

COUNTY CLERK

BY Appendix D DEPUTY CLERK

JUN 24 2022

Notice of Determination

To:

☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

From:

Public Agency: Community Development Dept.

Address: 255 North Forbes Street

Lakeport, CA 95453

Contact: Mary Claybon, Assistant Planner

95812-3044

Phone: (707) 263-2221

☒ County Clerk

County of: Lake

Address: Lakeport, CA 95453

Lead Agency (if different from above):

Address:

Contact:

Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2021120001

Project Title: UP 20-21 High Valley Oaks, LLC

Project Applicant: Kim Gardner & Cody Leck

Project Location (include county): 9850 High Valley Road, Clearlake Oaks, CA / Lake County

Project Description: Allow a Major Use Permit for commercial cannabis cultivation, consisting of four (4) Type 3 (medium outdoor) cultivation license with a total canopy area of 174,240 square feet and 261,360 square feet of total cultivation area, and a Type 13 'Self Distribution' license.

This is to advise that the County of Lake - Community Development Department has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on March 10, 2022, and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Consideration [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Mitigated Negative Declaration, is available to the General Public at:

Community Development Department / Planning Division 255 North Forbes Street, Lakeport CA 95453

Signature (Public Agency):



(Andrew Amelung)

Title: Cannabis Program Manager

Date: 04/01/2022 Date received for filing at OPR: _____

Posted: June 24, 2022 to July 29, 2022



State of California - Department of Fish and Wildlife
**2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

Print

StartOver

Save

RECEIPT NUMBER:

17 — 06/24/2022 — 095

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Lake County Community Development	LEAD AGENCY EMAIL mary.claybon@lakecountycal.gov	DATE 06/24/2022
COUNTY/STATE AGENCY OF FILING Lake	DOCUMENT NUMBER 2021120001	

PROJECT TITLE

UP 20-21 HIGH VALLEY OAK, LLC

PROJECT APPLICANT NAME KIM GARNER & CODY LECK	PROJECT APPLICANT EMAIL	PHONE NUMBER (707) 263-2221
PROJECT APPLICANT ADDRESS 255 N FORBES ST	CITY LAKEPORT	STATE CA
	ZIP CODE 95453	

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$ 0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$ 2,548.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$ 0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ 0.00

☐ County documentary handling fee \$

☒ Other Clerk Fee \$ 50.00

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☐ Other **TOTAL RECEIVED \$ 2,598.00**

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Kristopher Allen-Deputy County Clerk/Fiscal Support



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- ☐ Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- ☐ Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs., Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- ☐ Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
Accounting Services Branch
P.O. Box 944209
Sacramento, California 94244-2090

ASSUMPTION OF RISK AND INDEMNIFICATION AGREEMENT

I, the undersigned, have applied for the issuance of UP 20-21, a Conditional Major Use permit, for the purposes of cannabis cultivation and a Type 13 License for the purposes of distribution on and from the permitted property. The permitted property, located at 9850 High Valley Road, Clearlake Oaks, CA, is, on one corner, adjacent to federally administered lands. Permit number UP 20-21 is accepted with the full understanding and acknowledgement of the risks associated with the cultivation, transportation, and distribution of a federally regulated Schedule 1 narcotic, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

ASSUMPTION OF RISK

1. I understand that the Comprehensive Drug Abuse Prevention and Control Act of 1970 makes the manufacture, distribution, dispensing, or possession with intent to manufacture, distribute, or dispense controlled substances illegal.
2. I understand that individuals who cause resource damage (i. e. erosion or soil contamination) through illegal acts, including the cultivation of cannabis, to federally administered lands may be subject to federal criminal and/or civil action.
3. I understand that transporting of cannabis or other illegal materials across an existing right-of-way on federally administered lands, to access a private parcel, is illegal under federal law and violators could face federal criminal action.
4. In light of the expressed risks enumerated herein above, I understand the risks that can arise from my use of the above named UP 20-21 Type 13 License for distribution and UP 20-21 four (4) type 3 cultivation permit for the purposes stated herein. Nevertheless, knowing and understanding the risks, I hereby agree to assume all risks associated with and related to my willing acceptance and use of the permit(s).

INDEMNIFICATION

5. I do hereby waive all claims and or causes of action against the County of Lake, its officers, employees and agents arising out of my participation in the permitted activity and hereby release, hold harmless, defend, indemnify and discharge the County of Lake, its officers, employees and agents from any and all losses, damages and liability, (including without limitation attorney's fees and other costs and fees of litigation) of every nature, whether for damage to or loss of property including, but not limited to properties of the County of Lake arising out of, or alleged to arise out of, or resulting from or in any way connected with the permitted activity or the issuance of this permit by the County, unless such damage or loss is caused solely by the negligence of the County of Lake.

I have carefully read this Assumption of Risk and Indemnity agreement and understand the terms used in it and their legal significance. I acknowledge that I am signing this agreement freely and voluntarily and intend by my signature that this agreement is a complete and unconditional release of all liability to the greatest extent allowed by law. I also understand that my signature of this document is intended to be binding on my heirs, representatives, and assigns.

Permittee:

Name:

William Cady Leck

Title:

President

Date:

4-27-22

