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COMMUNITY DEVELOPMENT DEPARTMENT
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Item #6a
9:05 AM
February 22, 2024

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Department
Michelle Irace, Principal Planner
Prepared by: Andrew Amelung, Cannabis Program Manager

DATE: February 22, 2024

SUBJECT: Consideration of proposed Major Use Permit (UP 20-77) Knapp Farms (Raphael S. Knapp) and Mitigated Negative Declaration (IS 20-92) for a two-staged commercial cannabis operation with up to four acres of outdoor and mixed-light canopy, and one self-distribution license located at 4379 and 4457 New Long Valley Road, Clearlake Oaks (APNs: 006-009-23 and 53)

ATTACHMENTS:

1. Project Site Plans
2. Draft Conditions of Approval
3. Property Management Plan
4. Initial Study
5. Hydrology Report & Drought Management Plan
6. Bridge Access Documents
7. Agency Comments
8. Public Comments

EXECUTIVE SUMMARY

Knapp Farms requests discretionary approval of a Major Use Permit for a proposed commercial cannabis cultivation operation located on New Long Valley Road approximately 4.2 miles north of Clearlake Oaks. Commercial cannabis operations will take place on both APNs: 006-009-23 and 006-009-53. The parcels are located on New Long Valley Road approximately 9.1 miles from the access point to State Highway 20.

The project will be developed in two stages, with the first stage including four acres of outdoor commercial cannabis canopy (174,240 sf) along with a 6,000 sf metal processing structure and a 120 sf pesticide and chemical wooden storage structure. The second stage will include converting two of the four acres of outdoor canopy (87,120 sf) into 44,000 sf of mixed-light commercial cannabis canopy to be housed in twelve (12) 3,000 sf greenhouses and twenty-two (22) 1,000 sf hoop houses.

FIGURE 1 – VICINITY MAP

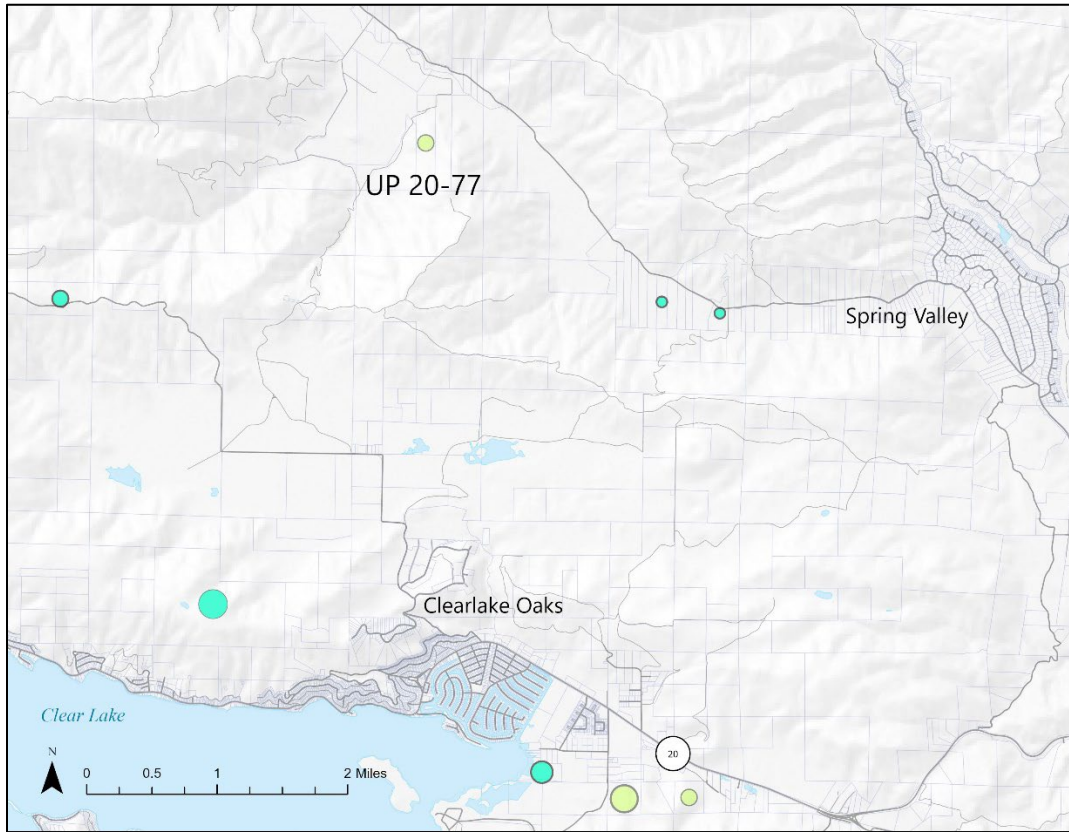
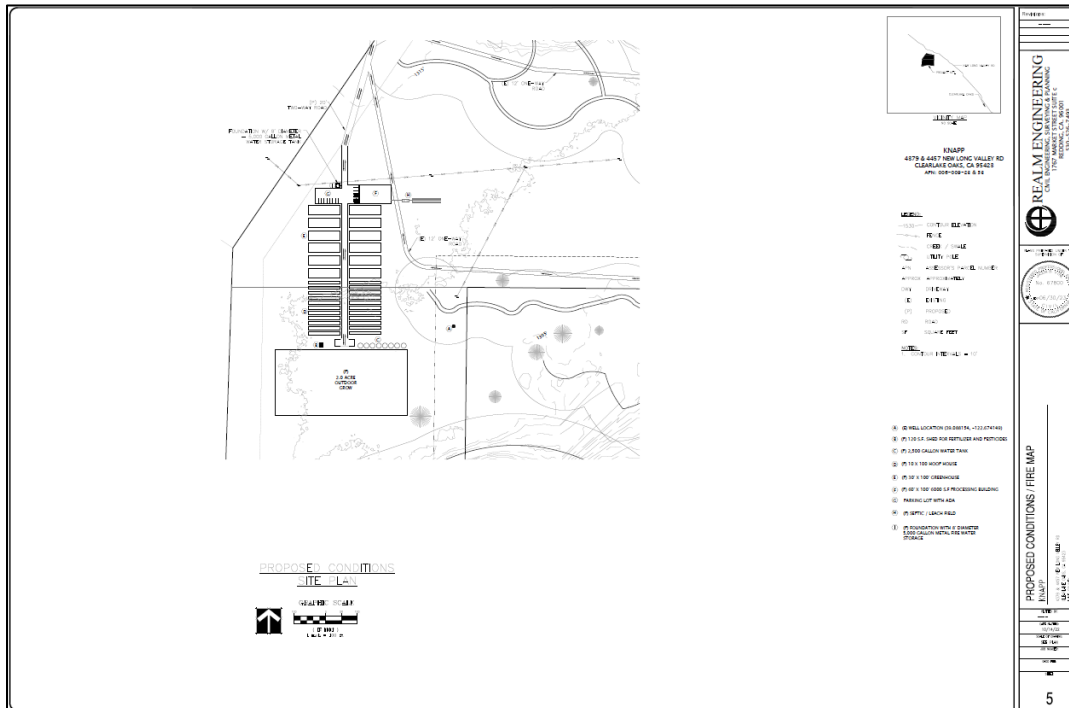


FIGURE 2 – SITE PLANS



PROJECT DESCRIPTION

<u>Project Title:</u>	Knapp Farms
<u>Permit Numbers:</u>	UP 20-77; IS 20-92
<u>Lead Agency:</u>	County of Lake – Community Development Department
<u>Applicant Name & Address:</u>	Knapp Farms (Raphael S. Knapp)
<u>Property Owner:</u>	Raphael S. Knapp 4874 Lynn Street Los Angeles, CA 90042
<u>Project Location:</u>	4379 & 4457 New Long Valley Road Clearlake Oaks, CA 95423
<u>Parcel Number(s) (APN):</u>	006-009-23, 006-009-53
<u>Parcel Size:</u>	±99 Acres
<u>General Plan Designation:</u>	Rural Lands
<u>Zoning District(s):</u>	“RL-FF-WW-B5” Rural Lands, Floodway Fringe, Waterway, Specialty Lot Density (B5)
<u>Flood Zone:</u>	“X” – Areas of Minimal Flood Hazard “A” – Areas of 1 Percent Annual Chance of Flooding; 26 Percent of 30-Year Flood

Existing conditions on the property include the following:

- (1) Existing permitted groundwater well
- (1) Existing access bridge

Proposed structures and facilities as part of the project include the following:

- (1) 6,000 sf metal processing structure (60'x100')
- (12) 3,000 sf greenhouses (30'x100')
- (22) 1,000 sf hoopouses (10'x100')
- (8) 2,500-gallon water tanks for irrigation and fire suppression
- (1) 120 sf structure for fertilizer & pesticide storage
- (11) standard parking spaces
- (2) ADA-compliant parking spaces

In addition to the proposed structures listed above and the outdoor and mixed-light cannabis canopy, minimal vegetative clearing will be needed on site to meet Public Resource Code (PRC) 4290 and 4291 road standards for commercial driveways. The applicant will also be obtaining a Type 13 Self-Distribution License for the project.

POINTS OF INTEREST

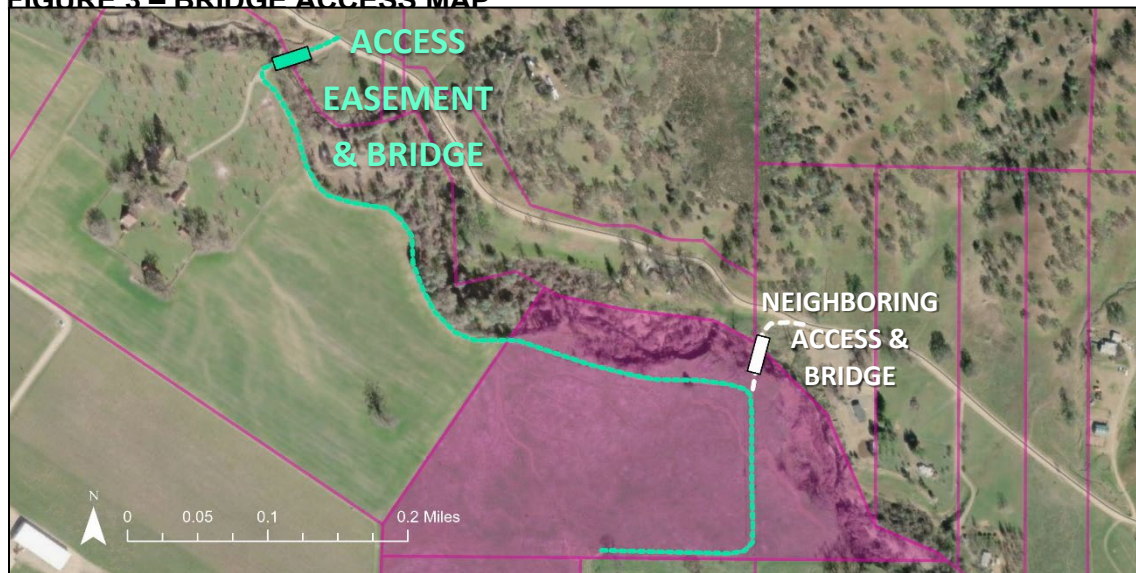
Bridge Access

The property is accessed via an existing private access easement and bridge which runs through APN 006-009-55. The bridge crosses over Long Valley Creek as it runs along New Long Valley Road. The Initial Study (Attachment 4) mentions two access bridges, one of which is located to the west and mentioned above, and the other located on APN 005-009-25, which provides access to the adjacent property APN 005-009-22 to the east (see Figure 3 below). As a correction to the Initial Study, it should be made clear that the applicant does not have an established access easement to the property through the second (eastern) bridge mentioned and featured on the site plans as an emergency exit. However, the legal right of access is provided via the access easement documents for the western bridge provided in Attachment 6 (Bridge Access Documents).

In response to the circulation of the Initial Study these issues were brought to the attention of staff, and concerns around the existing conditions of the bridge on APN 006-009-55 were raised. In response to these concerns which were subsequently raised by the Department of Public Works and CalFire, staff members from the Planning and Building Division conducted a site visit in June 2023, where it was determined that the structural integrity of the existing bridge will need to be verified by a licensed engineer and improvements to the wood surface of the bridge will need to be made in order to meet PRC 4290 and 4291 road standards for emergency vehicles.

In August 2023, the applicant provided a stamped letter from his engineer providing a statement that the bridge has the capacity to meet the 75,000 pound rating required by PRC 4290 and 4291, along with recommendations for bridge improvements that would meet the necessary road width and railing requirements. With this issue addressed, staff will be recommending that the first and foremost condition of approval be that engineered plans be submitted within 90 days of the approval of this permit as part of a Building Permit application for bridge improvements prior to any other construction or operational activities.

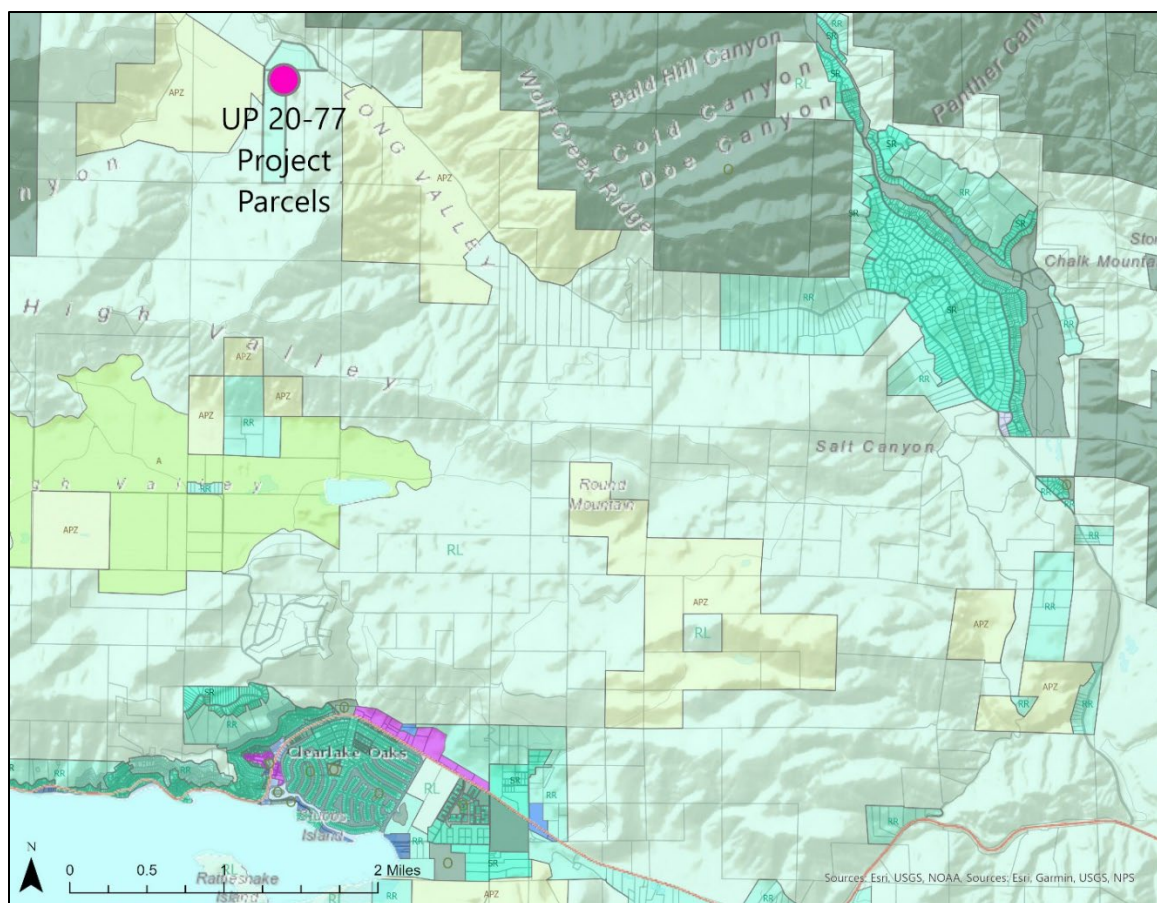
FIGURE 3 – BRIDGE ACCESS MAP



Vehicle Miles Traveled

In the Initial Study (IS 20-92) circulated on May 4, 2023, the distance between the project site and the nearest community, Clearlake Oaks, was listed as four miles. While this is true in the sense that the project is four miles due north of the community, actual vehicle miles from Clearlake Oaks to the project site via State Highway 20 to New Long Valley Road is 16 miles. The Initial Study also states the number of employees as four during normal operations and up to eight during peak harvest season, however an updated Property Management Plan clarifies that there will be between four to six employees throughout normal operations year-round. The estimated vehicle miles traveled described in the Initial Study was listed as 17,328, however with the updated information based on a 270-day cultivation season is 53,056 vehicle miles traveled. While the mileage traveled is increased, the daily vehicle trips is decreased to 12 based on the number of employees, and remains well below the Office of Planning and Research's (OPR) threshold for small projects of 110 vehicle trips per day. As such, impacts would remain less than a significant.

FIGURE 4 – ZONING MAP



PROJECT SETTING

The project parcel is not within a Community Growth Boundary or within a mapped Farmland Protection District. The site is located in an SRA Moderate Fire Risk Area, and no flood zones are

present on or adjacent to the proposed canopy or cultivation areas. The project site is relatively flat and no major grading is proposed.

Surrounding Zoning and Uses

- North: Rural Lands (RL), Floodway Fringe (FF), Waterway (WW), Specialty Lot Density (B5); Rural parcels with single family homes
- East: Rural Lands (RL), Floodway Fringe (FF), Waterway (WW), Specialty Lot Density (B5); Rural parcels with single family homes and agricultural uses
- South: Rural Lands (RL), Waterway (WW); Undeveloped
- West: Rural Lands (RL), Floodway Fringe (FF), Waterway (WW), Agricultural Preserve (APZ), Specialty Lot Density (B5); Rural parcels with single family homes and agricultural uses and undeveloped areas

PROJECT ANALYSIS

General Plan Conformity

The General Plan Designation for the subject lot is Rural Lands, which allows for commercial cannabis cultivation with the approval of a use permit. Land within this designation is characterized by larger lots, sporadic agricultural uses, and provides habitat for various flora and fauna.

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

Chapter 3 – Land Use

Goal LU-1: To 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.

Cannabis cultivation is allowed in certain areas within Lake County upon issuance of a major or minor use permit depending on its size and characteristics in the of the site. In this case, the property is not located within a mapped Farmland Protection Area or within an Exclusion Area and therefore would not be considered a non-compatible use.

- Policy LU-1.4 Communities: The County shall recognize each community as an important asset to the County and seek to strengthen and revitalize all communities.

The approval of the use permit will allow both the agricultural industry and the cannabis industry to strengthen and revitalize the overall community through promoting economic development, employment opportunities, as well as tax and other revenues for the county. According to the applicant the operation will include approximately three employees throughout the growing season. Employees will spend money locally on commodities such as food, gas, rent and other items, which in turn will benefit local area merchants.

Goal LU-2: To clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

- Policy LU-2.4 Agricultural/Residential Buffer: The County shall require adequate setbacks between agricultural and non-agricultural uses. Setbacks shall vary depending on type of operation and chemicals used for spraying.

All required setbacks for the project have been met. The nearest residential dwelling is located approximately 1,300 feet northeast of the proposed cultivation area. The parcels combined are approximately 99 acres in size, portions of which will create a separation buffer from other properties in the vicinity.

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 PRC 4290 and 4291 road standards for commercial operations to allow adequate access for wildfire suppression. For the interior driveway this involves a minimal level of vegetative clearance to meet the required road widths. 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. Bridge improvements will be required as a first and foremost condition of approval.

Goal HS-2: To ensure the County is protected from injury and damage resulting from natural catastrophes, man-made events, and hazardous conditions.

- Policy HS-2.1 Hillside Development: Areas in excess of 30 percent slope or in mapped naturally occurring asbestos areas may require submittal of engineered plans for all construction and grading, at the discretion of the Community Development Department. These plans shall address roads, utility corridors, and similar off-site improvements as well as erosion and dust control. Development in other areas possessing potential landslide risk, regardless of slope, shall require engineered plans and/or geotechnical study prior to discretionary approval or approval of grading or building permits.

While a large portion of the southern parcel consists of an area with an excess of 30 percent or more, the project site is located in the flat portion of the property that runs along Long Creek. Erosion control measures are included in the Property Management Plan and proposed Site Plans.

Goal HS-5: To protect residents, visitors, and property from hazardous materials through their safe use, transport, and disposal.

- Policy HS-5.6 Contamination Prevention: The County shall review new development proposals to ensure that soil, surface water and groundwater are protected from contamination.

The applicant will maintain a hazardous material storage container with the use of secondary containment as required for all commercial cannabis activities. The proposed project also meets the required 100-foot setback from any spring, top-of-bank of any creek or seasonal stream (Class II watercourse), edge of lake, delineated wetland or vernal pool. The plans submitted show two seasonal drainage channels on site and show the required 100' setback from each. The project also meets the State required 50' setback from a Class III ephemeral watercourse. There is one mapped watercourse on site (Valley Creek) that is set back over 300 feet from the nearest cultivation area.

Goal HS-7: To minimize the possibility of the loss of life, injury, or damage to property as a result of urban and wildland fire hazards.

- Policy HS-7.6 Development Guidelines: Developers and/or subsequent owners must assume responsibility for ongoing fire prevention maintenance activities for the project, including abatement of fuel buildup, fire break maintenance, access provision, and provision of adequate water supply to meet fire flow.

As an added condition of approval, in addition to the required 5,000-gallon water tank dedicated to fire suppression, staff also recommends all eight irrigation water tanks be equipped with a 2.5 Fire Department Hose Connection for fire suppression.

Chapter 8-- Noise

Goal N-1: To protect County residents from the harmful exposure of excessive noise and prevent incompatible land uses from encroaching upon existing and planned land uses.

- Policy N-1.4 Site Planning to Reduce Noise Impacts: The County should encourage proper site planning, architectural layout, and use of building materials as methods of noise attenuation. The following techniques should be considered to reduce noise impacts: Increase the distance between noise source and receiver through the use of building setbacks and/or dedication of noise easement.

The project is situated in a remote location with adequate setbacks from sensitive receptors so as not to create a nuisance for the community.

Chapter 11-- Water Resources

Goal WR-1: 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, 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.

Two Hydrology Reports were prepared for this project by Western Groundwater Surveyors, Inc. The first report is dated September 21, 2021, while the second report is dated December 27, 2021. The Reports evaluate annual water demand for the project; aquifer capacity and recharge rate; competitive well demands, and well data for the on-site well.

A man-made pond is located on the project parcel however the applicant has no plans to utilize the pond for irrigation or any other purpose. Recommendations from the first hydrology report suggest that the pond be removed and the original watercourse restored. The pond outlet culvert is apparently too small and requires replacement with a minimum 48-inch culvert and will need to be long enough (approximately 80 feet) to discharge into the watercourse on the other side of the road. If the pond is kept, the California Department of Fish and Wildlife will require that the on-stream pond and outlet culvert are listed as a project on a Lake and Streambed Alteration Notification and will require that a bypass flow mechanism is installed in the pond to meet the Waterboard's Instream Flow Requirements for on-stream ponds. CDFW will require that 80 – 90 percent of the water flowing into the pond is allowed to bypass the pond and continue to flow downstream at all times that water is flowing. The applicant has indicated that they would prefer to remove the pond and restore the original watercourse.

The second report evaluated the aquifer in greater detail and identifies the geology in this area as being older alluvial fan deposits and alluvial terrace deposits. Water is found at a static groundwater depth of 29 feet. The report identifies the aquifer boundary as being about 1.05 miles side, tapering down to about 0.17 miles at the convergence of the two nearest creeks. The total recharge area of the aquifer is about 569 acres in size.

There is one existing permitted on-site well that was drilled to a depth of 54 feet. The well was tested by Jim's Pumps on September 22, 2021. The three-hour test yielded an average output of 100 gallons per minute (GPM) with virtually no drawdown, indicating a strong water table at this location. According to the first hydrology report, the well is located about 415 feet from the nearest surface water source, a Class II stream on the property. A second test was conducted by Alpha Analytical Laboratories Inc. on October 13, 2021. The second test was limited to evaluating water quality rather than quantity; the report determined that the water produced by the well did not contain any toxic elements that might otherwise harm people and plants.

According to the site plans submitted for this project, the applicants are proposing (8) 2,500 gallon water tanks for irrigation purposes and one additional 5,000 gallon tank to be reserved for fire suppression purposes. The second report projects the annual water demand from the Knapp Farm as being about 7.92 acre-feet per year, or about 2,574,000 gallons per year. The Report states that competing wells demand about 203.1 acre-feet per year, or about 66,007,000 gallons of water per year.

The Report states that the 569-acre aquifer recharge area, and the total estimated storage capacity of the aquifer is about 8,080 acre-feet of water with a total usable amount of water being 20 percent of the total water storage, or about 1,600 acre-feet of usable water. The total annual demand represents about 13 percent of the total usable amount of water in this aquifer. The Report estimates that annual recharge of the aquifer is about 737 acre-feet per year, about 5 times the amount of total demand on this aquifer, and states that the completed well is of sufficient yield to irrigate the proposed project without over-drafting the aquifer.

Community Area Plan Conformity

The subject site is within the Shoreline Communities Planning Area boundary. The Plan contains several policies that are subject to consistency review as follows:

- 3.4.1 Promote a mixed land use pattern with adequate acreage that provides for the orderly and efficient development of the community areas, thereby reducing development pressure on prime agricultural areas.

The proposed project is not located within the Farmland Protection Zone, while the cultivation area is located on Farmland of Local Importance. After the second stage of development is completed, the remaining two acres of outdoor canopy support the goals of policy 3.4.1. As an added measure of precaution to protect Farmland of Local Importance, staff recommends an added condition of approval that the proposed twelve (12) greenhouses and twenty-two (22) hoophouses be placed on dirt surfaces at grade and no concrete paddings be used for cultivation structures.

- 4.2.1d Proposed developments shall mitigate off-site, downstream drainage impacts that would result from the development. Engineered drainage plans and erosion control plans shall be required where appropriate.

The applicant has provided engineered drainage and erosion control plans that will prevent off-site, downstream drainage impacts that would result from the development.

Zoning Ordinance Conformity

Article 7 - Rural Lands (RL)

The cultivation activities will occur on the portion of land zoned “RL”, Rural Lands. Cultivation of commercial cannabis is permitted in the “RL” Rural Lands Zoning District upon issuance of a Major Use Permit pursuant to Article 27, Section 27, Table B of the Lake County Zoning Ordinance.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit, in addition to any required building, grading or health permit as required.

Development and Performance Standards

This application meets the Development Standards, General Requirements, and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance. These include:

- Minimum Lot Size (20 acres required for each A-Type 3 license): Complies; The lots are ±99.26 acres in combined size. The applicant is requesting four A-Type 3 outdoor cultivation licenses for 178,240 sf of outdoor cannabis for Stage I, and would convert 87,120 sf of outdoor cannabis canopy to 44,000 sf of greenhouse (mixed light) canopy in stage II. The total project requires 80 acres; the site is ±99 acres in size.

- Setback from property line (100 feet): *Complies; the cultivation sites are set back more than 100 feet from all property lines.*
- Setback from off-site residence (200 feet): *Complies; the nearest dwelling is 1520 feet away from the edge of the cultivation area.*
- Minimum and maximum fence height of six (6) to eight (8) feet: *Complies; the proposed fence is six (6) feet tall.*
- Maximum canopy area (43,560 sq. ft. for each 20 acres of land): *Complies; The total proposed canopy area is four acres (174,240 sf) of outdoor canopy during stage 1 and would be reduced to two acres of outdoor canopy and 44,000 sf of greenhouse canopy in stage II. Based on the overall scope of the project, the ±99.26 acre lot size supports the proposed Stage I and Stage II canopy areas proposed.*

AGENCY COMMENTS

The following agencies submitted comments on this project. Comments received are in Attachment 7 and have been incorporated into conditions of approval (Attachment 2), as necessary.

- Lake County Department of Public Works
- Lake County Water Resources
- Lake County Environmental Health
- Lake County Building Division
- Lake County Special Districts
- Lake County Sheriff's Department
- Lake County Northshore Fire Protection District
- Central Valley Regional Water Quality Control Board
- Northwest Information Center – California Historical Resources Information System
- Pacific Gas & Electric

TRIBAL COMMENTS

On September 4, 2020 an Assembly Bill 52 (AB52) Tribal Notification for the project was sent to 12 local tribes in Area. No request for tribal consultation was received in response to the AB52 Notification.

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 (IS-92, Attachment 4) was prepared and circulated for public review in compliance with CEQA from May 4, 2023 through June 5, 2023. Public comments received are included in Attachment 8. Minor revisions and clarifications to the Initial study have been made in response to public comments received. 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 in the following categories:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Noise
- Tribal Cultural Resources
- Wildfire

Aesthetics Impacts relating to Aesthetics have been reduced to Less than Significant with mitigation incorporated as described by mitigation incorporated as follows:

- **AES-1:** Prior to cultivation, the applicant shall install a minimum 6 feet tall screening fence around the cultivation area. Fabric screening shall not be used due to poor durability; the screening material shall be chain link with slats, or a solid wood or metal fence. This shall occur prior to any cultivation occurring on site.
- **AES-2:** Prior to Stage Two cultivation, the applicant shall install blackout screening inside any translucent building to prevent light visibility from neighboring lots and public roads.
- **AES-3:** All lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org.

Air Quality

Impacts relating to Air Quality have been reduced to Less than Significant with mitigation incorporated as follows:

- **AQ-1:** Prior to obtaining the necessary permits and/or approvals for any stage, 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.
- **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 Lake County Air Quality Management District 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. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.
- AQ-7: Prior to greenhouse and/or hoop house cultivation, and prior to use of the 6,000 sq. ft. metal building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure.

Biological Resources

Impacts related to Biological Resources can be reduced to Less Than Significant levels with mitigation incorporated as follows:

- BIO-1: In order to avoid impacts passerines and raptors protected under the Migratory Bird Treaty Act and California Fish and Wildlife Code, the following recommendation is made: Removal of trees during the nesting season (February 1 to August 31) must be preceded by a survey for nesting birds conducted by a qualified biologist. In the event that nesting birds are identified, a suitable construction buffer will be established around the nest site until either the end of the nesting season or upon determination by a qualified biologist that fledging has been completed, or that the nest has been abandoned. It is recommended that trees approved for removal be felled outside of the nesting season.
- BIO-2: In order to avoid incidental take of bats, the following recommendation is made: If work is proposed within woodland habitat during the maternity roosting season for bats (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) within 14 days of the start of project activities or removal of vegetation. If active roosts are discovered, a buffer of 50 feet around the active roost should be established by a qualified biologist. Removal may occur once active roosting ceases as determined by the biologist.
- BIO-3: In order to avoid impacts to sensitive herptiles, any project-related work within the riparian zones of Sulphur Canyon or Long Valley creeks should be preceded by a survey for foothill yellow-legged frog and western pond turtle. If these species are present, any work done within the bed or banks of these channels when flows or pooled water is present should be monitored by a qualified biologist with a California Department of Fish and Wildlife collecting permit covering the potentially affected herptiles. The biologist will assure that these herptiles are temporarily cleared from the work area.
- BIO-4: All work should incorporate extensive erosion control measures consistent with Lake County Grading Regulations. Coverage under the National Pollutant

Discharge Elimination System (NPDES), General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) may be required.

Cultural Resources

Impacts relating to Cultural / Tribal resources have been reduced to Less than Significant with mitigation incorporated as follows:

- 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), and the culturally-affiliated Tribe(s) shall be notified, and a qualified archaeologist retained 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, they shall be treated in accordance with 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(s) shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Noise

There is potential for noise-related impacts associated with this project. The following mitigation measures will reduce potential noise impacts to 'less than significant' levels:

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. 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 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

Wildfire

There is some potential for wildfire-related impacts associated with this project. The following mitigation measures will reduce these impacts to 'less than significant' levels:

- WDF-1: Construction activities are prohibited during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Grading will not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.
- WDF-2: Prior to cultivation, the applicant shall provide 100 feet of defensible space around all buildings. This does not require tree removal, but it does require removal

of grasses and brush, and limbing trees up to a height of 8 feet.

- WDF-3: Prior to cultivation, the applicant shall schedule a site visit with the Building Official or designee to verify that the roads, gates and site are PRC 4290 and 4291 compliant.
- WDF-4: The applicant shall place at least 5,000 gallons of water on site that is designated specifically as for use of fire suppression. Water tanks shall have connectors that are able to be used by Fire Protection Districts

Mandatory Findings of Significance

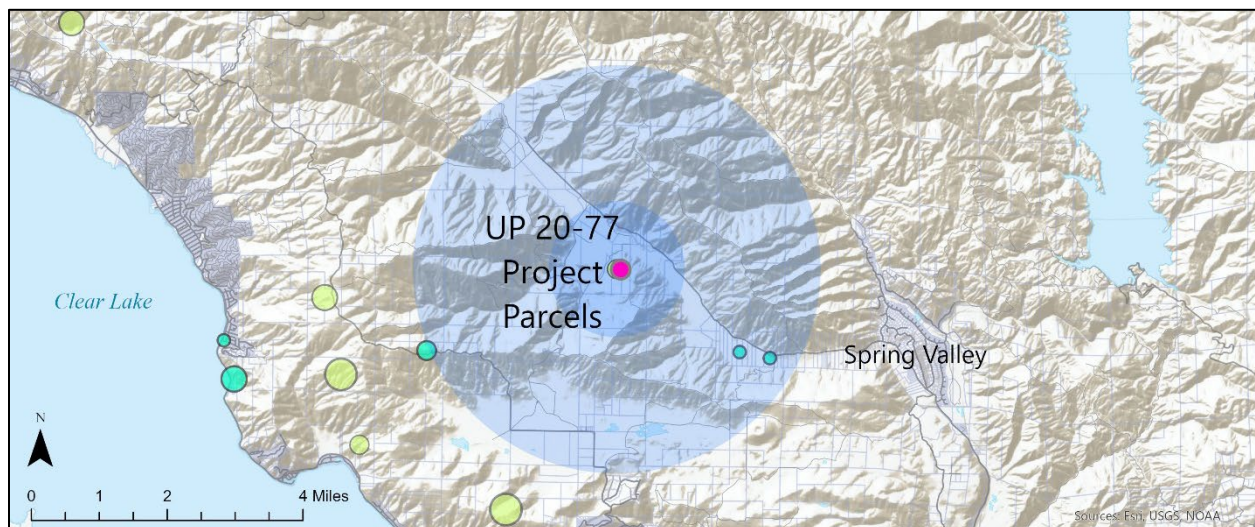
The discussion within this section is incorporated to mitigate any potential impacts from the implementation of the project. In addition to the mitigation measures above, the applicant will apply for permits from various agencies including the Department of Cannabis Control, the State Water Resources 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, Noise, Tribal Cultural Resources 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.

CUMULATIVE IMPACTS

There are currently no pending or approved cannabis projects within a one-mile radius of the proposed project, and there is one approved cultivation operation located within three miles of the proposed project.

FIGURE 5 – CUMULATIVE IMPACTS MAP



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 is a permitted use in the “RL” Rural Lands zoning district subject to the review and issuance of a major use permit pursuant to Article 27 (Table B) of the Lake County Zoning Ordinance. The cultivation of cannabis will occur outdoors and within greenhouses and hoopouses, which is permitted if the property is not within a mapped Farmland Protection Zone subject to use permit approval. Additionally, the Community Development Department will require annual compliance monitoring reports and conduct annual inspections during the cultivation season to ensure compliance with the approved Property Management Plan 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 consists of approximately four acre of outdoor canopy in stage one and two acres of outdoor canopy with 44,000 sf of mixed-light canopy, which requires a minimum of 80 acres. The project parcel is approximately 41.97 acres in size, more than large enough to enable the proposed cultivation area and canopy.

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

The property is accessed via an existing private access easement and bridge which runs through APN 006-009-55 and connects to New Long Valley Road, a County maintained road. There are no pedestrian facilities on-site or in the vicinity. The applicant is required to upgrade access to PRC 4290/4291 standards. The applicant shall submit an engineered building permit application for bridge improvements within 90 days of use permit approval and complete bridge improvements prior to any other development or activities associated with UP 20-77 (including cultivation). The project will generate an estimated eight to twelve trips per day by employees depending on the season. The area is sparsely populated and the project will not cause the vehicle capacity of New Long Valley Road to be exceeded. As discussed in the Initial Study, the project would result in less than significant impacts to traffic and transportation.

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.*

There are adequate public utilities and services available to the site. The Lake County Fire Protection District and CAL FIRE provide fire protection services to the site. As noted above, the access and bridge will be upgraded for emergency vehicles. The Lake County Sheriff's Department provides police protection. The site is served by PG&E on-grid power. The site is served by a private permitted groundwater well and proposed septic system. The application was routed to all of the affected public and private service providers, including Public Works, Environmental Health, Specials Districts, Water Resources and PG&E. All agency comments are attached (Attachment 7). No adverse comments were received.

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.*

Upon review, the Community Development Department has determined that the proposed use for the cultivation of outdoor cannabis is in conformance with the applicable provisions and policies of this Code, the General Plan, the Lower Lake Area Plan and the Lake County Zoning Ordinance as the cultivation of cannabis is an allowable use within the "RL" Rural Lands Zoning Designation upon securing a major use permit pursuant to Article 27, (Table B) of the Lake County Zoning Ordinance. The General Plan and Lower Lake Area Plan do not have any provisions specifically for commercial cannabis, but both plans have provisions for economic development and land use compatibility.

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 documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject properties.

7. *The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.*

The purpose of this report is to evaluate the levels of compliance with the standards and criteria found in Article 27, section 1.i., as well as other portions of the Zoning Ordinance, General Plan and the Northshore Area Plan. The project has been found to meet all of these standards and criteria.

8. *The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).*

The applicant is qualified to make this application as he has passed a 'Live Scan' background check.

9. *The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).*

The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii. (i).

RECOMMENDATIONS

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-92) for Major Use Permit (UP 20-77) with the following findings:
1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-3.

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 Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-2.
4. 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.
5. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-2.
6. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-2.
7. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-4.

B. Approve Major Use Permit UP 20-77 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, 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.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Middletown Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

10. The applicant shall submit an engineered building permit application for bridge improvements within 90 days of use permit approval and complete bridge improvements prior to any other development or activities associated with UP 20-77.
11. The applicant shall not place any greenhouses or hoopouses on concrete padding.

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 20-77) submitted by Knapp Farms (Raphael S. Knapp) for the property located at 4379 and 4457 New Long Valley Road, Clearlake Oaks (APNs: 006-009-23 and 006-009-53), will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 20-92) with the findings listed in the staff report dated February 8, 2024.

Major Use Permit (UP 20-77)

I move that the Planning Commission find that the Major Use Permit (UP 20-77) applied for by Knapp Farms (Raphael S. Knapp) on property located at 4379 and 4457 New Long Valley Road, Clearlake Oaks (APNs: 006-009-23 and 006-009-53) does meet 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 dated February 8, 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.*