



COUNTY OF LAKE  
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Item #6b  
9:05 AM  
February 22, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Community Development Department  
Michelle Irace, Principal Planner  
Prepared by Mary Claybon, Assistant Planner II

**DATE:** February 22, 2024

**SUBJECT:** Consideration of proposed Major Use Permit (UP 20-20 Green Lake Exotics) and Mitigated Negative Declaration (IS 20-23) that would allow one (1) A-Type 3 Outdoor commercial cannabis cultivation license and one (1) Type 13 Self-Distribution Transport-Only license located at 19658 East Road, Lower Lake (APN: 012-049-19).

### ATTACHMENTS:

1. Site Plans (Revised 4/2023)
2. Draft Conditions of Approval
3. Property Management Plan (2/11/2020)
4. Biological Report (1/27/2020)
5. Initial Study (Revised 2/15/24)
6. Hydrogeologic Assessment Report (2/3/2020)
7. Drought Management Plan (1/2024)
8. Agency Comments
9. Tribal Comments
10. Public Comments

### EXECUTIVE SUMMARY

Green Lake Exotics requests discretionary approval from the County of Lake for a Major Use Permit (UP 20-20) for a proposed commercial cannabis cultivation operation located at 19658 East Road, Lower Lake, (APN 012-049-19). The subject parcel is zoned "RL" Rural Lands, is approximately 22.64 acres in size, and is accessed from a private driveway off East Road. The operation would include one (1) A – Type 3 "Medium Outdoor" commercial cannabis cultivation license consisting of 43,560 sq. ft. of canopy area one (1) 1,000 sq. ft. outdoor immature plant propagation area, and one (1) Type 13 "Self-Distribution: Transport Only" license. All Commercial Cannabis activity would occur within a 90,000 sq. ft. cultivation area, surrounded by a 6-foot wooden perimeter fence accessed via 20' wide vehicle gate equipped with latches and padlocks and development of a 3,000 sq. ft. utility building that would be utilized for drying, processing, and storage of cannabis.

FIGURE 1 – SITE PLANS

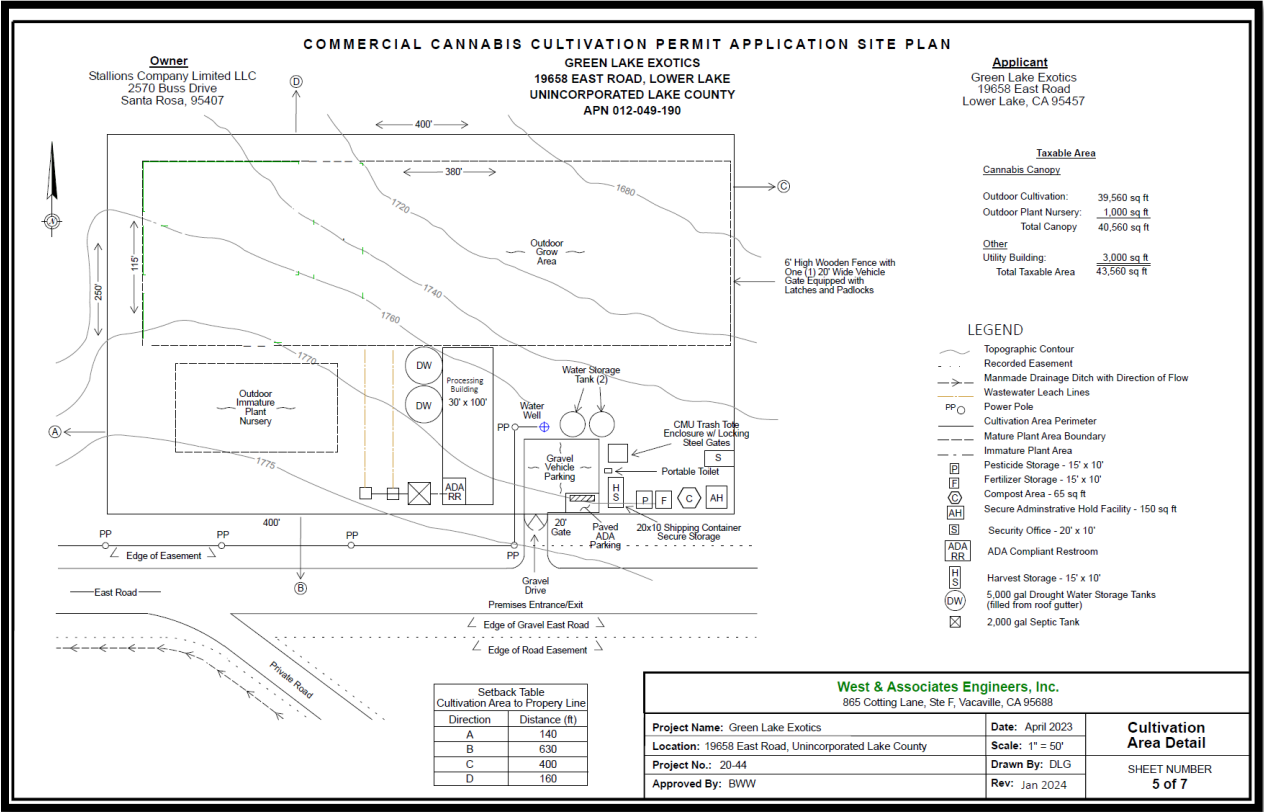
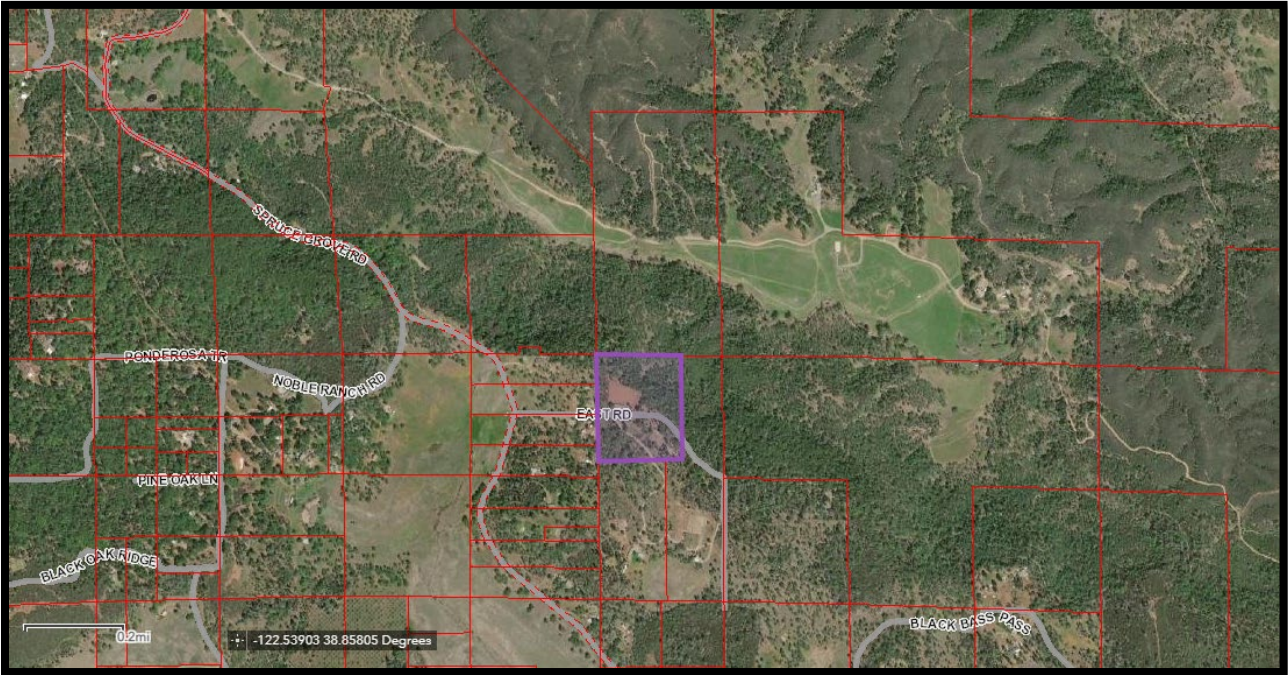


FIGURE 2 – VICINITY MAP



## PROJECT DESCRIPTION

<u>Project Title:</u>	Green Lake Exotics
<u>Permit Numbers:</u>	UP 20-20; IS 20-23
<u>Applicant Name &amp; Address:</u>	Green Lake Exotics, Nicholas Rosales P.O. Box 6385 Santa Rosa, CA 95406
<u>Property Owner:</u>	Stallions Company Limited, LLC
<u>Project Location:</u>	19658 East Road, Lower Lake, CA 95457
<u>Parcel Number(s) (APN):</u>	012-049-19
<u>Parcel Size:</u>	22.64 Acres
<u>General Plan Designation:</u>	Rural Lands
<u>Zoning District(s):</u>	"RL" Rural Lands
<u>Flood Zone:</u>	"D"- Areas of undetermined, but possible, flood hazard risk

### Existing Features:

- (1) permitted groundwater well
- (2) 2,500-gallon water storage tanks
- 6-ft tall wooden perimeter fence
- (1) 20' wide vehicle gate equipped with latches and padlocks
- (1) 2,000-gallon septic tank approved Lake County Environmental Health Department on October 29<sup>th</sup>, 2020.
- (1) 10' x 20' shipping container
- PG&E service

### Proposed Features:

- 43,560 sq. ft. outdoor canopy area
- 1,000 sq. ft. outdoor immature plant propagation area
- (2) 5,000-gallon steel/fiberglass water storage tanks dedicated to fire suppression
- 3,000 sq. ft. utility building that will be utilized for drying, processing, and storage of cannabis, and (1) ADA compliant restroom
- 65 sq. ft. compost area
- (2) 150 sq. ft. pesticide and fertilizer storage sheds
- 150 sq. ft. Administrative Hold area
- 150 sq. ft. harvest storage
- 200 sq. ft. security office
- 800 sq. ft. paved employee parking area

## POINTS OF INTEREST

**Water Analysis:** According to the applicant's Property Management Plan (Attachment 3), the proposed project would draw water from one existing groundwater well, connected to a 1.5hp submersible pump. Power for the pump is supplied by on-grid electric power pole through the site's existing PG&E service. The well is located within the Southeast quadrant of the 90,000 sq. ft. cultivation site, adjacent to the existing water storage tanks (See Attachment 1 Site Plans). The Hydrogeologic Assessment Report (Attachment 6) estimates the annual water usage includes 651,702 gallons for outdoor cultivation activities; 13,000 gallons for immature plant propagation; 27,375 gallons for employee water usage totaling 692,077 gallons or 2.12 acre-feet/year.

The project site is located in the Upper Putah Creek Watershed within an aquifer consisting of volcanic rock. Average year groundwater recharge for this aquifer is estimated to be 10.75 acre-feet/year. In a severe drought condition year, as in the conditions of 2020 and 2021, the Report estimates the groundwater recharge to be 3.58 acre feet/year, which would remain adequate to cover project activities. Additionally, the zone of pumping influence was calculated to extend approximately 140 feet from the irrigation well. As there are no neighboring wells within 140 ft of the irrigation well, and no surface water bodies within the radius of pumping influence, the project would not affect neighboring well productivity nor depletion of local streams. To monitor the project's water usage throughout the life of the project, a requirement that the well will need to be equipped with a water totalizing meter has been included as a Condition of Approval (Attachment 2).

The applicant also proposes water-saving measures as stated within the Drought Management Plan (Attachment 7) that would slightly offset the groundwater usage values in drought years. The measures would include the installation of a rainwater catchment off the proposed 3,000 sq. ft. processing building, a drip irrigation system in outdoor growing areas, and utilization of "Auto Flowering" or equivalent plants that would reduce the size, watering frequency, and growing/flowering time. In addition, while the County's declared drought emergency is in place, the applicant would perform the following water saving measures: spreading of mulch or similar material throughout the outdoor cultivation area to decrease evaporation losses and watering frequency; install wind barriers at the site to decrease evaporation losses from dry windy conditions; use previously saved rainwater to supplement cannabis irrigation and eliminate landscape watering (See Attachment 2 *Conditions of Approval*).

**Early Activation and Application History:** The project parcel was previously issued Early Activation for Commercial Cannabis Cultivation in 2020 and 2021 (EA 20-23 and EA 21-26) to allow for commercial outdoor cultivation of one cultivation area containing up to 43,560 sq. ft. of canopy area. The Early Activation project included obtaining State licensing, harvesting in the early fall of 2020 and 2021, and preparing the area for winter. Per the project applicant, winterization included planting the site with nitrogen-fixing grass seed and surrounding the cultivation area with straw wattles to prevent sediment from leaving the site. The proposed Use Permit project would occur within the same footprint as the Early Activation cultivation area.

As a part of the use permit submittal, biological, cultural and hydrogeological studies were prepared. (2020-2021). An Initial Study was also prepared and circulated by the County of Lake in June 2021. The applicant submitted a scope change for this project in 2022 incorporating mixed-light cultivation and a 3,000-sf processing facility. A second Initial Study was completed by the County of Lake on February 16, 2023. In late 2023, the project scope was resubmitted to the outdoor cultivation proposal to reflect Department of Cannabis Control's changes in regulations

for outdoor cultivation to have the option to utilize light-deprivation techniques with no artificial light incorporated.

The proposed Use Permit project would occur within the same footprint as the Early Activation cultivation area. Because the applicant is proposing what was originally submitted (outdoor cultivation) within the Early Activation footprint, all of the aforementioned studies and reports prepared in 2020-2021 are being utilized for this project. As noted within the Environmental Review section of this staff report, The 2021 Initial Study has been updated accordingly with a revision date of February 15, 2024.

## **PROJECT SETTING**

The project site is located approximately 5.5 miles southeast of Lower Lake at 19668 East Road (APN 012-049-19). The project site is approximately 1.41 miles Northeast from the Community Growth Boundary surrounding Hidden Valley Lake. The parcel is also not located within other commercial cannabis buffer zones, the closest of which being a roughly 39.5-acre Public Lands parcel, approximately one mile to the East.

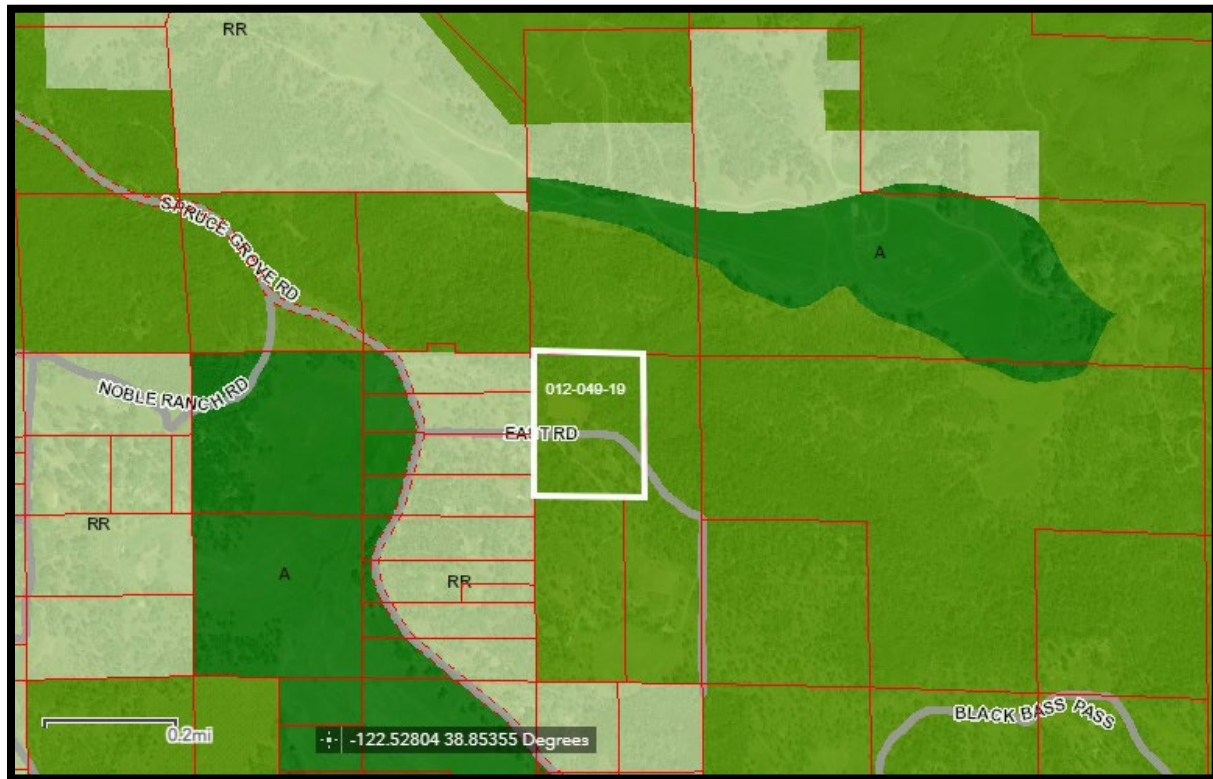
The topography of the project parcel is moderately sloped in the southwest and steeply sloped in the northeast, with grades between 5% and 20% in the southwest and 20% and 70% in the northeast with elevation ranging from approximately 1,520 feet to 1,840 feet above sea level. The property does not contain any Class I, II, or III ephemeral streams or drainages. The property is located on a ridge, draining into Asbill Creek on the northeast side. Asbill Creek is a tributary to Soda Creek, approximately 2.7 miles to the east. Soda Creek flows south for approximately 5.5 miles before entering Putah Creek. The climate of the site includes distinct seasons consisting of hot, dry summers and wet, moderately cold winters. The surrounding land uses are largely agriculture and rural residential land

## **Surrounding Zoning and Uses**

- North: (3) Three 30+ acre parcels split zoned “RR” Rural Residential, “RL” Rural Lands, and “A” Agriculture
- East: (1) One roughly 31-acre parcel zoned “RL” Rural Lands
- South: (1) One roughly 23-acre parcel zoned “RL” Rural Lands
- West: (4) Four roughly 9.5 – 10-acre parcels split zoned “A” Agriculture, “RR” Rural Residential, and “W” Wetlands Combining District



**FIGURE 3 – ZONING MAP**



## **PROJECT ANALYSIS**

### **General Plan Conformity**

The General Plan designation for the subject site is Rural Lands. In reference to the Lake County General Plan (2008), Chapter 3 – Land Use, Rural Lands provide for rural development in areas that are primarily in their natural state, although agricultural production is permitted on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access.

The following General Plan policies relate to site development in the context of this proposal:

### **Chapter 3 Land Use**

Goal LU-1: Encourage the overall economic and social growth of the County while maintaining its quality of life standards.

Policy LU-1.3: *Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.*

Pursuant to the Lake County Zoning Ordinance, the cultivation of cannabis is an allowable use within the “RL” Rural Lands Designation upon securing a Conditional Use Permit and therefore, the proposed project would not be an intrusion of a new incompatible land use within the existing zoning and general plan designation of this area as it is an allowable use. Furthermore the project location is set in a remote enough location so as not to cause any incompatibility within the immediate proximity of the project

## **Chapter 7 – Health and Safety**

Goal HS-1: To ensure the County is protected from injury and damage resulting from natural catastrophes, man-made events, and hazardous conditions.

Policy HS-1.3: Building and Fire Codes: The County shall ensure all buildings for human habitation are designed in compliance with the Uniform Building Code and other requirements based on risk (e.g., seismic hazards, flooding), type of occupancy, and location (e.g., floodplain, fault).

The applicant proposes to implement Public Resource Code 4290/4291 road standards for commercial operations to allow adequate access for wildfire suppression. Furthermore, the project will require one of the 5,000-gallon water tanks to be available for fire suppression and made of steel or fiberglass.

## **Chapter 11 Water Resources**

Goal WR-1: To provide for the current and long-range water needs of the County and for the protection of the quality and quantity of groundwater resources.

Policy WR-1.2: *Sustainable Groundwater Withdrawal. The County shall manage groundwater resources within its jurisdiction through ordinances, project approvals and agreements to ensure an adequate, safe, sustainable and economically viable groundwater supply for existing and future use within the County, in order to maintain and enhance the natural environment, protect existing groundwater users, the overall economy of the County, and groundwater and surface water quality and quantity in a manner consistent with existing law and with a doctrine of safe yield within the groundwater basins of the County.*

Policy WR-2.1: *Protect Surface and Ground Water Quality. All proposed land use and development plans should be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. Effects include but are not limited to: soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris by runoff from the site.*

The project application includes a water-use analysis, a hydrological study, and a drought management plan, as required for all commercial cannabis cultivation projects. Pursuant to Ordinance 3106, the applicant submitted a Hydrogeologic Assessment (Attachment 6) by a registered civil engineer with Hurvitz Environmental. The report evaluates the following: site development and water use; water quality; water balance including precipitation, groundwater storage, recharge and drought conditions; pumping influence to surrounding properties, and drought management. This assessment has been reviewed by staff and a third-party consulting firm, including peer-review by a qualified hydrogeologist, and no significant impacts are expected from the proposed project with mitigation measures in place. The well water intended for cannabis cultivation will pump directly into one of the poly storage tanks located adjacent to the well and proximate to the cultivation area. A second water storage tank will be used for nutrient mixing and direct irrigation, while a third water tank has been installed for fire suppression, per Public Resources Code (PRC) 4290/4291. Groundwater usage will be managed safely and sustainably through the use of “Auto Flowering” that reduce the size, watering frequency, and growing/flowering time compared to larger plants with a longer cultivation season. Drip irrigation and irrigation early in the day while temperatures are coolest will minimize evaporation rates. Rainwater catchment off the proposed metal building will also be utilized for landscape irrigation and dust control.

### **Community Area Plan Conformity**

The subject site is within the Lower Lake Area Plan boundary. The Plan contains policies that apply to agricultural uses and economic development as follows:

Policy 5.1a-3: Large lots and reduced residential densities should be encouraged in outlying areas of the Lower Lake community development area.

Policy 5.1b-1: A high priority should be given to providing service and employment opportunities locally in the Lower Lake area in order to boost economic development and reduce travel distances.

The project parcel is roughly 22.64 acres in size and does not currently have a residence, nor is one planned with this project. According to the Property Management Plan (*Attachment 3*), the outdoor grow operations will be operating seven (7) days per week; 9am-5pm Monday through Friday; and 12-5 pm Saturday and Sunday. During site construction there may be two shifts with approximately 2-8 people per shift. After construction there will be 1 shift of 1-3 people, dependent upon whether harvesting is occurring. In addition to commuter transits during the construction periods the roads will also be subjected to periodic heavy equipment transit. All of these activities would employ local contractors and workers. Additionally, the proposed Project would not generate or attract more than 110 trips per day, and therefore it is not expected for the Project to have a potentially significant level of VMT (See *Attachment 5*, Initial Study, for additional details). Impacts related to CEQA Guidelines section 15064.3. subdivision (b) would be less than significant.

### **Zoning Ordinance Conformity**

Article 7 – Rural Lands (RL): Under Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, commercial cannabis cultivation is allowable use within the Rural Lands zoning district subject to the issuance of a minor or major use permit.

Article 27 – Uses Permitted: Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance allows for commercial cannabis cultivation in the “RL” zoning district subject to the issuance of a minor or major use permit, and subject to any required building, grading and/or health permits. The following standards and criteria apply to commercial cannabis cultivation per Article 27, Section 11.

### **Development & Performance Standards**

The application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27, subsection (a) of the Lake County Zoning Ordinance:

- Minimum Lot Size (20 acres per A-Type 3 license for one (1) acre of canopy area): The project is applying for one A-Type 3 license. The parcel is approximately 22.64 acres in size, which would allow for the 20 acres needed to accommodate the combined acreage requirements of the license types.
- Setback from Property Line (100 feet): The 90,000 sf cultivation area is setback 140 ft from the property line to the West, 160 ft to the North, 400 ft to the East, and 600 ft to the South.
- Setback from Off-Site Residence (200 feet minimum): The nearest off-site residence lies over 200 feet away from the cultivation area to the West on parcel 012-049-04.



Fence Height (between six (6) and eight (8) feet): The proposed security fence will be 6 feet tall.

- Maximum Canopy Area (A-Type 3; 43,560 sf per license): The canopy area for the proposed one A-Type 3 license is 43,560 sf, which is maximum allowed canopy area of 43,560 sf.

### **General Requirements**

There are several general requirements for cannabis cultivation listed in Section 27.11(at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operations and deliveries, and access requirements.

The applicant has submitted a Property Management Plan, outlining compliance with all regulations pertaining to cannabis operations as required in Article 27, Part 27.13, subsection (at.2.d.11.v.) including the following: air solid waste disposal, vegetative waste disposal, storm water management, growing medium management, fish and wildlife protection, water resources protection, energy use, water use, pest management, fertilizer use, property management, grading, organic farming, and protection of cultural resources. In addition, the applicant complies with the restrictions pertaining to the prohibited activities listed in Article 27.

### **AGENCY COMMENTS**

Agency Review was requested on February 21, 2020. Comments were received from the agencies listed below (Attachment 6) and have been included as conditions of approval, as necessary (Attachment 2)

- Lake County Lake County Fire Protection District
- Lake County Air Quality Management District
- Lake County Environmental Health
- Lake County Sheriff's Office
- Lake County Surveyor
- Lake County Water Resources
- NWIC (Sonoma State University)
- Lake County Special Districts
- California State Water Board
- CAL FIRE
- Caltrans
- PG&E

### **Tribal Consultation**

Initial survey of the site began when the Native American Heritage Commission (NAHC) conducted a Sacred Lands File (SLF) search of the Project Area on February 24, 2020, followed closely by a Cultural Resources Assessment by Natural Investigations Company, also in February 2020. The California Historical Resources Information System (CHRIS) records were then queried by the Northwest Information Center (NWIC) on March 9, 2020, as part of the project's agency review.

Notification of the project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson

Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on February 21, 2020, by the County of Lake. The Middletown Rancheria Tribal Historic Preservation Office responded with an email dated March 24, 2020, acknowledging receipt of the notice and that the project is within their aboriginal territory; however formal consultation was not requested. No further Tribal commentary has been received for this project.

## **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Mitigated Negative Declaration (Attachment 5) was prepared and circulated for public review in compliance with CEQA from 05/27/2021 to 06/26/2021. The scope for the initial study included outdoor cultivation and a 1,500 sf processing facility. Comments received are included in Attachment 10. As noted in the Point of Interest section of this staff report, an additional Initial Study was prepared and circulated in 2022 in response to project scope changes, including expanding the proposed processing facility to 3,000 sf and including mixed-light cultivation. While the current proposed project is relying on the 2021 Initial Study, it has been revised on February 15, 2024 to include minor changes proposed within the current project scope since the time of its publication, and has included information from the 2022 Initial Study, as applicable. These changes do not trigger recirculation of the initial Study because they are minor in nature and do not result in new impacts that were not previously analyzed (in accordance with CEQA Guidelines 15073.5).

The Initial Study found that the project could cause potentially significant impacts:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Noise
- Tribal Cultural Resources

**Aesthetics** Impacts relating to Aesthetics (AES) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure AES-1:

AES-1: All outdoor lighting shall be directed downward onto the Project site and not onto adjacent properties. All lighting equipment shall comply with the recommendations of [www.darksky.org](http://www.darksky.org). All facility lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.

**Air Quality** Impacts relating to Air Quality (AQ) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures AQ-1 through AQ-7:

AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District (LCAQMD) and obtain an Authority to Construct (A/C) permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions. Or provide proof that a permit is not needed.

AQ-2: All mobile diesel equipment used must be in compliance with state registration requirements. Portable and stationary diesel-powered equipment must meet all federal, state, and local requirements, including the requirements of the State Air Toxic Control Measures for compression ignition engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.

AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the LCAQMD such information in order to complete an updated Air Toxic emission Inventory.

AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.  
AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.

AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

AQ-7: The processing building shall contain an air and odor filtration system. An Odor Control Plan identifying the method of filtration shall be provided to the Lake County Planning Department for review prior to construction of the processing building.

**Biological Resources** Impacts relating to Biological Resources (BIO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures BIO-1 through BIO-5:

BIO-1: If the establishment of cultivation operations requires the disturbance of vegetation and trees outside of existing disturbed areas, a pre-construction botanical survey should be conducted to determine if any special-status plant species are present. If any listed species or special-status plant species are detected, construction should be delayed, and CDFW should be consulted and project impacts and mitigation reassessed.

BIO-2: If the establishment of cultivation operations requires the disturbance of vegetation and trees outside of existing disturbed areas, a pre-construction survey for special-status wildlife species should be performed by a qualified biologist to ensure that special-status species are not present. If any listed species or special-status species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed.

BIO-3: If construction activities require the removal of trees or shrubs or disturbance to grassland habitat, and if these activities occur during the nesting season (February 15 through August 31), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” active nests prior to the initiation of any construction activities. Avoidance measures may include the establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

BIO-4: During construction and operation, the project should follow all BMPs outlined in Appendix D of the Biological Site Assessment for the project.

BIO-5: All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted, the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

**Cultural Resources** Impacts relating to Cultural Resources (CUL) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures CUL-1 and CUL-2:

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such findings.

**Geology and Soils** Impacts relating to Geology and Soils (GEO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures GEO-1 through GEO-6:

GEO-1: Prior to any ground disturbance for building construction, the permittee shall submit erosion control and sediment plans to the Water Resource Department and the Community Development Department for review and approval. Said erosion control and sediment plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed areas. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.

GEO-2: Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

GEO-3: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

GEO-4: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of

activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

GEO-5: Prior to operation, all buildings, accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.

GEO-6: Prior to operation, all structure(s) used for commercial cultivation shall meet accessibility and CALFIRE standard. Please contact the Lake County Community Development Department's Building Division for more information.

**Hazards and Hazardous Materials** Impacts relating to Hazards and Hazardous Materials (HAZ) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures HAZ-1 through HAZ-7:

HAZ-1: All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. All equipment will be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment will occur on an impermeable surface. In the event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

HAZ-2: With the storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, a Hazardous Materials Inventory Disclosure Statement and Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

HAZ-3: Prior to operation, the applicant shall schedule an inspection with the Lake County Code Enforcement Division within the Community Development Department to verify adherence to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.

HAZ-4: Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.

HAZ-5: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.

HAZ-6: All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

HAZ-7: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.

**Noise** Impacts relating to Noise (NOI) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures NOI-1 and NOI-2:

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

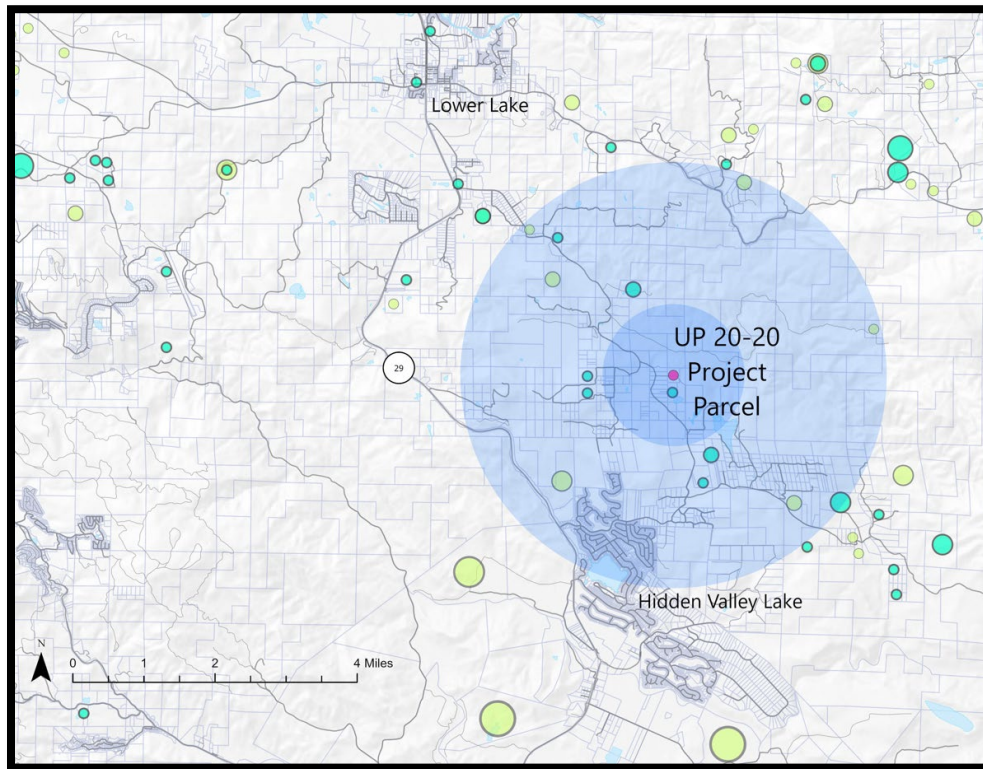
**Tribal Cultural Resources** Impacts relating to Tribal Cultural Resources have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures CUL-1 and CUL-2.

**Wildfire** Impacts relating to Wildfire have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures GEO-5 and GEO-6.

### **Cumulative Impacts**

Within one mile of the proposed project are one (1) approved, zero pending projects. Within three miles of the proposed project are seven (7) approved and four (4) pending projects.

**FIGURE 3 – CUMULATIVE IMPACTS MAP**





### **Mandatory Findings of Significance**

The discussion within this section is incorporated to mitigate any potential impacts from the implementation of the project. In addition to the mitigation measures above, the applicant will apply for permits from various agencies including the Department of Cannabis Control, the State Water Resources Control Board, and the California Department of Fish and Wildlife, and any other applicable agencies to operate a commercial cannabis cultivation operation. The various agencies include complying with state regulatory setback requirements and restrictions that would then further minimize potential impacts to the environments that address natural resources.

Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards & Hazardous Materials, Hydrology, Noise, and Wildfire. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment. Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively significant environmental impacts.

### **MAJOR USE PERMIT FINDINGS FOR APPROVAL**

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. *That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The proposed use of commercial cannabis cultivation operation is a permitted use in the RL – Rural Lands zoning upon issuance of a Major Use Permit pursuant to Article 27.11 Table B of the Lake County Zoning Ordinance. The project scope complies with the minimum regulatory requirements set by the local ordinances to address the health, safety, morals, comforts, and general welfare of those working or residing near the proposed use. Prior to any type of construction the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the CDD will conduct annual compliance monitoring inspections during the cultivation season to ensure compliance with the County's ordinances, the approved Property Management Plan, mitigation measures, and conditions of approval.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The proposed project will occur on a parcel approximately 22.64 acres in size. One A-Type 3 "Medium Outdoor" license would require 20 acres. Therefore, this project would accommodate the type and use, and level of development proposed.

3. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The site is accessed from an existing private driveway off East Road. Per the Public Resources Code (PRC) 4290/4291 Fire Safe Requirements, the project will be required to meet the CAL FIRE road standards outlined in PRC 4290/4291. The applicant must comply with all building codes prior to construction of any structures. Therefore, the project has adequate access to accommodate the specific use and will be required to maintain and improve the access to be compliant with PRC 4290/4291.

4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The project has an installed and permitted septic system that will be connected to the processing building upon Use Permit approval. PG&E has already been installed and permitted for the project. Building Permit requirements, as well as the project's Conditions of Approval (Attachment 2) will also ensure that all structures will have adequate fire and police protection measures incorporated.

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

The cultivation of commercial cannabis is a permitted use within the Rural Lands zoning district upon securing a Major Use Permit according to Article 27.11 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan and the Lower Lake Area Plan have provisions for economic development, water resources, and rural land use compatibility. Additionally, the subject property complies with the minimum setbacks and development standards.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

There are no violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the portion of the property that relates to the major use permit.

## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-23) for Major Use Permit (UP 20-20) with the following findings:
  1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measure AES-1.
  2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-7.

3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-4.
4. Potential environmental impacts related to Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
5. Potential environmental impacts related to Geology and Soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-6.
6. Potential environmental impacts related to Hazards and Hazardous Materials can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-7.
7. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 and NOI-2.
8. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that potential impacts associated with this project can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration (IS 20-23) submitted by Green Lake Exotics (Nicholas Rosales) for the property located at 19658 East Road, Lower Lake, (APN: 012-049-19), will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 20-23) with the findings listed in the staff report dated February 22, 2024.

**Major Use Permit (UP 20-20)**

I move that the Planning Commission find that the Major Use Permit (UP 20-20) applied for by Green Lake Exotics (Nicholas Rosales) on property located at 19658 East Road, Lower Lake, (APN: 012-049-19) meets the requirements of Section 51.4 and Article 27 of the Lake County Zoning Ordinance and that the Major Use Permit be granted based on the findings and subject to the conditions included in the staff report February 22, 2024.

**NOTE:** *The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh day following the Planning Commission's decision on this matter.*