

August 23, 2022

Mark Roberts – Senior Planner  
City of Clearlake Community Development Department  
Clearlake City Hall  
14050 Olympic Drive  
Clearlake, CA 95422

Re: Revised/Updated Plans for 2160 Ogulin Canyon Road

Dear Mr. Roberts:

In 2019, Ogulin Estates Holdings, LLC applied to the City of Clearlake for Use Permit(s) involving a 33,600 ft.<sup>2</sup> building, a 5,000 ft.<sup>2</sup> office building, (5) five - 75' x 25' greenhouses and a 22,660 square foot parking lot for cannabis facilities. The Use Permit application(s) were put on hold in June of 2022 by our consultant with the understanding that a revised/updated project plans were being considered and prepared.

The revised/updated project plans have now been developed (attached) and includes: Phase 1 - the remodel of an existing 960 square foot metal building; and Phase 2 – the development of a new 5,000 square foot metal building to be used for cannabis facilities. Specific uses proposed for the project include:

- Cannabis Distribution/ Cannabis Retail Delivery Only
- Cannabis Processing
- Cannabis Manufacturing (Phase 2 – non-volatile extraction)

The proposed revised/updated project does not include cannabis cultivation or nursery activities.

Included with the submission of the revised /updated project are:

- Project description and suggested findings
- Site plan
- Existing 960 Square foot building photos and proposed floor plan
- Proposed 5,000 square foot building elevations and floor plans

The technical reports and studies that were prepared in conjunction with the 2019 Use Permit application are still on file with the City of Clearlake and it is our understanding that they remain valid and applicable to this scaled back, revised/updated proposal.

The proposed revised plan will provide a development that is compatible with the neighborhood, as there are conventional industrial uses and existing cannabis operations and/or businesses in the near vicinity, including at the La Rosa Plaza site just to the west, and several existing and proposed cannabis cultivation projects to the east and north. The proposed

project is in a well-planned and secure location, which in and of itself creates a compatible land use setting.

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

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

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

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

Thank you.

*Garrett Burdick*

Garrett Burdick – Partner

Ogulin Estates Holdings, LLC  
637 Lindaro Street - Suite 201  
San Rafael, CA 94901

**Revised/Updated August 2022**

**Project Description and Information  
Ogulin Estates Holdings, LLC  
Cannabis Processing, Distribution/Retail Delivery, and Manufacturing Facilities  
2160 Ogulin Canyon Road – APN 010-044-21  
Clearlake, California**

**Project Location and Description**

In 2019, the property owner submitted Use Permit application(s) to the City of Clearlake for proposed cannabis facilities including a 33,600 ft.<sup>2</sup> building, a 5,000 ft.<sup>2</sup> office building, (5) five - 75' x 25' greenhouses for indoor cannabis cultivation, and related site improvements. These Use Permit application(s) were put on hold by the owner in June of 2022 with an understanding that revised/updated plans were being considered and prepared.

A scaled back, revised/updated project proposal has been prepared for consideration by the City. The project now only involves Phase 1 - the remodel/use of an existing 960 (24' x 40') square foot metal building to be used for storage, offices, and cannabis distribution/retail delivery. Phase 2 involves future development of a new 5,000 (50' x 100') square foot metal building to be used for cannabis processing/storage, manufacturing (nonvolatile extraction), and support facilities.

The revised/updated project will no longer include cannabis cultivation or nursery activities.

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

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

Phase 1, the existing 960 square foot metal building was permitted by the City and built in 2020. It is a single-story structure on a concrete slab. A roll up garage door is located on the north side and there is a pedestrian access door and a couple of windows on the south and west sides. This existing building will be remodeled to include a small office, bathroom, vehicle parking, and secure storage areas for the processing and distribution uses. An existing gravel driveway from Ogulin Canyon Road will be improved with a dustless surface and will lead into a new 8-car parking lot to the north and east of the existing building. The parking area will be developed to Clearlake City standards with spaces developed at 90-degree angles. ADA accessible parking and a loading zone will be developed near the facilities. Security cameras and lighting will be placed around the perimeter of the building and in the parking lot.

Phase 2, the 5,000 square foot building will be an engineered metal structure, to be built just to the west of the existing building. Preliminary floor plans indicate that the processing building will include intake, processing, packaging, restrooms and offices, break room, shipping and receiving, storage areas, distribution areas, nonvolatile extraction areas, and related activities. A rollup door will provide entry into secure parking areas for loading and unloading. The project area will be situated about 150' south of Ogulin Canyon Road, in the center of the parcel. Minimal grading will be necessary to facilitate construction.

## **Background Information and Existing Site Conditions**

Technical Documents, Reports, and Studies prepared and submitted to and/or by the City of Clearlake for the 2160 Ogulin Canyon Road Use Permit Project include:

- December 21, 2020 – City of Clearlake Use Permit application
- December 23, 2020 – original Project Description
- Original site plans and preliminary grading plans
- May 23, 2022 – Site Management Plan prepared by Natural Investigations Company, Inc.
- 2160 Ogulin Canyon Rd. Business Plan
- 2160 Ogulin Canyon Rd. Biological Constraints Technical Memorandum prepared by Natural Investigations Company, Inc.
- June 25, 2021 – Biological Resource Assessment with Botanical Survey prepared by Lawrence Ray, Scotts Valley, California
- December 23, 2021 – Ground Water Hydrology Report prepared by Northpoint Consulting Group, Inc.
- October 15, 2021 – Water Availability Report prepared by Richard Knoll Consulting
- March 7, 2022 – Ground Water Hydrology Addendum Report by Northpoint Consulting Group, Inc.
- September 29, 2021 – Well Completion Report by Will Peterson Well Drilling
- 2160 Ogulin Canyon Rd. – Odor Control Plan
- March 2022 – 2160 Ogulin Canyon Rd. - Energy Information
- April 12, 2021 - Cultural Resources Investigation by Gregory G. White, PhD
- September 23, 2021 - Traffic Impact Study by W Trans Traffic Engineering and Transportation Planning
- June 2021 - Security and Worker Safety Plan
- City of Clearlake CEQA Initial Study prepared by the City of Clearlake

The subject property is currently developed with several small structures including former animal shelter kennels, the 960 square foot metal building, a SFD, equipment, pole barns, and several related structures and facilities.

Access to the site is from Ogulin Canyon Road with two driveways located on the northern property line, south of Ogulin Canyon Road about a ½ mile east of Hwy 53. The existing driveways extend into the property and loop around to provide access to the existing site improvements. The existing driveways are in moderate condition.

Burns Valley Creek, a seasonal surface water drainage course extends through the northeasterly quadrant of the parcel in an open channel from the east to the northwest where it runs through existing culverts under Ogulin Canyon Road. There is a flood zone designation associated with the Creek, as noted on the site plan. Proposed site improvements for the most part are located outside of the flood zone.

Nearby land in the vicinity is used mainly for watershed, wildlife habitat, livestock grazing, cannabis cultivation, storage businesses, and home site development.

The project site is located in Ogulin Canyon, east of Burns Valley, and is bordered by Ogulin Canyon Road to the north, Burns Valley to the south, Blackeye Canyon to the east, and storage/light industrial uses to the west.

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

### **Compliance with City of Clearlake Zoning Ordinance**

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

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

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

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

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

### **Applicants Response and Suggested Findings:**

- The project at the 2160 Ogulin Canyon Road site is proposed/designed at a size and intensity that is reasonable for a 9.56-acre parcel. The site plan details a proposed layout that fits the site and illustrates that the required improvements are consistent with the City Zoning Ordinance.
- The City of Clearlake has updated the Zoning Ordinance with respect to the permit requirements and locations for cannabis businesses and through that action has confirmed and verified public policy in support of cannabis processing and distribution at this location.

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

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

**(a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,**

**(b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,**

**(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor,**

**(d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.**

Applicants Response and Suggested Findings:

- The proposed uses at the 2160 Ogulin Canyon Road Site will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements, or potential development in the vicinity. The proposed site improvements have been well planned to minimize detrimental impacts and conflicts with people residing and working in the area, property and improvements in the neighborhood or the general welfare of the City.
- The site improvements will be built to California Building Code standards and will provide for a high level of security and safety consistent with the City regulations.
- The site improvements will be situated in the west center of the parcel and will comply with property line setbacks from adjoining properties and structures in order to minimize perceived detrimental health, safety, morals, comfort, and general welfare impacts to people in the neighborhood and the region.
- The cannabis cultivation laws of the State of California and the City of Clearlake have been approved by the voters/elected officials and thus reflects the current attitudes of residents. The intent with regard to development of the cannabis project is to be sensitive to the comfort and general welfare of the Ogulin Canyon Road area by installing and operating state-of-the-art cannabis facilities and equipment in order to minimize detrimental impacts.
- The subject property is an existing developed site that has seen better days. The proposed project involves the Phase 1 remodel of an existing metal building and the Phase 2 construction of a new 5,000 square foot building which is proportionate in size and scale with land use activities on other properties in the vicinity.
- The nature of the proposed site, including the 9.56-acre size and its wide shape are conducive with the proposed size, shape, and arrangement of both the new and existing structures. The

proposed site improvements are designed in areas that are level and situated in the center of the site. The accessibility of the property is good, an improved entry and driveway approach will be developed on Ogulin Canyon Road. Traffic patterns for persons and vehicles that will be using the site are good. The type and volume of traffic on Ogulin Canyon Road is relatively low when compared to other streets and roads in Clearlake. The pattern of land development to the east, north and south is rural in nature and as such the areas generate a small amount of traffic that passes by the 2160 Ogulin Canyon Road site.

- The proposed off-street parking and loading areas have been incorporated into the project design with 8 standard spaces east of the buildings.
- Although, not specifically called out on the site plan, there are many options for implementing safeguards to prevent noxious or offensive emissions such as noise, glare, dust and odor. The placement of the processing building in the center of the site, with adequate setback distances from property lines and nearby structures is a key safeguard for reducing noise, odor, dust, and lighting concerns. There are many other conditions or mitigation measures that can be implemented including: the use of shielded and downlit lighting; A.C. Paving of the parking lot and driveways; installation of building mounted air filtration exhaust systems; and installation of landscaping or fencing to minimize noise. The project Odor Control Plan provides details regarding air filtration and odor complaint protocol.
- The project will provide landscaping as mandated by the City of Clearlake. Screening of site improvements or facilities such as the trash enclosures will be done to City standard.
- There will be open space preservation particularly around the east and northeast sides of the site and the management of trees to help increase security and visibility of the improvements,
- Proposed parking, loading, and service areas are depicted on the site plan and are adequate to serve the intended uses. Proposed lighting and signage will be commensurate with other industrial projects in the City of Clearlake.

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

Applicants Response and Suggested Findings:

- The proposed uses at the 2160 Ogulin Canyon Road are consistent with the applicable provisions of the City of Clearlake Zoning Ordinance and with the policies and standards of the Clearlake General Plan.
- East of Hwy 53, the initial portion of Ogulin Canyon Road (1/2 mile) is within the City of Clearlake. The City of Clearlake General Plan Circulation Element Figure 4.1 - Circulation Map identifies Ogulin Canyon Road as a basic street. The Clearlake General Plan Circulation Element contains a number of Goals and Policies regarding the City street system, however, there does not appear to be any policy applying specifically to Ogulin Canyon Road.
- The Ogulin Canyon Road surface is in moderate condition, it is paved for about 2/3 miles east of Hwy 53 and transitions to gravel beyond the City limits.

Conclusion:

This Project Description and application plans/documentation provides support for the approval of this Use Permit application to allow cannabis processing, nonvolatile, and distribution/retail delivery

activities at 2160 Ogulin Canyon Road. The project intent has been significantly reduced in scope and size from the original 2019 application/plan.

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

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

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

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

Thank you.

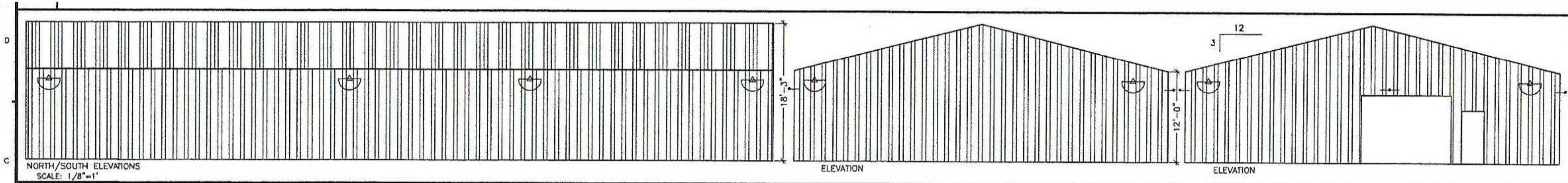
Garrett Burdick – Partner

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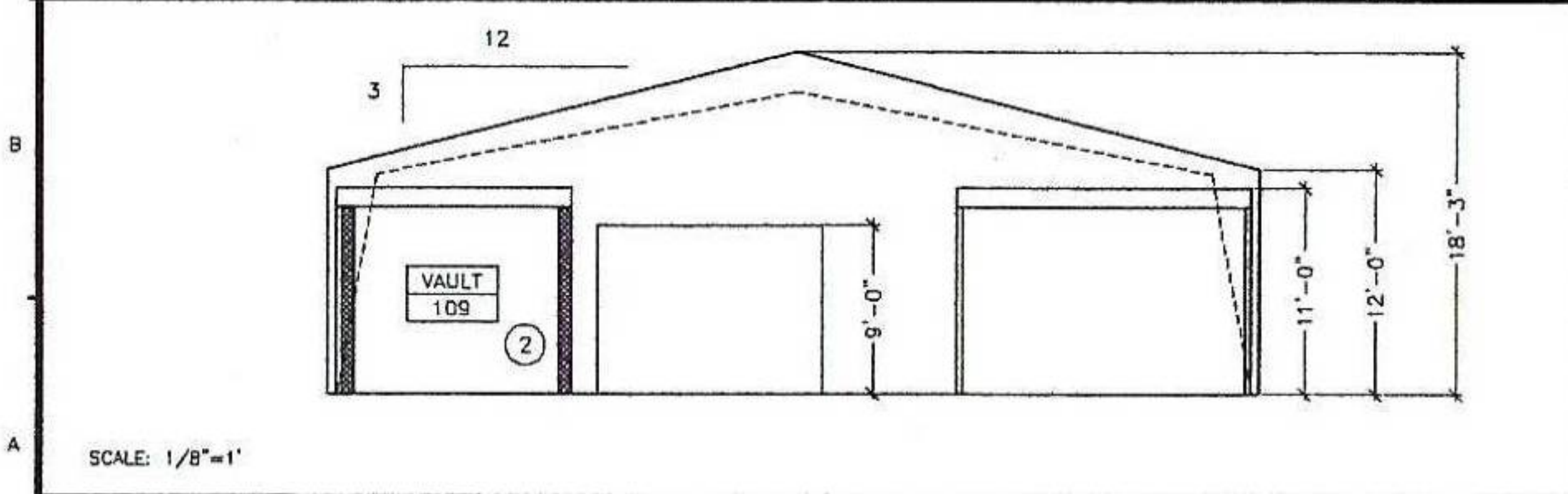




2 ELEVATIONS

## Phase 2

# 2160 Ogulin Canyon Road - Elevations and Section



3 SECTION A-A

### SYMBOLS

- |  |                            |  |                 |  |   |  |                        |  |  |
|--|----------------------------|--|-----------------|--|---|--|------------------------|--|--|
|  | WALL MOUNTED FAN           |  | DISCONNECT      |  | SURFACE MOUNTED CEILING FIXTURE   |  | WINDOWS                |  | HVAC HEATING/COOLING   |
|  | GENERAL NOTES              |  | SINGLE PULL     |  | DEFIANT MOTION SECURITY LIGHT (DOWN CASTING) MODEL DFI-5985-WH LED 28 WATTS 2350 LUMENS |  | CCTV CAMERAS CAMERA ID |  | SMOKE-FIRE DETECTOR CONNECTED TO CENTRAL PANEL AND MONITORED |
|  | EMERGENCY EXIT SIGN/LIGHT  |  | GFI 110V OUTLET |  | FIRE EXTINGUISHER   |  | ROOM ID ROOM USAGE     |  | DOOR SENSOR  |
|  | 4 TUBE LED CEILING MOUNTED |  | 110V OUTLET     |  | FIRE EXTINGUISHER   |  | NVR LOCATION           |  | CHARCOAL AIR FILTER EXHAUST TO OUTSIDE                       |
|  | EXHAUST FAN                |  | 220V OUTLET     |  | DOORS - SEE SCHEDULE  |  |                        |  |  |

# Proposed Floor Plan

Existing Metal Building

2160 Ogulin Canyon Road Clearlake, California

APN 010-044-21

Cannabis Processing and Retail/Delivery

\* Light Security Camera

North  
1" = 4'

