you.

Autumn Karcey
It's not required, but we- if- if that could be, like, a condition of approval and amend accordingly. I would be amendable [sic] to that. It's not difficult.

Sarah Bodnar
Can I share a little bit about the setbacks?

Autumn Karcey

Yeah, and then go into the setbacks, because there's two different things. There's what's mapped on the LiDAR, or whatever they use to draw the water—

Sarah Bodnar
What I wanted to do —

Autumn Karcey
— and there's a biologist just going out there and actually physically mapping the wetlands.

Sarah Bodnar
What- What I the reason why I brought this up now is because I think that we there is an argument to be made that what Water Board's identified could suffice as a wetlands map, and they asked us to increase the setbacks a little bit, and that maybe, like, I don't- it's not required that we do a wetland delineation study. If the staff wants to ask for it, you could. And when- when Margaux contacted the Water Boards, they put eyes on the project again. And what has happened is that when it was first circulated, the water patterns were a certain way that first year, right? And then when she got the contact from Margaux and looked at the most recent maps, there had been some different water patterns in Lake County.

Autumn Karcey
So, a new wetland appeared.

Sarah Bodnar
A new wetland appeared. So she- she- she [state water board geologist Janae Fried] reached out and said, like, 'let's talk about this.' So, we got on the phone with her, and she said, 'given the appearance of this new wetland, which I wasn't able to see the first time [when] I reviewed the project and issued the NOA,' because it was fully cleared, right? 'Given the appearance of this new wetland, we would need to increase- increase the setbacks in one of these cultivation blocks.' [46:51]

Autumn Karcey
[Unintelligible dialogue] and I can just show you that [47:28]

Sarah Bodnar

And so, we have given that feedback back to the engineers, and those maps are going to be slightly edited- edited to increase that buffer around this, like, newly appeared wetland. It will not be increasing the scope of the project or the area of disturbance, or the canopy in any way. So, it's just going to be, you know, a limiting and those updated- actually, those maps that should be done any day now. So, we plan to provide you with those once that happens.

Mary Claybon 47:26
Okay — [unintelligible dialogue, Karcey interrupts]

Autumn Karcey 47:26
And I will just show you that what they pointed out at the Water Board was, um.

Mary Claybon 47:33
Which garden is affected?

Sarah Bodnar 47:34
It's Block D, I believe.

Mary Claybon 47:37
Okay.

Autumn Karcey 47:38
No, they're all kind of affected, a little bit, but —

Sarah Bodnar 47:41
Oh yeah, there is some impact on the upper ones too. The wetland is sort of kind of like right through the center of Block D, and there's some other areas.

Autumn Karcey 47:56
So, basically, they want us to be 100 feet off of the wetlands.

Mary Claybon 47:56
[Laughter. Unintelligible dialogue as Claybon and Karcey look at papers in the meeting room.]

Autumn Karcey 48:00

This will cut in another 50 feet, but my fence line is like 20 feet away from the cultivation anyway.

Mary Claybon 48:00
Okay.

Autumn Karcey 48:00
And, so, Summit Engineering's amending the grading right now, so this will extend to 100 feet here, and then it can taper back down to 50 wherever it's a Class II stream, I believe, Class III?

Mary Claybon 48:00
Okay.

Autumn Karcey 48:00
50, 50, 50. There. [Claybon and Karcey reference paper maps in the meeting room.]

Mary Claybon 48:03
Class III.

Autumn Karcey 48:05
Class III. So, this is all fine. This needs to be cut back a little. This will be cut back a little. And then there's the new wetland. Is this? This was a wetland area here, so that will have a little impact here. And then there was a new stream that was found right here. That's also a Class III. So —

Mary Claybon 48:41
So, you'll have to put a buffer. Okay. And then here.

Autumn Karcey 48:48
And then here we'll, yeah, here. We'll cut in here a little bit.

Mary Claybon 48:50
Okay.

Autumn Karcey 48:51
Cut in there a little bit.

Mary Claybon 48:52

So, with this, we'll need to refigure what the actual canopy is for each garden.

Autumn Karcey 48:57
Yeah, I gotta wait for the engineering plan —

Mary Claybon 49:00
Okay.

Autumn Karcey 49:00
— to come back first, but it'll be —

Mary Claybon 49:02
So, we have canopy, we have cultivation area, and then we have canopy rows and aisles —

Autumn Karcey 49:08
Mm hmm. Yeah.

Mary Claybon 49:09
— so, that we'll need the three figures for each of the four gardens — — For what's affected.

Autumn Karcey 49:15
Um, yeah.

Mary Claybon 49:16
So, with all of these project modifications, this is- obviously, we we're looking at recirculation

Autumn Karcey 49:22
But it's not extending the disturbed area.

Mary Claybon 49:25
But it is creating a setback, a larger buffer. So, it's- it's a more protective measure. Previously, when we had projects with more protective measures, they didn't require recirculation. However, because we have so many issues that we need to identify, especially the serpentine —

Autumn Karcey 49:42

Yeah.

Mary Claybon 49:42
— That had not been considered.

Autumn Karcey 49:44
I agree with that.

Mary Claybon 49:44
That would be —

Sarah Bodnar 49:45
That- It would all go- it would all go into the Initial Study and the recirculation?

Autumn Karcey 49:49
So —

Mary Claybon 49:49
Right.

Autumn Karcey 49:50
— but if I decided not to amend that road and just say, '4290 is not required here' —

Mary Claybon 49:56
Once you have a processing building, 4290 is required.

Autumn Karcey 50:01
I thought you said it wasn't, because it's County —

Mary Claybon 50:03
So, well, then there's the other aspect to that, that the 4290 is required for interior roadways only —

Sarah Bodnar 50:14
Right?

Mary Claybon 50:14
— But then we're back to the access point question: is it legal access by being unrestricted public access?

Sarah Bodnar 50:24
[Laughter.]

Mary Claybon 50:24
If that's actually what this is.

Sarah Bodnar 50:27
'Cause it's really, like, so circular —

Mary Claybon 50:29
Right, right. We're coming back after touching all of these arguments to the same one.

Sarah Bodnar 50:36
Yep.

Mary Claybon 50:37
Which is ultimately what we need to figure out.

Autumn Karcey 50:39
So, then let's just kind of my surveyor’s questions, and I can go through these with you. So, this was taken directly from the appellant's arguments, and then I talked to my surveyor that did the [survey] Conser. Michael Conser [name of surveyor].

Mary Claybon 50:53
Okay.

Autumn Karcey 50:53
So, 'the correct easements required for site access have not been verified- identified or verified as the PC Staff Report, two easements must be verified an access [?] easement through the adjacent parcel, APN 00704304, and second easements identified as roadway and easement access on parcels, APN 0070560100705602 and 0500705606, both are repetitions. The county changed the system and cannot find any record.' We are aware of that, but he notes: 'each parcel has a 60-foot right-of-way easement over each parcel for utility easements, showing that the county had intended development.' And so- and development was always intended on these parcels, which is why you have 60-foot access utility easements,

Mary Claybon 51:47
Right? I mean, part of —

Autumn Karcey 51:49
So —

Mary Claybon 51:49
— Vernal Drive is a 350-foot easement.

Autumn Karcey 51:53
Yeah.

Mary Claybon 51:53
And it's on top of a ridge,

Autumn Karcey 51:55
Right.

Mary Claybon 51:55
Right?

Autumn Karcey 51:55
So, if there—if there's no access, why would the county intend for development?

Mary Claybon 52:00
Right, right? I understand the argument.

Sarah Bodnar 52:06
I don't want to- I don't want to derail you, but I just want to put a flag in that we didn't finish the conversation about wetland delineation. And if that's going to be a request of the staff.

Mary Claybon 52:14
I will— I will speak with Michelle about it. I think the increase in the setbacks satisfy that requirement. Well, it's not even a requirement —

Autumn Karcey 52:25
It's not a requirement.

Mary Claybon 52:25
— It's a request.

Autumn Karcey 52:26
Yeah.

Sarah Bodnar 52:27
Okay, yeah. So, get back to us on that, because that's something that Autumn said she'd be willing to consider doing if you feel it's necessary.

Mary Claybon 52:35
Okay. And then I am going to request a copy of the Zoom recording, that way I can share it with Michelle when she does have —

Autumn Karcey 52:42
Great.

Mary Claybon 52:42
— The opportunity to to view it prior to a scheduling with any of the other departments.

Sarah Bodnar 52:48
Yeah, I'll send it to you.

Autumn Karcey 52:50
Okay. The other part of the survey: 'To our knowledge, the scope of these easements have not been verified, and the use proposed for the project does not appear to be within the scope of at least one.' So, Amber Ridge Court does have easement —

Mary Claybon 53:08
Right.

Autumn Karcey 53:08
— By the Herzogs. This one here.

Mary Claybon 53:11
Right?

Autumn Karcey 53:12
Yeah, so this has easement rights. There's also a road, if you zoom in, it's not listed on any public document. But this road is there, has always been there, and it connects all the way through the parcel, because they were saying there's no access. Actually, it comes here and then it goes straight back. You see that?

Mary Claybon 53:36
I do.

Autumn Karcey 53:37
So, there is an existing road that's been there for years and years, which allows that access. So, these two roads physically are connected right here.

Mary Claybon 53:51
Okay, through your interior roadway?

Autumn Karcey 53:53
Mm hmm. And it circles around the buildings. It doesn't touch any part of the development. So, we were planning on leaving that and then when we bring our utilities through- and if this was emergency access- so this was all looked at. This has floristic surveys, and I can put together a- a road development plan for this. If I had to use Amber Ridge Court- and that was the only way around this - we certainly could, which is gonna

Mary Claybon 54:24
Bring more traffic through the residential.

Autumn Karcey 54:27
Bring more traffic through the residential. It's going to upset the neighbors more, which is what we didn't want to intend. But, um.

Mary Claybon 54:35
If it access point could be changed — [overlapping dialogue]

Autumn Karcey 54:38
Being that- that easement access is listed. However, it's only listed to certain parcels, I believe, and it's noted in this in the title report.

Mary Claybon 54:49
Okay.

Autumn Karcey 54:49
So, "clearly stated on the parcel map and record of survey parcel map, westerly, two, 1pm, nine, four. One except but rejects it for maintenance. So, the County accepts the road but rejected maintaining it, which is right here, [indicates something on map in the meeting room] and it clearly states center of a roadway and public utility easement

Mary Claybon 55:16
For the Amber Ridge access point?

Autumn Karcey 55:18
Mmm hm. So, we do have —

Mary Claybon 55:20
We knew, yeah, we, we've always known that was there, because that's how you were going to install your PG&E utility.

Autumn Karcey 55:26
Yeah, that's —

Mary Claybon 55:26
We've always known that.

Autumn Karcey 55:28
— all the IS and MND. So, if we had to abandon this road, Which is not the end of the world, but it's been a lot of —

Mary Claybon 55:31
Mm, hmm, and just use change the access point

Autumn Karcey 55:34
It doesn't, yeah, it doesn't kill the project.

Mary Claybon 55:37
Okay. So, there's a lot of different proposals for this.

Autumn Karcey 55:41
Yeah, so I just want to go in with, like, really good contingency plans, but then that doesn't give me two access points in order to develop buildings, right?

Mary Claybon 55:50
Right? Okay.

Sarah Bodnar 55:53
So, a lot of this is going to hinge upon what happens with the outcome of this.

Autumn Karcey 56:03
Everything hinges on water resources and LAQMD right now. For but I- it doesn't kill the project —

Sarah Bodnar 56:11
Correct.

Autumn Karcey 56:11
— Because worst scenario, I can come through Amber Ridge Court, and I can make it an outdoor property, only with no buildings, right?

Sarah Bodnar 56:19
Would that have to be?

Mary Claybon 56:19
Mmm hm. [Nods head] Just process off site?

Autumn Karcey 56:21
Yeah, which is kind of ridiculous, because if you think about it, everybody dries on their site. Processing is- is we're not manufacturing there. This is just for drying. And if you go to any farm in Lake County, they're drying on site. They're using old barns. They're using different means of drying.

Sarah Bodnar 56:40
And in every other county they want to create a —

Autumn Karcey 56:43
Licensed processing building that's allocated towards drying.

Mary Claybon 56:48
[Nods]

Autumn Karcey 56:48
It, yeah.

Sarah Bodnar 56:49
In every other county they allow processing as part of the cultivation license, same as the state.

Autumn Karcey 56:56
Yeah, and the state allows it. This is a county restriction.

Sarah Bodnar 56:59
They go hand in hand.

Mary Claybon 57:00
It has to be direct frontage access.

Autumn Karcey 57:00
Yeah, and I think they do here too. It's just the you need to frontage road accesses or something.

Mary Claybon 57:07
It has to be direct frontage road access.

Autumn Karcey 57:13
So, yeah, so this one we disagree with. And then for the county's request, review for sufficiency, attached 13 note Staff Report: "Access any site where cannabis activity is permitted. Shall have access to a public road or recorded easement that allows for, but not limited to delivery trucks, emergency vehicles, Sheriff, other law enforcement officers, government employees who are reasonable, first inspection of enforcement actions. PC Staff Report, 15, emphasis added, Supreme Court judgment shall not- must show certainty of intent.' We do have access to Amber Ridge Court public roadway and utility easement. So, that one's fine. The other one was to acquire access to nearest public road, Highland Springs Road, the project must utilize and access a roadway that traverses two county-owned parcels. That was that, when we kind of covered it- won't get too

into the weeds with it, but I just want to make sure I'm not missing anything.

Mary Claybon 58:24
Before you go further, I just wanted to say, you did make a lot of suggestions, and one of the things that would, you know, have really shrunk the scope of this project down, and by shaving it down, is increasing those setbacks, changing the access point and eliminating them-eliminating the processing building. I know that you don't want to change the project that much, but that would fit in accordance with everything that you are trying to do, without having the 4290 access, without requiring the wetland delineation, without being affected by the serpentine and installing that roadway. But it would change the project scope significantly —

Autumn Karcey 59:09
Yep. [Nods]

Mary Claybon 59:09
— And I know that that's not what you want, so I'm just saying, that- that is something that is a clear pathway to change the access, you know, require greater setbacks and eliminate the processing, then we're not looking at any 4290 requirements at all, and you already have your deeded access.

Sarah Bodnar 59:31
So, I just want to say that I have to step off at 2:15. So, I made you the host, Autumn, so that you can stay on with James. And I think that where we're at is everything is a possibility at this point, you know, and Autumn can speak to that more. We just need to, we have to explore all these avenues.

Autumn Karcey 59:47
Yeah. I mean- my- my thought on it is that just before you go, Sarah, is that we go in fully charged with the project, as is,

Mary Claybon 59:58
Yes.

Autumn Karcey 59:58

— And then we offer contingencies as needed. If we think that they're going to be deal killers to the project, you know

Mary Claybon 1:00:05
Absolutely.

Autumn Karcey 1:00:06
Then we come through with at least, you know, hopefully, the vote of the Board that this is a good thing for the community. So, there's a lot of issues here. If we can get LAQMD and Water Resources to say, 'Yes, this does need to be developed. You're right. No, we do need access to these trail heads. Why not let the applicant develop them? And we'll give her access and that eliminates that issue.' So, if not, and they decide, you know, they're going to be hard-headed and put a gate up and keep everybody out, then, obviously, we have to use that other access. And then I just want to understand — [Points at screen.]

Mary Claybon 1:00:45
— without having to go through the prescriptive easement route and then waiting on

Autumn Karcey 1:00:51
Right, yeah.

Mary Claybon 1:00:53
Recorded easements which, as you mentioned, can —

Autumn Karcey 1:00:56
Which is just going to make it so much worse for the appellant and their whole argument. If now —

Sarah Bodnar 1:01:01
That language, the language you read said, 'deeded easement or public access.' So, that's the- that's the crux of this.

Autumn Karcey 1:01:04
'And' not 'or.' Nope, it's clearly 'and.' I've looked at this so many times.

Sarah Bodnar 1:01:14

I thought it was 'or.' Well, I've got to go, unfortunately. Thank you. Thank you for setting this up, Mary. We really appreciate it, and we have some time to drill down these questions. So, let us know what you need from us. I'll let you guys keep talking, and I will catch up about them soon.

Autumn Karcey 1:01:15
Thank you, Sarah.

Sarah Bodnar 1:01:19
Yeah, you bet. Thank you. [Bodnar leaves virtual meeting room.]

Autumn Karcey 1:01:38
So — — And then just on the survey, to finish my survey stuff, County provided incorrect easement information on county owned parcel. The County has yet- so, there was provided easement information for parcel 00704301. So, I just have- County provided incorrect easement information on county owned parcel. The County has yet- so, there was provided easement information for parcel 00704301. Update for Staff Report. Does it need to be recirculated? Because it looks like the County noted the Woods Easement, which is on that Highland Springs property —

Mary Claybon 1:01:40
Okay. Right.

Autumn Karcey 1:02:12
— Does that create a recirculation event?

Mary Claybon 1:02:17
So, the Woods Easement was listed with the Staff Report, not necessarily as the access point with the Initial Study. And that's where the serpentine was left out of this area because staff had believed the Woods Easement was that easement where the serpentine —

Autumn Karcey 1:02:38
Okay, so that it got circulated with the incorrect APN, and so they looked at the incorrect parcel, so they didn't view the serpentine?

Mary Claybon 1:02:46
Correct.

Autumn Karcey 1:02:46
Okay, okay, so, but you've now amended that? Okay.

Mary Claybon 1:02:54
We've stopped, we've identified so we haven't changed anything yet — — For any of our documentation. We're waiting for these meetings to see where exactly the project stands before we begin drafting documents that we're going to have to change again.

Autumn Karcey 1:03:08
I understand. Okay, so, I think step one is LAQMD and Water Resources. Is that something you guys want to spearhead that independently?

Mary Claybon 1:03:22
Yes, that is something that Michelle and Mireya and I will be involved with — — with our agencies, before we bring it out for all of us to sit at the table and have that conversation.

Autumn Karcey 1:03:27
Okay. Understood. Do you have an idea of like, timeline for that?

Mary Claybon 1:03:37
So, I would have to check with Michelle. Okay.

Autumn Karcey 1:03:49
Okay. Because that's the biggest thing, I think, out of today's conversations that I wasn't aware of.

Mary Claybon 1:03:56
Right.

Autumn Karcey 1:03:59
Um, sure, so, 'The process or activity is located, shall have 1) front and 2) have direct access to a paved, state or county maintained road. Both criteria' — [Lights turn off in meeting room.] We're waving our arms in here, James, to keep the lights on.

James Anderson 1:04:24

I can see. I'm just sitting here quietly. I don't want to — [unintelligible] watch me, but, yeah.

Autumn Karcey 1:04:29
[Laughter.] We're waving at you.

James Anderson 1:04:32
Right.

Autumn Karcey 1:04:33
Okay, I would say 'front' and 'face' have two different meanings on that.

Mary Claybon 1:04:38
Right. And that's for a Processor License.

Autumn Karcey 1:04:42
Yeah.

Mary Claybon 1:04:43
So, I mean, to build the facility with the intent to process you don't necessarily have to have a Processor License. You can just have your dry building.

Autumn Karcey 1:04:55
Yeah. Yes, so what —

Mary Claybon 1:04:56
And that- having a dry building does not require a direct front county maintained road access. The license type does.

Autumn Karcey 1:05:08
Yeah, unless we amend the ordinance to match the State's requirements on that. So, can this- would this be a variance issue? Could you grant a variance for a processing building here?

Mary Claybon 1:05:31
So, we have processing buildings on site that don't have processor licenses, where they just process their own cannabis. Like, they dry it and they trim it. They're not manufacturing.

Autumn Karcey 1:05:45
[Unintelligible] Manufacturing —

Mary Claybon 1:05:45
That's where, yeah, that's where it connects it up to the next knot.

Autumn Karcey 1:05:49
But in the State level of processor licenses drying is considered. So, building seven on our site that you've seen that is allocated as a processor license with the DCC.

Mary Claybon 1:05:59
Okay.

Autumn Karcey 1:06:00
So, maybe we have two different definitions, but that was the county and the state —

Mary Claybon 1:06:07
That's a possibility.

Autumn Karcey 1:06:08
— Because our processor license that we're asking for is just trimming drying packaging, I guess.

Mary Claybon 1:06:15
So- and with that, we typically see processing and manufacturing go hand in hand for that type of license, but for cultivation and having a building in which it dries in —

Autumn Karcey 1:06:30
Yeah.

Mary Claybon 1:06:30
— Does not require that license.

Autumn Karcey 1:06:32
That's going to say, because every- every one has a processor.

Mary Claybon 1:06:37

Well, they have a dry building or a processing building, but not necessarily processing license.

Autumn Karcey 1:06:42
But for the DCC, you have to allocate that as a separate license. So if you have a barn that you're drying in, you should have a processor license on it. I'll- James, do you- are you following me on that? Do you- am I correct? [Laughter.]

Mary Claybon 1:06:49
Okay.

James Anderson 1:06:57
Yeah, I don't. I don't know if you're necessarily correct on the last point about having the processor- if you have a building where you do processing, because you can associate that with the cultivation license. You just have to call it out in the license application with the DCC. I need to check on that. My understanding that's —

Autumn Karcey 1:07:12
Yeah, our building- because we don't have any cultivation that we had to get some kind of allocation for that — — for Artemis.

James Anderson 1:07:18
Yep.

Mary Claybon 1:07:19
That's likely.

Autumn Karcey 1:07:19
Okay. So, I had to kind of pick what fell into that, and it seemed like processing, which is a- it says 'cultivation license,' but it falls under processing. So.

James Anderson 1:07:30
At the DCC level, a standalone processing license would be used for someone who is, like, an entity that was aggregating cannabis from a bunch of different sites and using it. You know, the processing license was used to, like, combine all those, dry those all together, trim those all together, etc, etc. That would be what —
[unintelligible dialogue, Karcey interrupts]

Autumn Karcey 1:07:48
Yeah, that's what we do. This- this would be different than that. This would just be part of that farm.

Mary Claybon 1:07:54
So, we would just —

James Anderson 1:07:55
Yeah.

Mary Claybon 1:07:55
— Remove that license type off of this application. Should you wish to do that, and then that isn't required any longer.

Autumn Karcey 1:08:05
Okay, yeah, and they're not cannabis attorneys, so I think that they might be confused on where the what 'processor' means. [Karcey makes air quote gesture when saying "processor."]

James Anderson 1:08:16
Yeah, let me get the DCC. I'll- I'll email you after this.

Autumn Karcey 1:08:18
That's on that, um, where they're talking about the easement issues, James, it's item B, as in boy.

Mary Claybon 1:08:26
And then it does state processing licenses have to have direct front access to county-maintain[ed] road. But if this is not a processing license —

James Anderson 1:08:26
Yeah, I'm looking at right now.

Autumn Karcey 1:08:43
It's cultivation.

Mary Claybon 1:08:43
— If it's processing on site, then that license type is no longer needed, so we need to nix that off the application.

Autumn Karcey 1:08:51
Great. Okay. [Writes notes by hand.] Cultivation vs. processing, so, okay, yeah. I was confused on that, because we had to get a processing license, because we accepted product from multiple different farms under the same license designation. So, I assumed it was a processor license.

Mary Claybon 1:09:21
[Unintelligible]

Autumn Karcey 1:09:26
Okay so: 'no direct access to Highland Springs Road is obtainable at this juncture to gain access to Highland Springs Road, the project must rely on an access road that traverses county parcels, and there must be appropriate easements and permissions in place that allow for this use.' Now, my argument on this would also be that the county has granted variances in the past where, like, you have to traverse through BLM land.

Mary Claybon 1:09:55
So, with that, we do indemnification agreements —

Autumn Karcey 1:09:58
Yeah.

Mary Claybon 1:09:58
— Where the County is held harmless against any actions from a federal agency.

Autumn Karcey 1:10:05
So, couldn't we apply the same principle here with Water Resources?

Mary Claybon 1:10:12
Like, an indemnification agreement for Water Resources?

Autumn Karcey 1:10:15
Yeah.

Mary Claybon 1:10:17
Potentially.

Autumn Karcey 1:10:19
I think we can bring that up in the LAQMD Water Resources conversation. We'll fix the road. We'll indemnify them.

Mary Claybon 1:10:28
Okay.

James Anderson 1:10:28
Can I ask a question real quick about this road? There's a house out there, correct? That you were just talking about the house? Okay, yeah, exactly. [Karcey zooms in on section of digital map] How has this- And you bought it from —

Autumn Karcey 1:10:34
Yes. For 50 years —

James Anderson 1:10:40
Yeah.

Autumn Karcey 1:10:40
This woman lived there and used- traversed that county land for — [unintelligible overlapping dialogue]

James Anderson 1:10:46
Yeah. There's actually there- that there's another structure down the road, a little bit closer to Highland Springs Road as well, I believe.

Autumn Karcey 1:10:48
This one? [Karcey shows different section of the map]

James Anderson 1:10:54
I thought I saw another house. I just closed my maps.

Autumn Karcey 1:10:56
It's a trailer. This is a trailer.

James Anderson 1:10:58
Oh. Got it.

Autumn Karcey 1:10:59
And then this is the house, and then this is the road. It's the only road. [Karcey shows different section of the map.]

James Anderson 1:11:09
Gotcha.

Autumn Karcey 1:11:09
There's no other houses. I own the only house on the road. So, I'm not crossing anyone else's property.

James Anderson 1:11:15
Got you.

Autumn Karcey 1:11:15
This is the road in question. [Karcey shows different section of map.]

James Anderson 1:11:18
So, your predecessor in interest —

Autumn Karcey 1:11:19
Development is only on one of the parcels, I'd like to note. This parcel is fine.

James Anderson 1:11:24
Yeah.

Autumn Karcey 1:11:26
It's just this parcel, I believe, if I can get a serpentine layer on here. [Karcey displays "Serpentine Soils" visualization layer in digital map.] Yeah.

James Anderson 1:11:37
Yeah.

Autumn Karcey 1:11:38
It's right there.

James Anderson 1:11:40
Okay.

Autumn Karcey 1:11:40
[Unintelligible dialogue] And it's, like, that turn [Laughter.] — [Karcey gestures at the screen.]

Mary Claybon 1:11:44
Mmm hmm.

James Anderson 1:11:45
Up until now you're, like, your predecessor and interest [sic] used this sort of, you know, without restriction, to access his residence?

Autumn Karcey 1:11:52
For 50 years. So- so, it was owned by two, two people, a woman named Catherine and Pat McGuire owned the mountain valley back there.

James Anderson 1:12:01
Yeah.

Autumn Karcey 1:12:01
Kath lived in this house, and it fell onto- it happened to fall onto a split property line, which is why we bought it, because the house fell onto the property we were trying to purchase. And, so we just purchased —

Mary Claybon 1:12:01
The other side.

Autumn Karcey 1:12:10
— the other side. So- and then one of the things I want to cut back to on the Amber Ridge Court. It may only list access to one or more of these parcels, but maybe not all of them. So, if I only have easement access from Amber Ridge to right here, or Amber Ridge to right here — [Karcey indicates area on digital map.]

Mary Claybon 1:12:39
You still have your interior roadway access to your own parcels —

James Anderson 1:12:42
Yeah, yeah.

Mary Claybon 1:12:43
— And we would put it a deed restriction —

Autumn Karcey 1:12:46
Yeah.

Mary Claybon 1:12:46
— On this project —

Autumn Karcey 1:12:49
Okay.

Mary Claybon 1:12:50
— For all of that.

Autumn Karcey 1:12:51
Okay. I was going to ask if I had to combine the- do a lot line adjustment or anything like that, but no —

Mary Claybon 1:12:57
I don't, I don't think so.

Autumn Karcey 1:12:59
— because that takes, like, two years.

Mary Claybon 1:13:00
But it would be a deed restriction identifying where the roads are for this project.

Autumn Karcey 1:13:04
Okay, but yeah, I would like to connect these two roads, and I can show it on the map. [Karcey points her finger at the laptop screen.]

Mary Claybon 1:13:10
And we do deed restrictions regardless for co-location and clustering, that way those parcels can't be sold off.

Autumn Karcey 1:13:33
Yeah. Okay, so. [Karcey silently reads papers]

Mary Claybon 1:13:59

So, if you did change the access point, Public Resource Code only applies to interior roadway improvements where it's required. So, you would need to have a roadway through to that processing facility, not the processing license, but the facility. [Unintelligible dialogue] Ridiculous [Laughter. Karcey and Claybon raise their arms to turn lights on in the meeting room.]

Autumn Karcey 1:14:20
It is. That's right here. It already exists. [Lights in meeting room turn off.] Yeah, so, this road, the processing facility kind of lands right here. I think you can probably see it on your map. [Karcey indicates digital map.]

Mary Claybon 1:14:41
Right and then with this one- for this building E processing facility, because that is kind of a tighter mountainous road area — [Karcey and Claybon point to paper map in the meeting room]

Autumn Karcey 1:14:52
That was really just an office and storage area. It's not going to be processing per se, but one of the option to dry in- if we had to.

Mary Claybon 1:14:53
So, that building would still require 4290 roadway access, because it is on a commercial site, and it would be a place of inhabitation for staff.

Autumn Karcey 1:15:16
So, it does, yeah, yeah. So, I would just need turnouts. Yeah.

Mary Claybon 1:15:25
Okay. Is there anything further on your surveyor comments?

Autumn Karcey 1:15:29
No. Surveyor comments are done. I think —

Mary Claybon 1:15:31
Okay.

Autumn Karcey 1:15:32
Unless James has anything to add?

James Anderson 1:15:34
No, thanks. Nope. Just following along.

Autumn Karcey 1:15:36
Okay. What is that? E? [Karcey indicates paper map]

Mary Claybon 1:15:44
Mmm hmm.

Autumn Karcey 1:15:44
Okay, so, I owe you the dust mitigation plan.

Mary Claybon 1:15:59
Yes.

Autumn Karcey 1:16:07
And that could be something that you use- when you take when you go to Water Resources and LAQMD to propose this project.

Mary Claybon 1:16:17
Air Quality is going to want to see that in advance, that way they have the opportunity to review it prior to a meeting.

Autumn Karcey 1:16:23
Okay. Just gonna stop sharing here for a second. [Karcey stops presenting her screen to the virtual meeting room.] — worked for me. [Apparent non sequitur; Karcey seems to be speaking to the computer. Claybon not visible in recording, but present in the meeting room.]

Mary Claybon 1:16:58
So, an identified wetland has appeared where it wasn't previously mapped.

Autumn Karcey 1:17:03
Yes, so the appellant's been calling every —

Mary Claybon 1:17:10
Agency.

Autumn Karcey 1:17:10

— Agency that this has gone out to, and spreading a lot of misinformation. So, I'm having to go through and contact every agency. I talked to Janae [Fried] at the Water Board, had a good conversation with her. We told her we were going to amend these plans. She was satisfied with that and didn't see any further action that needed to be taken. And then she was, I think, going to email you guys and let you know that we had had that conversation.

Mary Claybon 1:17:36
Okay.

Autumn Karcey 1:17:36
I'm not sure if that email went out.

Mary Claybon 1:17:38
She has not notified us yet. That was actually a surprise to me.

Autumn Karcey 1:17:41
Okay.

Mary Claybon 1:17:41
But this was a concern that had been brought up whether this did, in fact, adhere to setbacks.

Autumn Karcey 1:17:54
Okay, so maybe I'll just circle back with an email looping you in.

Mary Claybon 1:17:59
Okay, perfect.

Autumn Karcey 1:18:01
Anyone else?

Mary Claybon 1:18:03
Michelle.

Autumn Karcey 1:18:03
Michelle. This — [Karcey stops speaking, takes notes.]

Mary Claybon 1:18:29

You know, it really wouldn't hurt to identify the alternate access point on the new maps as well.

Autumn Karcey 1:18:34
I'm going to- I'm going to probably pave- or not pave, but I'll gravel this road through to the existing, to here.

Mary Claybon 1:18:41
Okay. That way, regardless of how it goes for the serpentine portion access, at least you already have a plan in preparation as an alternative.

Autumn Karcey 1:19:08
Yeah. Put David on here. [Karcey typing on laptop] See.

Mary Claybon 1:19:19
You had mentioned that the neighbor has placed things in —

Autumn Karcey 1:19:23
Yes.

Mary Claybon 1:19:23
— The roadway, the easement roadway?

Autumn Karcey 1:19:26
He's [neighbor] placed [T stakes] them on the County side of Amber Ridge Court, and says that those are his. He's maintained it for 30 years.

Mary Claybon 1:19:36
And what did he place there?

Autumn Karcey 1:19:38
T posts. So, he's blocked where Amber Ridge starts here, T posts all the way down this road, and he says he's now using it for cattle, and nobody's allowed to use that road.

Mary Claybon 1:19:49
No, it's a deeded access point.

Autumn Karcey 1:19:51

I know. Yeah. [Laughter.]

Mary Claybon 1:19:51
[Laughter.]

Autumn Karcey 1:19:52
I'm aware — [Laughter continues.]

Mary Claybon 1:19:53
All right, okay.

Autumn Karcey 1:19:54
I thought I'll just deal with that at another- at another point in time.

Mary Claybon 1:19:59
Okay.

Autumn Karcey 1:19:59
Um. But that is- is happening.

Mary Claybon 1:20:01
Okay.

Autumn Karcey 1:20:01
It might be worth it to bring up at the hearing, but.

Mary Claybon 1:20:05
Well, it's likely going to warrant a visit from us too, so we can document it and have photos.

Autumn Karcey 1:20:10
I have pictures of it if you want them.

Mary Claybon 1:20:12
That would be helpful. It saves me a trip out there.

Autumn Karcey 1:20:16
Okay.

Mary Claybon 1:20:16

And we can also verify from Google Earth.

Autumn Karcey 1:20:18
Yep.

Mary Claybon 1:20:20
Hopefully we get another image round soon.

Autumn Karcey 1:20:22
[unintelligible] Okay, so. I just sent the dust mitigation plan. I haven't even really had a chance to review it yet, so you're seeing it for the first time as I'm seeing it. So, if you see anything or need any subsequent changes, just let me know.

Mary Claybon 1:20:50
Okay. And it- that would be by request of Lake County Air Quality and Water Management District. Yeah, it wouldn't be from the Planning Division

Autumn Karcey 1:21:00
Okay, so that one's done, then you need my serpentine analysis and bio report on the road. We're still working on that probably next week

Mary Claybon 1:21:10
Okay.

Autumn Karcey 1:21:15
And bio analysis. And then you will let me know if I need floristic surveys on the road? If there's no further development, if it's just maintenance. And what happens if a endangered species pops up in the middle of a public access road?

Mary Claybon 1:21:36
Okay.

Autumn Karcey 1:21:42
Setbacks. Sarah is going to look into. I retained a hydrologist to go through Summit Engineering's document and then just kind of do a final comb on it and make that report more robust.

Mary Claybon 1:21:57
Okay.

Autumn Karcey 1:21:58
I think it's already good, but —

Mary Claybon 1:22:00
Right.

Autumn Karcey 1:22:00
— We're doing an extra layer on that.

Mary Claybon 1:22:02
So, revision of hydrology?

Autumn Karcey 1:22:04
Yep.

Mary Claybon 1:22:04
Okay. And you said, sorry, I know it's- it was done by Summit, right?

Autumn Karcey 1:22:16
Summit Engineering, and then North Point is, doing the new one. Angie Dodd.

Mary Claybon 1:22:21
Okay.

Autumn Karcey 1:22:25
That should address the neighbors pond issue and some other issues that the appellant had raised.

Mary Claybon 1:22:31
Okay. The pond is surface water.

Autumn Karcey 1:22:37
I know [Laughter.] That's- yeah, I'm aware.

Mary Claybon 1:22:44
Okay.

Autumn Karcey 1:22:50
Is there any- I think that's all of my issues that I had, easement, water resources, setbacks, hydrology, —

Mary Claybon 1:22:59
Bio.

Autumn Karcey 1:23:01
Yeah, the Bio.

Mary Claybon 1:23:01
Alternate access, increased setbacks —

Autumn Karcey 1:23:04
Yep.

Mary Claybon 1:23:05
We're dropping a license type off of here —

Autumn Karcey 1:23:07
Yeah.

Mary Claybon 1:23:08
— That doesn't require —

Autumn Karcey 1:23:09
Okay, [unintelligible] that management.

Mary Claybon 1:23:15
And then we're going to have revisions of canopy square footage. Okay- Okay, I think that we hit the mark on all of these things today. This was pretty thorough —

Autumn Karcey 1:23:40
Yeah.

Mary Claybon 1:23:40
— For everything that we need to cover. Michelle will probably request further clarification for some items that maybe we touched on but didn't do a deep dive into.

Autumn Karcey 1:23:53
Mmm hm.

Mary Claybon 1:23:53
And then our next steps as County are to take this back to our agencies that are involved, have our internal meetings, and then we can bring everybody to the table, after we hash out what we need to do to make this pathway forward. Okay, and then you guys will be determining the pros and cons for requesting the project being remanded back to PC for recirculation and then determination. So, if it's remanded back to PC, it can be appealed again. That is going to be one of the cons. [Lights turn off in the meeting room.]

Autumn Karcey 1:24:08
Okay, great. This is ridiculous. [Arm waving.]

James Anderson 1:24:30
[Laughter.]

Mary Claybon 1:24:31
One of the pros to that is that it's heard by the original hearing body. So, that's an option as well, if it's —

Autumn Karcey 1:24:40
I mean, how- how long does that take?

Mary Claybon 1:24:44
Well, we're going to have to recirculate. So —

Autumn Karcey 1:24:47
We're going to have to recirculate based on this access point. But if I drop this access point and I use this access does it still need to be recirculated? [Karcey gestures towards paper documents.]

Mary Claybon 1:24:57
That's a question that Michelle can answer. I think.

Autumn Karcey 1:24:59
Okay.

Mary Claybon 1:25:00

Because the access point may change. It is likely- because it's- it's significant of enough change- however, it could be a red line. So, I'll have Michelle make that determination.

Autumn Karcey 1:25:14
Okay, because this was noted as a utility easement —

Mary Claybon 1:25:16
Well right —

Autumn Karcey 1:25:17
— would be a —alternative access, right?

Mary Claybon 1:25:18
Well, it was noted- I believe I noted it as —

Autumn Karcey 1:25:23
Okay, I thought so too.

Mary Claybon 1:25:23
Yeah. I did. And then you had mentioned too, because it is also made available for emergency —

Autumn Karcey 1:25:29
Emergency.

Mary Claybon 1:25:29
— Access.

Autumn Karcey 1:25:30
Yep. So, I wouldn't think that that would have to be recirculated. But yeah, if we remand it back to PC, then it could be appealed again.

Mary Claybon 1:25:41
Hmm hmm. The other option is to request a continuance to a date uncertain so we can recirculate and then bring everything back with a new Staff Report.

Autumn Karcey 1:25:53

What would that entail? Is that- do you have to go in front of the Board to ask for that? Or is that —

Mary Claybon 1:25:59
Yes, that would be requested at the next hearing, if that's what you wanted to do. So, whatever we do, it needs to be requested.

Autumn Karcey 1:26:06
Yeah. In front of the board, okay.

Mary Claybon 1:26:08
The board can also say, 'No, we're not going to grant you a continuance; and no, we're not going to remand back to PC. We're ready to hear the item as it stands.'

Autumn Karcey 1:26:17
I understand that.

James Anderson 1:26:18
If- Quick question: if you change things in this environmental document and you don't remand it back to planning- I guess maybe a better way of saying this, if you modify the project at all, and recirculate don't you have to go back before the Planning Commission in order to do that? Aren't they the primary hearing board, or can it stay on appeal at the Board of Supervisors?

Mary Claybon 1:26:38
That would be a question for my Principal Planner to answer. I haven't hit that experience as of yet. As a planner, we haven't seen projects have that type of outcome, as of yet, so I would have to ask her about- procedurally how would that happen.

James Anderson 1:26:55
Yeah, okay, just checking it- just checking in on that. Because —

Autumn Karcey 1:26:59
[Unintelligible]

James Anderson 1:26:59
— I have not either.

Mary Claybon 1:27:01
Okay.

Autumn Karcey 1:27:05
Okay. So [Unintelligible] great.

Mary Claybon 1:27:12
But I think a project with modifications and a recirculation should probably be heard by the original hearing body. That way they know what has changed within the project.

James Anderson 1:27:25
That's my understanding of how it worked, too, just based on- I'm not looking at the county code right now, but my understanding is the Planning Commission is the primary hearing board for this, and then it can be appealed to the Board of Supervisors. So, if you recirculate, I think they'd have to be at the Planning Commission.

Autumn Karcey 1:27:39
And they're not an adjudicated position, right? So, it's a 'yes' or 'no,' and then it goes to appeal again. So, it just- I just want to get this done whatever that means.

James Anderson 1:27:54
I think- I think Autumn asked this already: what's the timeline if you go- if you recirculate, I know there's CEQA timelines in there. But do you have a timeline for when it could be heard by the Planning Commission? Because I know everything for Planning Commissions scheduled pretty far out now.

Mary Claybon 1:28:07
So, should our request be granted that it goes back before the Planning Commission, we would need to prepare the Initial Study —

James Anderson 1:28:17
Yeah.

Mary Claybon 1:28:17
— Then circulate it, and then as it's recirculating, I would begin drafting the Staff Report and then just having whatever commentaries added- adding that as either conditions of approval or recommending

the suggested changes if they're not significant enough to trigger a recirculation.

James Anderson 1:28:39
Gotcha.

Mary Claybon 1:28:39
And then, yes. And then from there, I would have it cleared with my Principal Planner. We would send out legal notification, and then we would move forward with hearing. When I circulate projects, that's when I begin my Staff Report. That way I can just move right into the next stage pretty seamlessly.

James Anderson 1:28:59
Okay.

Autumn Karcey 1:29:05
And you'll have a new Board in January, right?

Mary Claybon 1:29:09
Yes. Yes, we will have two different members. Is there any other questions or any additional follow up that you guys wanted to hit on before we conclude the meeting?

Autumn Karcey 1:29:26
No, I think we're good, at least from my side.

James Anderson 1:29:30
I've got no questions either. I think that the easement public access issue is the big one I wanted to cover off.

Mary Claybon 1:29:36
Right, right.

Autumn Karcey 1:29:37
Well, find out for me if- because my preference would be to continue with the hearing and not go back to Planning Commission.

Mary Claybon 1:29:46
Okay.

Autumn Karcey 1:29:48
Even if I have to drop certain aspects of the project.

Mary Claybon 1:29:51
Okay.

Autumn Karcey 1:29:52
So, just, I guess, clarify with Michelle what those aspects are —

Mary Claybon 1:29:57
Okay.

Autumn Karcey 1:29:57
— To just get this thing done.

Mary Claybon 1:30:01
So, in that case - because her [sic] and I have talked about this —

Autumn Karcey 1:30:04
Yeah.

Mary Claybon 1:30:04
I think we would request to continue to a date uncertain to allow recirculation. But first we would need to check with County Counsel and make sure that we can do that for procedural efforts. 'Cause, as James mentioned, it may have to be heard after recirculation by the original hearing body. So, that's what we need to clarify on our end.

Autumn Karcey 1:30:24
Alright, okay. That is my preference. Just let me know what the options are around it

Mary Claybon 1:30:29
Okay.

Autumn Karcey 1:30:24
Alright, James, I'm going to let you go and- but I'll give you a call in a few.

James Anderson 1:30:36

Perfect. And I'll follow up with an email, some notes and just the points we hit.

Autumn Karcey 1:30:38
Thank you.

James Anderson 1:30:41
Perfect. Thank you so much, Mary. I'll talk to you soon, Autumn.

Autumn Karcey 1:30:41
Alright.

Mary Claybon 1:30:42
It was a pleasure meeting you.

James Anderson 1:30:43
You too.

[End of Recording.]

EXHIBIT 4

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

In the Matter of Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith	**FINDINGS OF FACT AND DECISION**

These proceedings were commenced by virtue of an appeal of the Planning Commission's September 28, 2023 revocation of the Major User Permit (UP 19-15) for high severity violations , as well as the determination of Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith as a responsible persons for high severity violations, located at 2290 Soda Bay Road, Lakeport in Lake County California.

A duly noticed public hearing on the appeal scheduled before this Board was heard on September 17, 2024, at which time, evidence, both oral and documentary, was presented. Based upon the evidence and applicable law, we find the following:

1. On September 1, 2023, Appellant United Investment Ventures LLC submitted a notice of appeal, appealing the Notice of Violation and Order to Abate under Case # ENF23-01124 served pursuant to the high severity violation procedures of Chapter 13 of the Lake County Code (hereinafter, the "September 1, 2023 appeal").
2. That the Lake County Planning Commission held a noticed public hearing on September 28, 2023, to consider the revocation of Major Use Permit (UP 19-15) located at 2290 Soda Bay Road, Lakeport in Lake County, California.
3. On October 4, 2023, Appellants Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith filed a notice of appeal AB 23-03 to this Board described as an "Appeal to Board of Supervisors regarding revocation of Major Use Permit UP 19-15" (hereinafter, the "October 4, 2023" appeal).
4. The reasons Appellants provided for both September 1, 2023 appeal and the October 4, 2023 appeal include, but are not limited to, the following:
    a. The Planning Director violated Appelants' due process rights.
    b. The Community Development Department conflated the Apellants with each other and with third parties.

c. The Planning Commission improperly attributed the conduct of Mr. Robert Tirado to the Appellants.

d. It was an error for the Planning Commission to determine there was a failure of anyone to take responsibility for high severity violations when Mr. Tirado provided the Community Development Department with a notarized declaration, under penalty of perjury, accepting sole responsibility for the violations.

e. Community Development Department improperly included new allegations in its memorandum in support of the revocation of UP 19-15.

f. The Planning Commission disregarded exculpatory evidence and relied on misrepresentations made by Community Development Director Turner in its decision to revoke UP 19-15.

g. It was an error for the Planning Commission to selectively utilize Mr. Tirado's declaration as the basis for attributing fault to all of the Appellants.

h. The Planning Commission erred in revoking UP 19-15 for violations that were promptly corrected one-year prior to the hearing without any subsequent violations;

i. The Planning Commission erred in revoking UP 19-15 for violations that no longer continue to impact the environment.

j. The Planning Commission erred in revoking UP 19-15 based on a separate alleged violation that has not been fully adjudicated, attributed to United Investment Ventures LLC, and currently in the process of being abated.

k. The Planning Director's unreasonable delay in seeking revocation of UP 19-15 severely prejudiced Appellants' ability to address the accusations in Community Development Department's Staff Memorandum.

l. There are no high severity violations by the Appellants because no considerable environmental impact would continue to occur, the two steel structures on the subject property meet the agriculture structure exemption permit standard, and said structures are not a public nuisance.

m. The Planning Commission was without authority to conduct a hearing on an alleged high severity violation and its decision must be voided and set aside.

n. There was no proper notice of the September 17, 2024 hearing to address the remainder of Appeal AB 23-03, the revocation of UP 19-15.

o. If the County of Lake is no longer pursuing a high severity violation determination, the Appeal of AB 23-03, the permit revocation, must be granted in its entirety.

p. The Notice of Nuisance and Order to Abate in this matter was not proper because it was issued to Untied Investment Ventures, Inc. and not to Legendary Farms, LLC.

5. That the Board of Supervisors has conducted a hearing in this matter on September 17, 2024 as required by Sections 13-56.2 and 13-56.3 of the Lake County Code, and a de novo revocation hearing as required by Articles 58 and 60 of the Lake County Zoning Ordinance.

6. That the Appellants presented evidence both documentary and testimonial in support of their appeal.

7. That the Community Development Department presented testimony and documentary evidence relevant to these proceedings including, but not limited to, a staff report dated September 28, 2023, attachments 1 through 8 thereto, and a power point presentation.

8. That the Community Development Department stated that due to procedural defects in satisfying the notice requirements under Lake County Code Section 13-50, et. seq., it is now recommending that this Appellant United Investment Ventures LLC's September 1, 2023 appeal of the nuisance and responsible person violation be granted.

9. That this Board finds, based on the evidence and facts presented in this matter, as follows:

   a. Sufficient information exists in the record of this matter that Appellants Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith are not "Responsible Persons" as defined in Lake County Code Section 13-47.1q. for the high severity violations on property located at 2290 Soda Bay Road, Lakeport in Lake County, California, and that there are no high severity violations under Lake County Code Chapter 13 as to Appellants.

b. That permit UP 19-15 is revoked based on the findings 1, 2, 3, and 5 stated on page 13 of Community Development Department's September 18, 2023 Memorandum to the Planning Commission.

10. That this Board has considered and incorporates by reference the Community Development staff memorandum and attachments thereto submitted to this Board for the hearing, as well as other documentation submitted to this Board.

11. Based upon all the foregoing and for the reasons set forth hereinabove, this Board grants the September 1, 2023 appeal of United Investment Ventures LLC.

12. Based upon all the foregoing and for the reasons set forth hereinabove, this Board grants in part and denies in part the October 4, 2023 appeal of the Appellants, Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith. The October 4, 2023 appeal is granted in part based on the finding that Appellants Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith are not "Responsible Persons" as defined in Lake County Code Section 13-47.1q. for the high severity violations on located at 2290 Soda Bay Road, Lakeport in Lake County, California, and that there are no high severity violations under Lake County Code Chapter 13 as to Appellants. The October 4, 2023 appeal is denied in part for the revocation of permit UP 19-15 based on the findings 1, 2, 3, and 5 stated on page 13 of Community Development Department's September 18, 2023 Memorandum to the Planning Commission.

13. **NOTICE TO APPELLANTS**: You are hereby given notice that the time within which any judicial review of the decision herein may be sought is governed by the provisions of the Code of Civil Procedure Section 1094.5.

Dated: _____

_____
CHAIR, Board of Supervisors

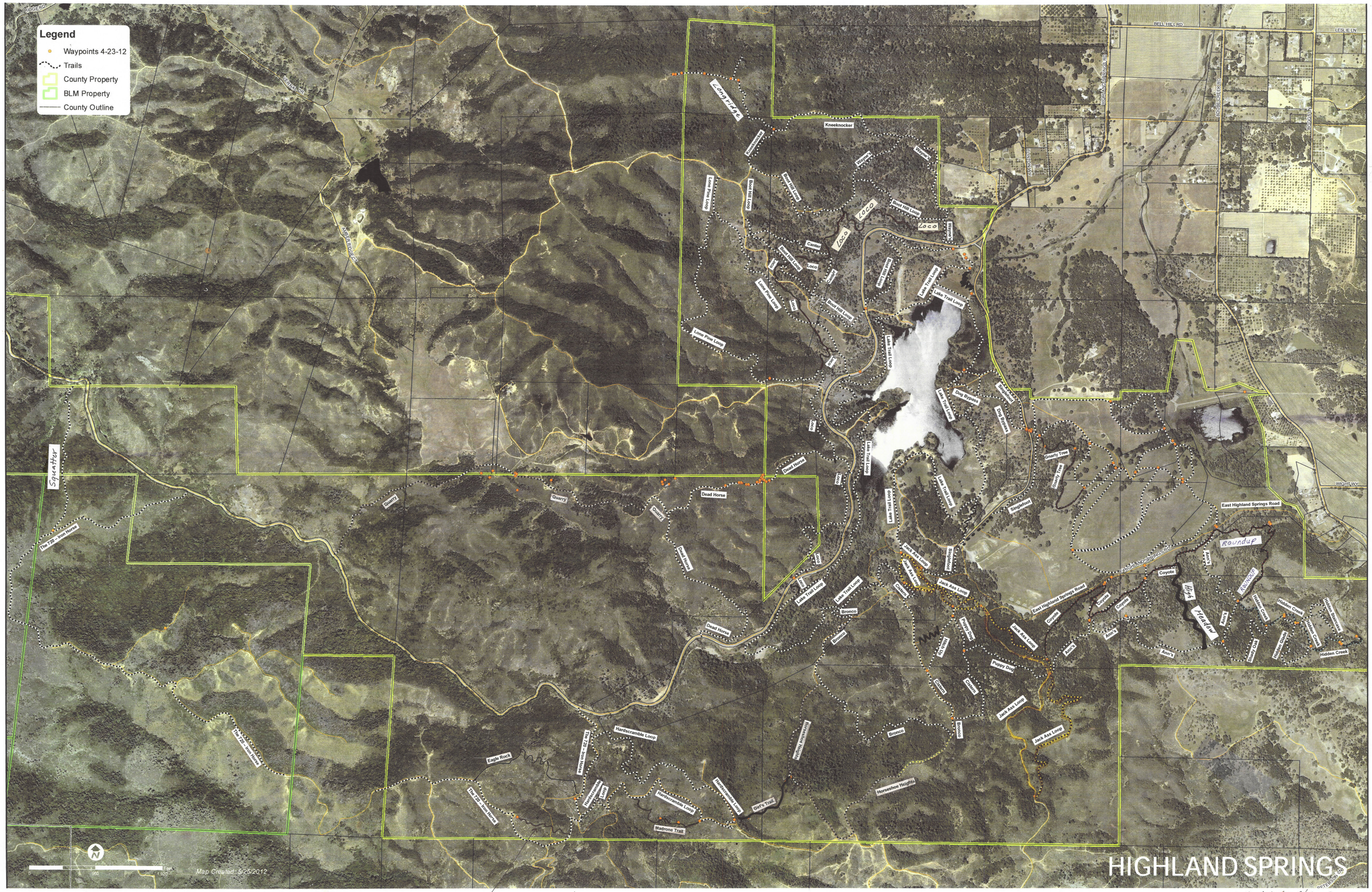
ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors

By: _____

APPROVED AS TO FORM:

_____
LLOYD C. GUINTIVANO
County Counsel

EXHIBIT 5



Possible bypass to stay on county property

Yellow # trails have been GPS-ed but never opened

Please return Karen Sullivan 349-1559

Updated 6/2018 K. Sullivan

EXHIBIT 6a

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

Subject: Draft Use Agreement

Date: Wed, 16 Nov 2011 16:39:23 +0000

From: Gary Hansen <Gary.Hansen@lakecountyca.gov>

To: Carol Biggs <carol-biggs@sbcglobal.net>, Kim & Mike Riley <riley4@hughes.net>, Karen Sullivan <greymare5@gmail.com>

I have attached a draft user agreement for Highland Springs for your review. Please let me know by email or phone re: comments, suggested changes, etc. It has gone out just to you all for now.

Thanks

Gary

Gary Hansen

Water Resources Program Coordinator

Lake County Water Resources Department

255 N. Forbes St.

Lakeport, CA 95453

tel 707-263-2731

fax 707-263-1965

Gary.Hansen@lakecountyca.gov

EXHIBIT 6b

User Agreement for Horse Council Use of Highland Springs Recreation Area

This Agreement is made on _____ between the County of Lake Water Resources Department (the Department), 255 N. Forbes St., Lakeport, CA. 95453 as the owner and manager of the Highland Springs Recreation Area (the Park), and the Lake County Horse Council, _____(the Users) to cover the use and maintenance of the Park trails network and facilities.

1. The Lake County Horse Council is an umbrella organization covering all equestrian users of the Park and will provide the needed coordination with all those users to ensure that the Park will be used properly and maintained in a clean and orderly condition.

2. The Users have developed and maintained an extensive network of horse trails and a horse-drawn buggy track network (Attachment A). These trails and tracks may continue to be maintained by the Users following generally accepted equestrian trail use and maintenance standards. All such trails and tracks will be kept in good condition and used carefully to minimize damage and erosion to the Park lands. Park lands or vegetation problems including serious soil erosion, fallen trees, and any unsafe conditions will be reported to the Department as soon as possible. The Department may close trails as needed for safety, to prevent damage to Park resources, or as needed for Park management objectives. The existing Park trails and tracks may be repaired by the Users if needed but cannot be modified or expanded in any way without written approval from the Department. The Users will not cut any trees unless specifically approved by the Department.

3. The Park provides many recreation opportunities and the Users are one of many user groups sharing the Park. These uses may involve the sharing of trail and track use and can include, but are not limited to, picnicking, hiking, mountain bike riding, and hunting.

4. The Users have historically provided and maintained an information kiosk at the Highland Springs Dam parking area and will continue this for their use and for the use of the County and Park users. The Users will provide adequate notice to the County of their group events and assist in posting other event notices at the information kiosk.

5. The Department will pursue development of a Park Master Plan and will implement improvements to the Park facilities as limited by available funding. In addition to the historical range of services provided by the Department, the Users can provide funding to the Department to purchase appropriate trail signage and other needed improvements.

6. Negligent operation and treatment of the Park facilities that results in property damage and/or harm to the Park uses or resources may be grounds for restricting or closing User access to Park features and services.

Signed

_____
Scott De Leon
Water Resources Department Director

_____
Carol Biggs
Lake County Horse Council President / User Representative

Attachment A
Highland Springs Recreation Area Equestrian Trails

Lake Trail Loop
Boot Hill Loop
Kneeknocker Trail
Roundup Trail
Loco Trail
Canter Trail
Puppy Dog Trail
Ann's Trail
Wayne's Trail
Bronco Trail
Madrone Trail (when open)
Horseshoe Heights Trail (when open)
Girl's Trail (when open)
Quarry Trail (when open)
Jack Ass Loop
Lone Pine Loop
Dead Horse Trail
Hardscramble Loop
Hidden Creek Trails
The Range Trails

EXHIBIT 7

Pinecrest Research Corporation

PINECREST RESEARCH CORPORATION, INC.
6425 TELEGRAPH AVENUE #8
OAKLAND, CA 94609

WWW.PINECRESTENVIRONMENTAL.ORG
INFO@PINECRESTENVIRONMENTAL.ORG
510-881-3039

M E M O R A N D U M

Date: October 20, 2024

To: Tom Lajcik

From: Dr. Christopher T. DiVittorio, Pinecrest Research Corp., Inc. (PRC)

Subject: Verification of Results of Surveys at Highland Springs Project (Lake County APN 007-006-34, 007-006-35, 007-006-40 & 007-057-02)

Tom Lajcik,

This memorandum was prepared at your request in order to verify the results presented in our Biological Assessment dated December 9, 2020 (BA), the Memorandum dated March 31, 2021 (Memo 1), and the Memorandum dated May 23, 2021 (Memo 2), for the above-referenced property in the County of Lake.

With regards to the study area surveyed for the BA, as described in the BA the study area comprises the grassland portions of the property and the chaparral on the edges of the grassland. This study area corresponds to the entirety of parcel APN 007-006-35, the southern half of APN 007-006-34, the far eastern portion of APN 007-006-40, and the west-central portion of APN 007-057-02. No other areas were studied including the road leading from Highland Springs Road to APN 007-006-35.

With regards to serpentine onsite, in section 2.5 of the BA, we state that there are no serpentine soils mapped onsite by the *SoilWeb* website operated by the U.S. Natural Resources Conservation Service, however this web search was limited only to the grassland portions of the parcels that comprised our study area as described above and did not include the chaparral or the road leading from Highland Springs Road to APN 007-006-35.

With regards to special-status species found onsite, the BA reports that two special-status plant species were found in the study area, scrub oak (*Quercus dumosa*; CNPS List 1B.1) and Konocti manzanita (*Arctostaphylos manzanita* ssp. *elegans*; CNPS List 1B.3). These species were identified by botanist Dr. Zoya Akulova and were found in the chaparral that fringes the grassland portion of the study area. Subsequently, two special-status plant surveys were conducted and the results presented in Memo 1 and Memo 2. Although these memos do not report special-status plants onsite, this is because these studies examined a smaller study area and were strictly limited to the areas of grassland that were proposed to be disturbed during construction at that time. Memo 1 and Memo 2 did not consider the fringing chaparral habitat or the road leading from Highland Springs Road to APN 007-006-35.

Sincerely,

Christopher T. DiVittorio, PhD
President, PRC
(510) 881-3039
chris@pinecrestenvironmental.org

EXHIBIT 8

From: Fried, Janae@Waterboards
To: Casey Shorrock
Cc: Thrive95453@outlook.com
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status
Date: Thursday, December 26, 2024 11:06:09 AM

Good morning,
I have requested a wetlands delineation report, as required for setback determinations in requirement 37 of the Policy, see attached. Thank you for bringing this to my attention.

Janae Fried (she/her)
Engineering Geologist
Central Valley Water Board, Redding Office
Cannabis Regulation and Enforcement Unit (CREU)
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Office Line: 530-224-3291

From: Casey Shorrock <cshorrock@somachlaw.com>
Sent: Friday, December 20, 2024 5:47 PM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Cc: Thrive95453@outlook.com
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Good Evening Ms. Fried,

We wanted to provide you with an update on the status of the appeal Highland Farm Cannabis Project (WDID 5S17CC429031) in as much as it may impact the Central Valley Water Board's actions and determinations.

As I believe you know, my clients, Tom Lajcik and Margaux Kambara are currently appealing Lake County's approval of the project and adoption of its Mitigated Negative Declaration (MND). One of the reasons for the appeal is that the MND underreports the size of wetlands onsite that will be significantly impacted by the project without proper environmental review and mitigation.

The County Board of Supervisors, upon request from the County Development Department, have continued the appeal hearing twice against our objections. It is rescheduled to be heard on January 14, 2025, at 9 a.m. For more information on how to attend, if interested, please visit the Board calendar at https://countyoflake.legistar.com/Calendar.aspx and select year 2025, then scroll down to locate the line item for the 1/14/25 hearing. Currently, there is no information

available, but an agenda should be posted within 10 calendar days of the hearing.

We recently learned, via a Public Records Act request made to the County, that the project applicant redesigned its cannabis grow area because it heard from your department that onsite wetlands are larger than previously assumed in the MND. My clients agree and had spent several months trying to convince the County of the same. Based on specialized knowledge and evidence provided by a local expert on local biological issues (who is employed by the County periodically for biological resource studies and inventories), it appears *that the wetlands are even larger in scope and size than has been assessed so far by any involved party, agency, or department*.

Attached is a file with three graphics for your consideration: (1) a recent, post-drought aerial showing the expansive wetlands and waterways on the project site: (2) that same aerial image with overlays showing the expansive wetlands and waterways contrasted with the much smaller wetlands and waterways identified in the MND by applicant biologists (who are not wetland or local specialists, to our knowledge); and (3) those same wetlands and waterways overlayed onto the revised project site plan, demonstrating that the redesigned project would still impact wetlands and possibly waterways, with no mitigation offered for these impacts. The last two graphics were prepared by the aforementioned local expert.

We have yet to see a wetland delineation be prepared for the Project site, nor have we been made aware of any agency requirement to prepare a wetland delineation for the project. In our opinion, one is, however, necessary to adequately address the size and scope of onsite wetlands and ensure they will not be significantly impacted by the project and that any impacts are mitigated. A desktop review is a good start, but there's sufficient evidence at this point to require a formal U.S. Army Corps of Engineers certified wetland delineation. Without one, this project could end up destroying these important features.

I've also attached two other letter submissions from Appellants to the County Board of Supervisors that may provide additional insight and updates on issues relevant to your regulatory realm.

Thank you for your consideration of this matter. We will be reaching out to the State Department of Cannabis Control as well, as they are a CEQA responsible agency here. I am happy to try and answer any questions you may have.

Best Regards,

Casey Shorrock

Casey Shorrock
Attorney

SOMACH SIMMONS & DUNN | ATTORNEYS AT LAW
500 CAPITOL MALL | SUITE 1000 | SACRAMENTO, CA 95814

(916) 446-7979 | OFFICE
(916) 469-3828 | DIRECT
(916) 446-8199 | FAX

SOMACHLAW.COM | VCARD | MAP | CSHORROCK@SOMACHLAW.COM

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From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Thursday, August 8, 2024 7:52 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Cc: Casey Shorrock <cshorrock@somachlaw.com>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Good morning, Ms. Fried,

Thank you for your interest in this subject. If you have questions about the appeal, please let me or Casey Shorrock know.

Best wishes,
Margaux Kambara

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, August 7, 2024 8:42 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>; Casey Shorrock <cshorrock@somachlaw.com>; Mary Claybon <Mary.Claybon@lakecountyca.gov>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Good morning,
Thank you for all of this information. Most of this is all very relevant to my regulatory realm. I will be in the field all day tomorrow and Friday. I hope to review what you have sent me in relation to the documents we have on file next week. I have copied Mary Claybon from Lake County, as much of what you have explained is in the County's

jurisdiction as well.

Janae Fried (she/her)
Engineering Geologist
Central Valley Water Board, Redding Office
Cannabis Regulation and Enforcement Unit (CREU)
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Office Line: 530-224-3291

From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Wednesday, August 7, 2024 7:38 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>; Casey Shorrock <cshorrock@somachlaw.com>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hello, Ms. Fried,

A belated thank you for your reply and introducing Mr. Pham into the conversation. I appreciate your clarification of the scope of your work. Mr. Pham was kind enough to follow up with an email describing his scope; it appears that the Highland Farms Project is out of Mr. Pham's scope. By the way, I've copied my attorney, Casey Shorrock, for the Highland Farms cannabis permit appeal on this email.

There are aspects of the Highland Farms cannabis permit application within your scope that may be of interest:

Access Road

- The part of the Project site that, with certainty, contains serpentine formations and soils includes the portion of the site access road located on County-owned parcels that would connect the cultivation area to Highland Springs Road. This portion of the access road containing serpentine soils was not included in the analyses or studies performed for the Mitigated Negative Declaration (MND), in violation of California Environmental Quality Act (CEQA). CEQA requires that a Lead Agency (Lake County) fully analyze "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment... ."[1] For detail, please see attachment Letter to BOS p. 1 (Serpentine Soils on access road) and p. 3 (Wetlands, required setbacks violated).

- The MND fails to analyze impacts associated with those road improvements and future roadway use and further fails to provide necessary and feasible mitigation; it also omits any discussion of the many rules and regulations, including County policies, governing construction in and around serpentine soils.

Required Wetland Setbacks Violated, Discharge of Sediment into Setback Area

The MND fails to acknowledge or abide by the recommendation of the Project biologist that no cultivation occur in areas where it is currently proposed because of the impossibility of avoiding wetlands and maintaining required setbacks. For detail, see attachment Letter to BOS p. 3 (Wetlands), p. 7 (second bullet, State Water Resources Control Board).

Specifically, the Project biologist stated: "Due to the configuration of wetlands and watercourses onsite, we do not believe it is feasible to cultivate on the majority of the north parcel. The configuration of potential wetlands, and the existence of three branches of jurisdictional watercourse appear to preclude access to any potential cultivation areas on the north parcel without having to transit through wetlands or watercourses. Potential wetlands and watercourses shown in the original BA [Biological Assessment] that are in the same hydrological drainage can be assumed to be connected even if they are not shown as such in the original BA, making access to any potential cultivation areas in the north parcel problematic … In addition, State Water Quality Control Board Cannabis General Order requires 100-foot setbacks from wetlands, and it would be difficult to avoid any discharge of sediment into any setback area while grading the top of the two hills on the north parcel due to the small size of these potential cultivation areas. [See Attachment G for more on this violation.] In addition, there is a high diversity of native species on the tops of the hills, most of the native species diversity on the parcel is concentrated in these wetlands and hills … Our recommendation is to limit cultivation to the south parcel and to restore the wetlands in the north parcel."

Disturbed Areas – BMP not Followed

The Project ignores BMP when it has not completed the required biological studies. The Project will displace 6,500 cubic yards of soil on county property, and 108,000 cubic yards of soil on private property. This is a significant amount of land disturbance. To put in context, a volume of 6,500 cubic yards is approximately the size of an open pit more than 3 feet deep the size of the parcel the Lake County Courthouse sits upon and 108,000 cubic yards is the size of an open pit 20 feet deep and larger than Library Park in Lakeport.

Incorrect or Incomplete Project Parcels Zoning Reported

The discharger reported incorrect or incomplete zoning information for the Project parcels. The Project parcels are zoned RL-B5-WW (Rural Lands – Frozen – Waterways) yet the discharger reported the zoning in its permit application to the Lake County Planning Commission as RL only. Please see attached Lake County Request for Review for Sufficiency; file name: Highland Farms Zoning Info Detail and attachment Highland Farms Zoning_Staff Report.

Out of curiosity, did the discharger inform the Central Valley Water Board that the Project parcels are zoned RL-B5-WW? I understand that parcels with WW designation are subject to restrictions.

Appeal Hearing Set for Tuesday, 13 August 2024 09:15 a.m.

The hearing can be watched via Zoom. Zoom information will be on the Lake County Board of Supervisors meeting agenda, expected to be posted by this Friday. I will send the link when it is available.

The appendices and exhibits files for the appeal are too large to send; they will be posted on the county's website. I'll send the link when it is available with notes on where to find detail on the Project's issues of access road, wetland setback violation and discharge of sediment in setback area.

Ms. Fried, thank you for your consideration. I appreciate your interest in Lake County commercial cannabis cultivation and the county's revision of its cannabis ordinance. If you have questions about the Highland Farms appeal, please let me know.

Best wishes,

Margaux Kambara
Lake County Resident and Property Owner

---

[1] (CEQA Guidelines, § 15378, subd. (a); see also, e.g., Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1222; Assn. for a Cleaner Environment v. Yosemite Community College Dist. (2004) 116 Cal.App.4th 629, 637.)

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Monday, July 15, 2024 11:57 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Cc: Pham, Jonathan@Waterboards <Jonathan.Pham@Waterboards.ca.gov>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Thank you for all the information.

My area of regulation is Discharges of Waste *from* Cannabis Activities *to* waters of the state. So my areas of concern more lie along BMPs for disturbed areas, access road issues, not over-watering and therefore causing runoff and soil erosion, keeping chemicals in proper containment etc. I work in the Division of Water *Quality* for the Water Boards. I have cc'd my colleague, Jonathan Pham, who works in the Division of Water *Rights* and may have more input to the specific water use concern you are bringing to our attention.

Thank you for telling me about the agenda for today. I was not planning on attending today. I will listen in on the COTF meeting, but my attention will be divided between my work and the meeting. I appreciate it.

Janae Fried (she/her)

Engineering Geologist

Central Valley Water Board, Redding Office

Cannabis Regulation and Enforcement Unit (CREU)

364 Knollcrest Drive, Suite 205

Redding, CA 96002

Office Line: 530-224-3291

From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Monday, July 15, 2024 10:43 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

Thank you for the AMR and your question. Yes, we have serious concerns about the discharger's hydrology plan and development in the wetland area. We are appealing the permit's approval. We will send you details, probably by the end of this week.

Regarding water usage, the discharger intends to pump millions of gallons annually and about one million gallons per month during the dry season. This is an unprecedented amount of water usage for our area by several orders of magnitude. Our neighbor, whose property abuts the discharger's project area, depends on a perennial spring for residential use. It flowed reliably year-round for decades until the last year of the historic drought (2023) when it stopped flowing, and he had to truck in water. He has expressed concerns that the pumping from this project and the cumulative effects of the pumping from another cannabis project also near his property will cause his spring to dry up regularly or permanently. The discharger's hydrology report did not address this risk.

By the way, today's Lake County Cannabis Ordinance Task Force meeting agenda, has an item that may be of interest: prohibited uses - water. I don't know whether the task force will get to this item today. Meeting progress has been slow.

Thank you for your reply and consideration. If we have questions or concerns about the discharger's AMR, we will let you know.

Best wishes,

Margaux Kambara & Tom Lajcik

Lake County Residents

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Friday, July 12, 2024 1:14 PM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Here you go, there isn't much to it, as they Site appears to had not begun development yet in 2023. Do you have water quality concerns from things you have seen on the ground that you would like to share?

Janae Fried (she/her)

Engineering Geologist

Central Valley Water Board, Redding Office

Cannabis Regulation and Enforcement Unit (CREU)

364 Knollcrest Drive, Suite 205

Redding, CA 96002

Office Line: 530-224-3291

From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Wednesday, July 10, 2024 10:31 AM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: Re: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

Thank you for your response. No, worries about the delay. I appreciate your reply and I look forward to reading the discharger's 2023 AMR. Meanwhile, I wish you respite from the heat.

Best wishes,

Margaux Kambara

Lake County Resident

From: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Sent: Wednesday, July 10, 2024 10:26 AM
To: Thrive95453@outlook.com <Thrive95453@outlook.com>
Subject: RE: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

Greetings,

Apologies for the delay in response. Yes, the discharger has submitted their 2022 & 2023 AMRs. The 2023 AMR was submitted on time this year. And all invoices are up to date. I will get back to you on sharing their 2023 AMR.

Janae Fried (she/her)

Engineering Geologist

Central Valley Water Board, Redding Office

Cannabis Regulation and Enforcement Unit (CREU)

364 Knollcrest Drive, Suite 205

Redding, CA 96002

Office Line: 530-224-3291

From: Thrive95453@outlook.com <Thrive95453@outlook.com>
Sent: Thursday, June 20, 2024 5:41 PM
To: Fried, Janae@Waterboards <Janae.Fried@Waterboards.ca.gov>
Subject: MUP 20-96 Highland Farms (Lake County) WDID 5S17CC429031 - Standing and Status

EXTERNAL:

Hello, Ms. Fried,

As a member of the public, I was encouraged by your interest in attending Monday's Lake County Cannabis Task Force meeting. Cannabis cultivation projects have profound environmental impacts—especially on groundwater.

I'm writing to follow up on the status and standing of Discharger MUP 20-96 Highland Farms. In your email dated 8 September 2023 to Lake County Assistant Planner Mary Claybon on review for sufficiency for the Discharger, you noted that the Discharger was not in compliance. The Discharger was tardy in submitting its 2022 Annual Monitoring Report (AMR), due in March 2023 and not received as of 8 September 2023.

Has your office received the Discharger's 2022 ARM and 2023 ARM? If so, may I have a copy of the 2023 ARM? An electronic copy is fine. And is the Discharger current on its invoices?

Thank you for your consideration. Please let me know if you have questions or would like additional information.

Best wishes,

Margaux Kambara

Lake County Resident & Property Owner

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#	TERM
37.	Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody's bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.

Minimum Riparian Setbacks[1,2]

Common Name	Watercourse Class[3]	Distance
Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs[4]	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

[1] A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.

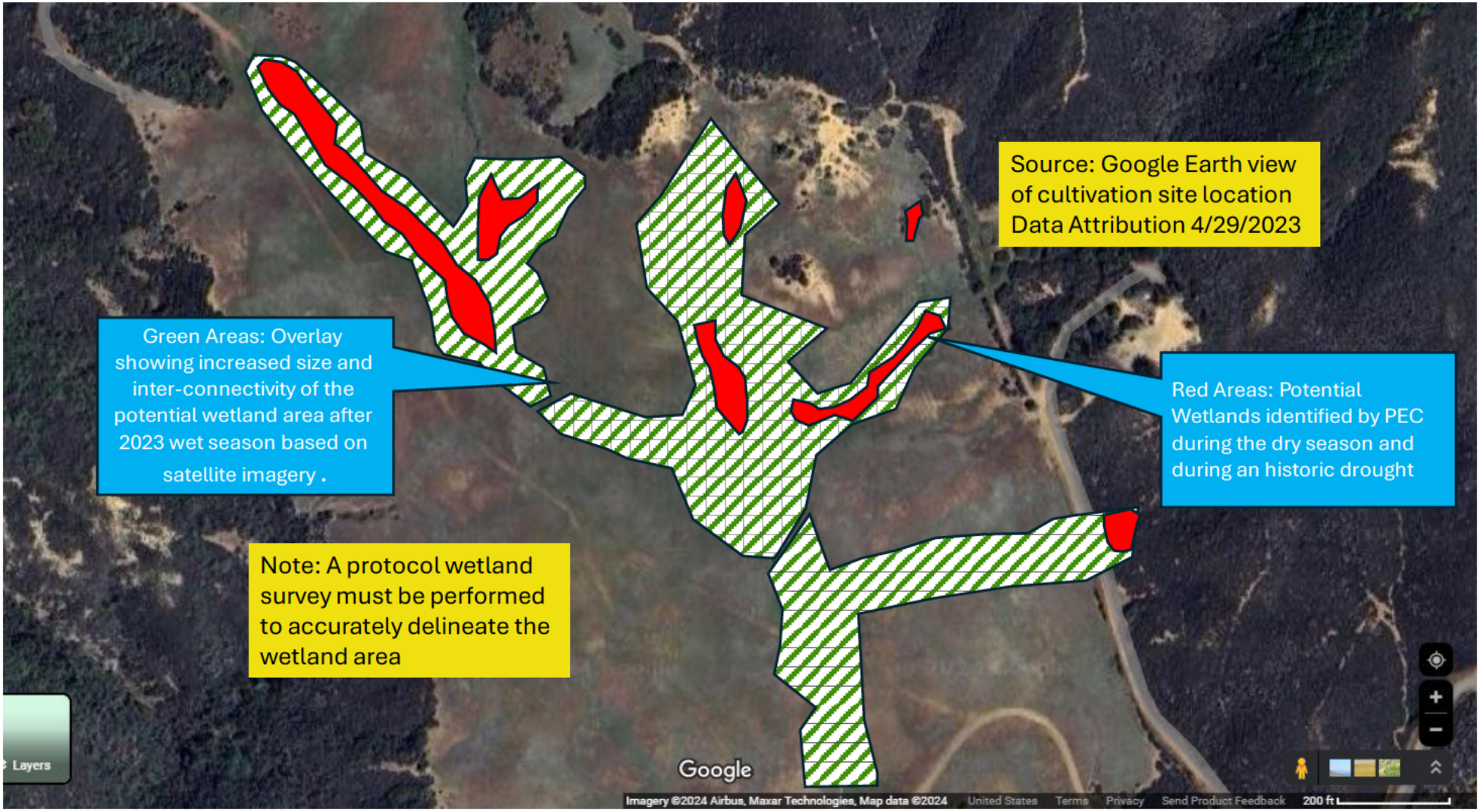
[2] Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board's Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.

[3] Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).

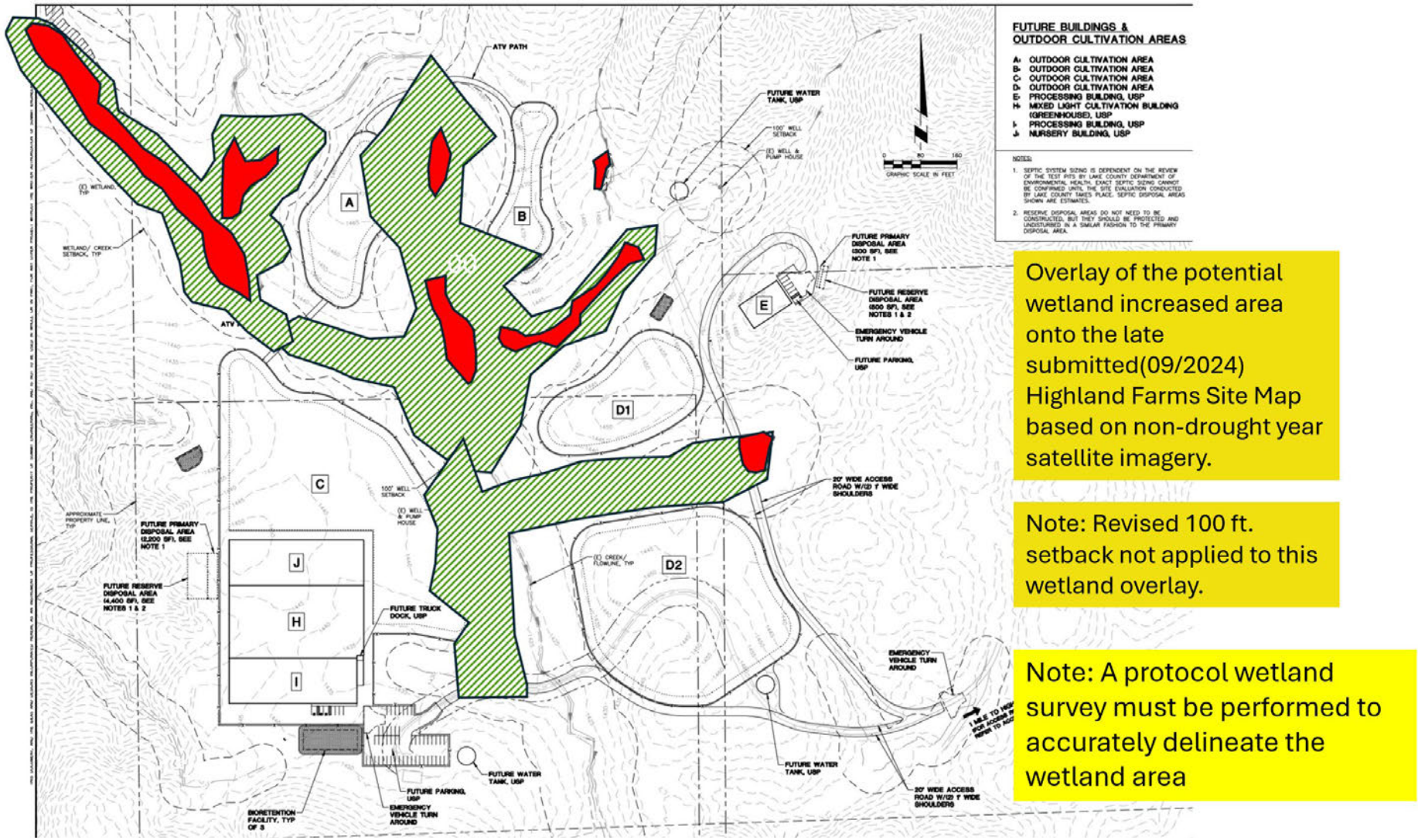
[4] Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring's confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.

EXHIBIT 9

Satellite imagery of cultivation site after post-drought



Post-Drought wetland overlay (green stripe) with applicant biologist mapping for MND (red areas)



Overlay of the potential wetland increased area onto the late submitted(09/2024) Highland Farms Site Map based on non-drought year satellite imagery.

Note: Revised 100 ft. setback not applied to this wetland overlay.

Note: A protocol wetland survey must be performed to accurately delineate the wetland area

Post-Drought wetland overlay (green stripe) with applicant biologist mapping for MND (red areas) applied to revised Project Site Plan