



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
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Lakeport, California 95453  
Planning • Building • Code Enforcement  
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Item 6a  
9:05 AM  
February 13, 2025

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Community Development Department  
Prepared by Mary Claybon, Senior Planner

**DATE:** February 13, 2025 (Continued from December 12, 2024)

**SUBJECT:** Consideration of proposed Major Use Permit (UP 21-07), Little High Valley / 17870 Little High Valley, LLC and Mitigated Negative Declaration (IS 21-07) for approval of two (2) A-Type 3 “Outdoor” commercial cannabis cultivation licenses and one (1) Type 13 Self-Distribution, transport only license located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03)

### ATTACHMENTS:

1. Site Plans by Realm Engineering (5/15/2024)
2. Draft Conditions of Approval
3. Property Management Plan (1/24/2020)
4. Draft Initial Study/Mitigated Negative Declaration
5. Hydrology Report and Drought Management Plan (2/4/2022)
6. Biological Assessment (12/2020)
7. Agency Comments
8. Tribal Comments
9. Documented Easements
10. Public Comment since 10/10/24
11. Report of Inspection by Grading and Stormwater Inspector with exhibits

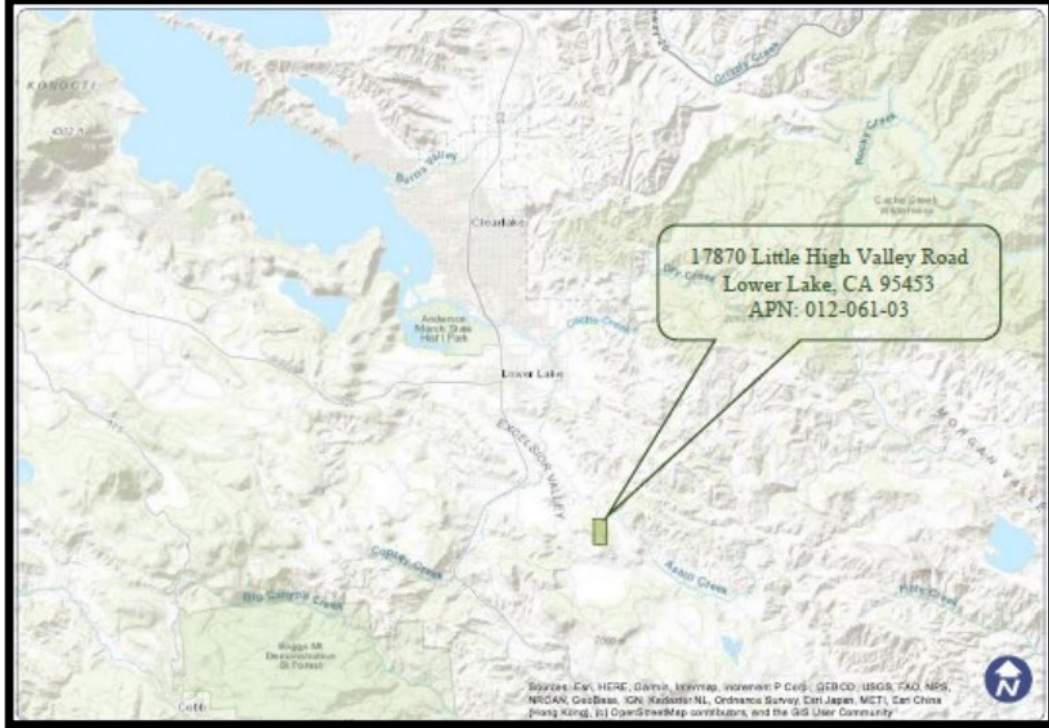
### EXECUTIVE SUMMARY

On December 12, 2024, this item was brought before the Planning Commission, having been continued from the initial hearing date of October 10, 2024. During the hearing, public comments were introduced into the administrative record, which provided new information relevant to a potential violation of Chapter 30, Lake County Grading Ordinance. A continuation of the project was scheduled to a date and time certain of February 13, 2025, at 9:05 a.m. to allow staff to address public concerns specific to grading without a permit which is further discussed within the Points of Interest section below.

The applicant, 17870 Little High Valley, LLC/Mark McDonald is requesting discretionary approval from the County of Lake for a Major Use Permit (UP 21-07) Little High Valley for a proposed outdoor commercial cannabis cultivation operation located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03). The Project Parcel is located in a rural area of southwestern Lake County approximately 2.5 miles southeast of the community of Lower Lake and is accessed via deeded easements on Little High Valley Road to Spruce Grove Road, a county-maintained road. The operation would include two (2) A – Type 3 “Medium Outdoor” commercial cannabis cultivation license consisting of 87,120 sf of canopy area one within 90,620 sf cultivation area,

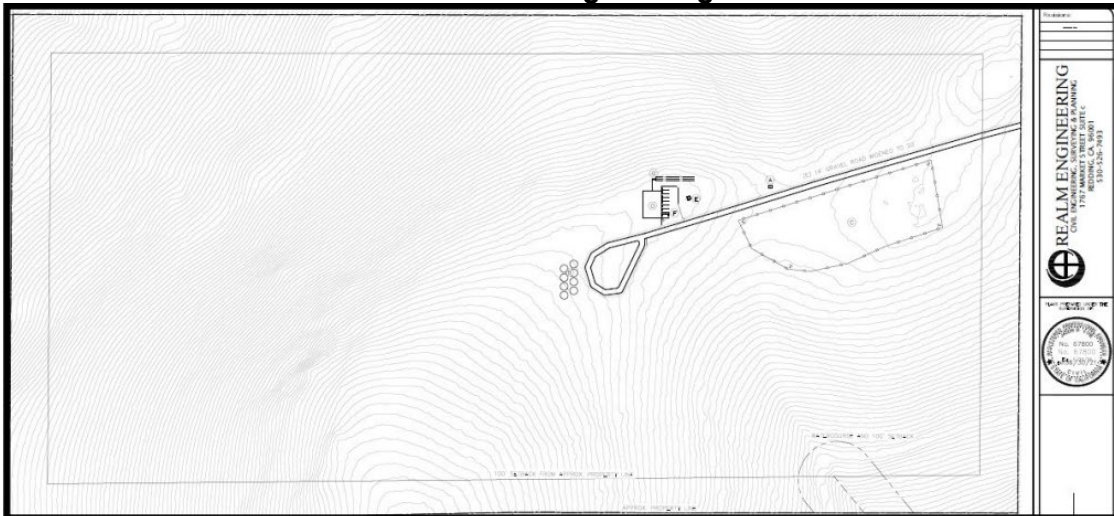
and one (1) Type 13 “Self-Distribution: Transport Only” license, and a 3,500-sf building (50’x70’x14’) for processing, drying, and storage of cannabis. The subject parcel is zoned “RL” Rural Lands, is approximately 78.38 acres in size. Historical uses of the site include agricultural operations and cattle grazing.

**FIGURE 1 – VICINITY MAP**



Source: Lake County Topographic Base Map

**FIGURE 2 – SITE PLAN** Source: Realm Engineering



Source: Realm Engineering

## PROJECT DESCRIPTION

Project Title: Little High Valley

Permit Numbers: Major Use Permit UP 21-07  
Initial Study IS 21-07

Lead Agency: County of Lake Community Development Department  
Courthouse, 3rd Floor, 255 North Forbes Street Lakeport, CA  
95453

Contact Person: Mary Claybon, Senior Planner (707) 263-2221

Project Location: 17870 Little High Valley Road, Lower Lake

Applicant Information: 17870 Little High Valley, LLC

Project Sponsor's  
Name & Address: Mark McDonald  
3350 Fulton Road / P.O. Box 44  
Fulton, CA 95439

Parcel Number: 012-061-03

Parcel Size: ±78.38 Acres

General Plan Designation: Rural Lands Zoning: "RL"; Rural Lands

Supervisor District: District 1

Flood Zone: "D" Areas of undetermined flood hazard

Water Supply: Existing onsite permitted groundwater well

Sewage Disposal: Existing on-site septic system

Fire Protection: Lake County Fire Protection District

Fire Severity: State Responsibility Area (CALFIRE), Very High Fire Risk Area

Earthquake Fault Zone: None

Dam Failure  
Inundation Area: Not located within Dam Failure Inundation Area

### Existing Features:

- Interior Roadway Improvements
- 14' Security gate
- Groundwater well
- (4) 5,000-gal water tanks

Proposed Features:

- (1) 6' tall perimeter fence around a 90,620 sf cultivation area
- (1) Proposed canopy area consisting of 87,120 sf of outdoor cannabis canopy
- (1) 3,500-sf building (50'x70'x14') for processing, drying, and storage of cannabis
- New PG&E utility connection
- Roof-mount solar panels with battery storage/backup systems
- Security cameras and downcast security lighting for the processing building
- (4) 2,500-gallon water storage tanks for irrigation
- (1) Proposed 5,000-gallon water storage tank dedicated to fire protection
- (8) Proposed parking spaces with one ADA-compliant space
- Backup generator for emergency use
- Knoxbox installation at security gate

**POINT OF INTEREST**

Hearing Continuances to Address Neighbor Concerns

- On October 10, 2024, a public hearing for this project was held. The Community Development Department requested a continuance of the hearing based on information provided by the neighbors at that hearing specific to water use, roadway improvements, pesticides, and security concerns. Public Comment as of October 10, 2024, was received and is Attachment 10 to the Staff Report.
- On November 8, 2024, a site visit was scheduled involving staff from the Planning Division, the applicant, the project consultant, and neighboring residents. During this visit, staff coordinated a meeting with six neighbors to facilitate a discussion focused on the Lake County Zoning Ordinance requirements for commercial cannabis cultivation. The applicant and consultant were present to address inquiries related to water usage, roadway enhancements, pesticide application, and security matters. Public Comment as of October 10, 2024, was received (Attachment 10).
- On December 12, 2024, the public hearing continuance for this project was heard. New public commentary was received during the meeting including concerns violation of Chapter 30 of the Lake County Grading Code. A continuation of the project was scheduled to a date and time certain of February 13, 2025, at 9:05 a.m. to allow staff to address public concerns specific to grading without a permit.

- On December 18, 2024, Grading and Stormwater Inspector Tod Elliott accompanied by Planning Division staff assessed potential violations of Chapter 30, Lake County Grading Ordinance. The findings are documented in Attachment 11. Although ground clearing was observed between 2004 and 2005 and again in 2020, interviews with property owner Mark McDonald and project manager Travis Lisenbee corroborated that this clearing was essential for facilitating access to remove debris and abandoned vehicles left by the previous owner, and for the installation of a permitted well and its associated utilities, which are exempt from grading regulations under section 17.4.13 of Chapter 30. No violations of Chapter 30 of the Lake County Code were identified; however, a zoning clearance was required for the installation of the well utility water tanks. Zoning Clearance (ZC 25-04) was subsequently issued on January 15, 2025. The biological assessment summary and conclusions (Attachment 6) identifies the previous cleared areas and vegetation regrowth with no special-status plants or animals observed, supporting the findings by staff.

### **Water Analysis:**

All water for the proposed cultivation operation would come from the existing onsite groundwater well located near the center of the Project Parcel, and directly adjacent to the proposed cultivation operation. This groundwater well was drilled to a depth of 320 feet below ground surface (bgs) in August of 2020. The well had an estimated yield of +400 gallons per minute (gpm) at the time it was drilled. The well is fitted with a Franklin 5 horsepower, 230-volt well pump, which, during the testing phase, demonstrated a pumping capacity of 55 gallons per minute. However, it is important to note that the Franklin pump does not operate at the full production capacity that the well is capable of achieving.

According to the Hydrological Analysis and Drought Management Plan (Attachment 5), the Project would have an estimated annual water use requirement of 4.6 acre-feet annually for cultivation and between 4.2 and 5.8 acre-feet total water use from the cultivation and proposed processing facility. The peak anticipated demand for water of the proposed cultivation operation is approximately 12,333 gallons per day, with an average water demand 5,040 and 7,040 gallons per day during the cultivation season (April through November). The Hydrological Analysis concluded that based on the well performance test data and the estimated water use requirements of the proposed cultivation operation the aquifer storage and recharge area are sufficient to provide for sustainable annual water use at the site and within the area, and that pumping for the proposed project is unlikely to result in significant declines in groundwater elevations or depletion of groundwater resources over time.

The estimated amount of water available to recharge the aquifer of the Project Parcel during a severe drought year (~6.3 acre-feet) is greater than the estimated annual water usage of the proposed cultivation operation (4.2 to 5.8 acre-feet). Water level monitoring is required by the Lake County Zoning Ordinance Article 27 Section 27.11(at) requires the production well to have a water meter and water level monitor.

During Public Comment of the hearing, neighbors of the project site commented on the water use of the project and their residential wells being affected. In drafting the Hydrological Analysis (Attachment 5), Realm Engineering obtained Well Completion Reports from groundwater wells within approximately one mile of the Project Well, via the Department of Water Resources' Well Completion Report Map. The reporting of data for older wells is conducted on a voluntary basis and is not mandated for property owners. The Hydrological Analysis was prepared with information pertaining to only reported wells in the area. Realm Engineering sent the Lake County Environmental Health Department an inquiry requesting information regarding adjacent and

neighboring parcels within the immediate vicinity of the Project Parcel. Environmental Health only had record of a septic permit issued in 1985 for the adjacent parcel APN 012-056-12.

Staff reached out to the property owner of the adjacent parcel to communicate that sharing well information is voluntary. Any available data regarding the groundwater well associated with the adjacent parcel would be employed to assess the hydrological connection between the project site and the adjacent well. Realm Engineering has expressed interest in specific details including the well's location, depth, and screening interval in an effort to revise the Hydrological Analysis. The applicant has proposed, at their expense, to facilitate a pump test of the Project Well, conducted by a licensed and reputable groundwater professional, while simultaneously monitoring the water level within the adjacent well to determine hydrologic connectivity and potential impacts between the Project Well and the well on the adjacent parcel to be scheduled at the convenience of the owner of the adjacent parcel. No written response to this effort has been received to date but the property owner of the adjacent parcel has stated they are not interested in sharing information pertaining to their well.

The project's Drought Management Plan (Attachment 5) identifies Water Conservation and Use requirements outlined in the State Water Resources Control Board's Cannabis General Order. These water conservation measures will be applied during a declared drought emergency. Several Best Practical Treatment and Control (BPTC) measures to conserve water resources were identified in the Drought Management Plan including:

- Regularly inspect the entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks
- Apply weed-free mulch in cultivation areas that do not have ground cover to conserve soil moisture and minimize evaporative loss
- Implement water conserving irrigation methods (drip or trickle and micro-spray irrigation)
- Maintain records of all water used for irrigation of cannabis. Daily records will be calculated by using a measuring device (inline water meter) installed on the main irrigation supply line between the water storage area and cultivation area(s)
- Install float valves on all water storage tanks to keep them from overflowing onto the ground
- Install moisture meters to monitor how much water is in the soil at the root level and reduce watering to only what is needed to avoid excess water use
- Irrigate only in the early morning hours or before sunset
- Cover plants with shaded meshes during peak summer heat to reduce plant stress and water needs
- Add a soil amendments/ingredients to growing medium that retains water in a way to conserve water and aid plant growth/health. Soil amendments/ingredients such as peat moss, coco coir, compost, perlite, and vermiculite retain water and provide a good environment for cannabis to grow.

To ensure both success and decreased impacts to the surrounding areas, the applicant will reduce their outdoor canopy area and water usage by 10 percent, when a drought emergency has been declared for the region. To reduce the water usage by 10 percent, the applicant will not plant 8,712 sf of their proposed cultivation/canopy area and will notify the County of Lake of the reduced canopy.

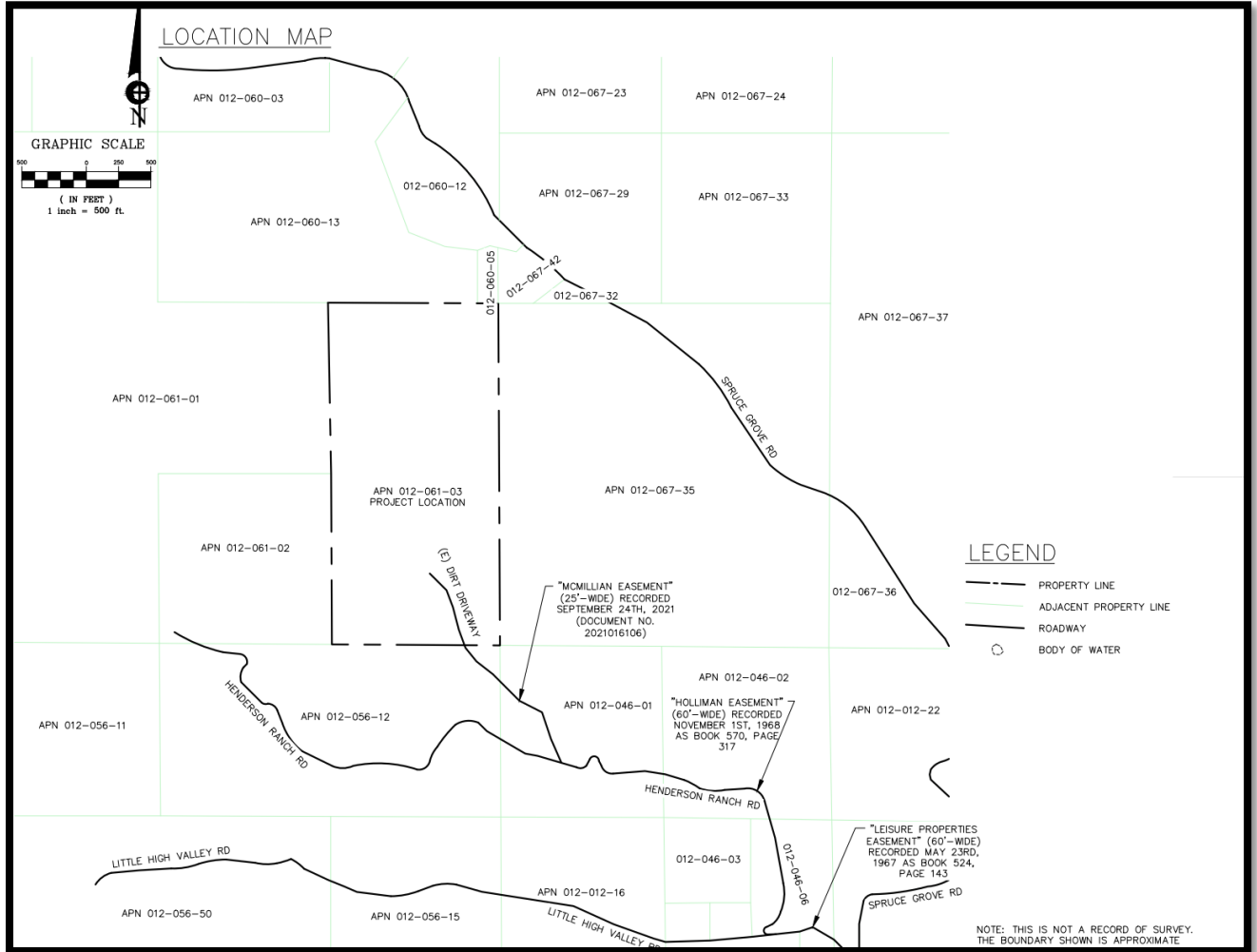
### **Access Easement and Maintenance**

The project parcel is accessed via a private gravel and native soil surfaced access deeded easements on Little High Valley Road that directly connects to Spruce Grove Road, a county-maintained road as seen on the project's site plans (Attachment 1) and in Figure 3 below. A Road

Access and Utility Easement and Maintenance Agreement listing the project parcel as dominant tenement (APN 012-061-03) and servient tenement (APN 012-046-01) was recorded in Official Records of County of Lake on 9/24/2021, listed as document # 2021016106 (Attachment 9).

The applicant has completed maintenance on the easements since the last public hearing and intends on maintaining the easements to the project site in accordance with the Road Access and Utility Easement and Maintenance Agreement (Attachment 9) and as seen in Figures 3 and 4 below.

**FIGURE 3- Easement Map**



Source: Realm Engineering

**FIGURE 4- Roadway Maintenance**



*Source: Staff site visit 11/8/2024*



In addition to the easement maintenance, the project parcel's interior roadways are designed to meet Public Resource Code sections 4290 and 4291 Fire Safety Roadway Standards for development. The applicant proposes a 20' wide, 6" gravel interior roadway approximately 801' in length with a hammerhead turnaround at the terminus 60' and 20' in length. The security gate will be secured with a Knoxbox to allow access for emergency services. The applicant proposes eight (8) parking stalls, one of which is ADA compliant.

**Pesticide and Chemicals Use:**

According to Article 27 (at) of the Lake County Zoning Ordinance, all commercial cannabis projects are required to register with the Lake County Agriculture Department for a Pesticide Applicator license and Operator Identification card for any pesticide use at the cultivation site. Agency comments (Attachment 6) were received from the Agricultural Commissioner. These comments have been incorporated within the project's Conditions of Approval.

**Security:**

All permits for Commercial Cannabis Cultivation must adhere to the regulations set forth in Article 27 of the Lake County Zoning Ordinance. This requirement necessitates the submission of a detailed site plan that outlines security measures, accompanied by a comprehensive Security Plan that is integrated within the Property Management Plan (Attachment 3). This documentation was submitted to the Lake County Sheriff's Office (LCSO) for agency review. The LCSO has confirmed that the project aligns with the requirements specified in Article 27. Additionally, it is a requirement for all employees to complete a livescan background check administered by LCSO to determine their suitability for employment at the cultivation site. The results of the livescan background checks for both the applicant and the farm manager have been transmitted from LCSO to the Community Development Department.

On November 8, 2024, during the site visit, the property owner of the adjacent parcel expressed their concerns regarding the potential security risks associated with commercial cannabis operations and its impact on the character of the neighborhood. In response, the applicant and project consultant proposed a concession to the neighboring property owner which included the security gate at the front of the project parcel, as well as the addition of fencing along the property line adjacent to the neighbor's parcel to enhance security measures. The adjacent property owner acknowledged that these measures would help to address some of their concerns.

**Energy Use:**

The project seeks to establish an outdoor canopy area totaling 87,120 sf and intends to submit an application for a new Pacific Gas and Electric Company (PG&E) service connection to facilitate the operation of the proposed processing facility along with associated equipment, including lighting, dehumidifiers, and ventilation systems. The applicant also plans to utilize a roof-mounted photovoltaic solar system and battery storage system for the well pump and security cameras prior to the installation of PG&E utility services. An emergency backup generator will be strategically positioned on-site to ensure operational continuity during unforeseen emergencies.

**Construction**

Proposed construction activities would include vegetation removal to prepare the proposed parking area, building pad, and preparing the cultivation area. Minor grading (less than 500 cubic yards) would be needed to create a level pad on which to construct the proposed processing facility. Six inches of gravel will be applied to the access road and parking areas of the Project Parcel. Construction of the proposed processing facility would involve the delivering of construction materials to the project site, the pouring of a concrete foundation, and the erecting of the metal building. Construction is anticipated to take between five to seven weeks, 9:00 a.m.

to 6:00 p.m. Monday through Saturday. Construction equipment includes a truck, hand tools, and general construction equipment. The construction equipment will be staged on previously disturbed areas at the site.

### **Grading and Erosion Control**

The proposed Project would increase the impervious surface area of the Project Property by approximately 5,000 sf, through the construction/installation of a 3,500 sf metal building (proposed processing facility), eight 2,500-gallon water storage tanks, and a 5,000-gallon metal water storage tank for fire suppression. The proposed outdoor cultivation area would not increase the impervious surface area of the Project Property and should not increase the volume of runoff from the Project Site. The proposed parking lots will have a permeable gravel surface, and the proposed ADA parking spaces will be constructed of permeable pavers.

The Project Property is enrolled in the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ) as a Tier 2, Low Risk site. As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) measures, the applicant had to prepare a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP) within 90 days of enrollment. "The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs" (State Water Board, 2019).

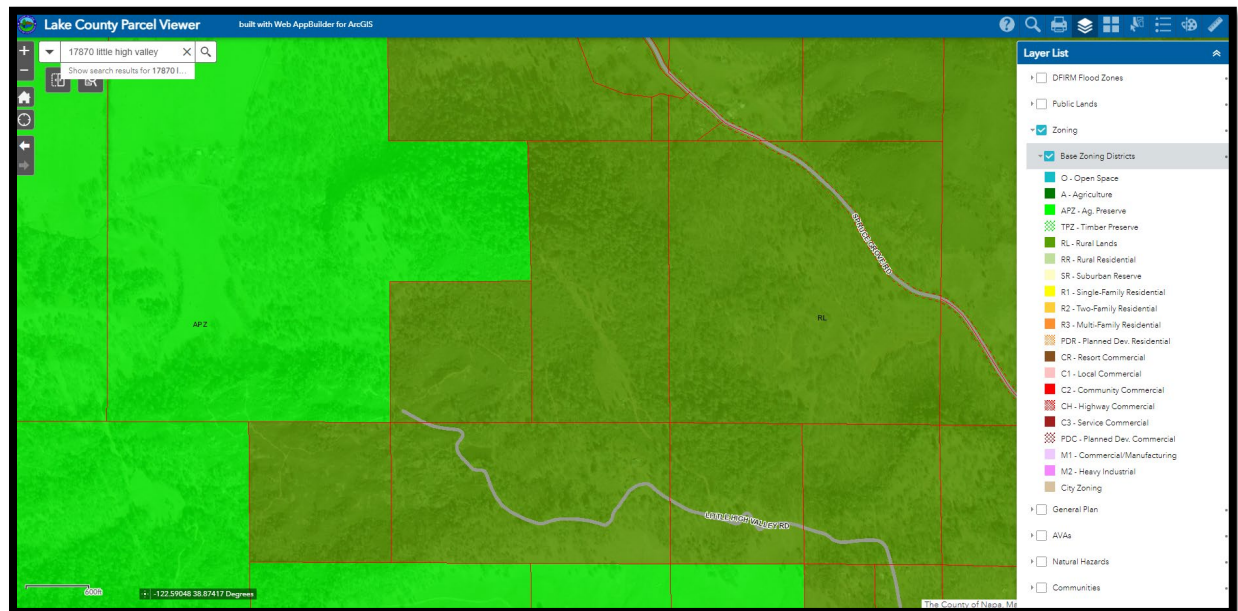
### **PROJECT SETTING**

The Project Parcel is located in a rural area of southwestern Lake County approximately 2.5 miles southeast of the community of Lower Lake and is accessed via a private gravel and native soil surfaced access easement from Little High Valley Road which directly connects to Spruce Grove Road, a county-maintained road. The topography of the parcel is moderately to steeply sloped and is located on a volcanic ridge with elevations ranging between 1,840 and 2,210 feet above sea level. Due to the porous volcanic soils of the Project Parcel, there are no watercourses or wetlands near the Project Site. No culverts or other water crossings are required to reach the proposed cultivation area. An unnamed ephemeral Class III watercourse forms in the southwest corner of the Project Parcel and flows from northeast to southwest into an unnamed tributary of Copsy Creek. The setback from the cultivation area to the Class III ephemeral stream is over 600' away, exceeding the 100' setback requirement. There are also no locations onsite that appear to qualify as jurisdictional wetlands.

### **SURROUNDING ZONING AND USES**

- North: 12199, 12343, 12495, & 12589 Spruce Grove Road; Parcel Numbers 012-060-05, 12, & 13; Zoned Rural Lands; Mostly vacant land with some developed rural residential estates
- East: 12589, 12671 & 12999 Spruce Grove Road; Parcel Number 012-067-32, 35, & 42; Zoned Rural Lands; Vacant Land
- West: 12053 Old Spruce Grove Road and 17760 Little High Valley Road; Parcel Numbers 012-061-01 & 02; Zoned Rural Lands and Agricultural Preserve, Vacant Land
- South: 17750 & 17910 Little High Valley Road; Parcel Numbers 012-046-01 & 012-056-12; Zoned Rural Lands, Vacant Land

**FIGURE 5 – ZONING MAP**



Source: Lake County Parcel Viewer

## 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, Hydrological Study, and Drought Management Plan (Attachment 5), as required for commercial cannabis cultivation projects. Pursuant to Ordinance 3106, the applicant submitted A Hydrology Report (“Report”) for this project by Realm Engineering dated February 4, 2022, (Attachment 5). The Report details project water demand, water availability, aquifer / groundwater recharge, impacts to area wells, and provides a Drought Management Plan with Best Practical Treatment and Control (BPTC) measures. The site is enrolled in the State Water Resources Control Board’s Cannabis General Order, requiring runoff to be retained on site.

### **Lower Lake Area Plan Conformity**

The subject site is within the Lower Lake Area Plan’s boundary. The Plan contains several objectives that are subject to consistency review as follows:

Objective 5.1a: Orderly growth and development shall be encouraged within the Lower Lake area by focusing higher intensity development within the community of Lower Lake. Low intensity land use patterns are encouraged in the remainder of the planning 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.

Objective 5.3: Balanced development shall be encouraged which coordinates improvements in public service capabilities to maximize community and economic development within Lower Lake.

Objective 5.5: Comprehensive economic development efforts to the benefit of the community of Lower Lake shall be encouraged. Such efforts should involve a high level of community participation and input.

The vicinity of the project location is rural with large lots; the project would not increase housing density in an area that has large lots and sparse development. The project proposes to provide employment for up to eight employees. Construction activities would contract with local contractors/developers and employees. These contractors/developers and employees will spend money on local commodities such as food, fuel, and rents, which will benefit the greater Lower Lake area's economy. Neighbors within 725' of the project parcel's boundaries have received the Notice of Intent to Adopt a Mitigated Negative Declaration and the legal notice for this hearing today with the option to participate and provide public comment.

### **Zoning Ordinance Conformity**

#### Article 7 - Rural Lands (RL)

The cultivation of commercial cannabis is permitted in the "RL" Rural Lands Zoning Districts upon issuance of a Major Use Permit pursuant to Article 27, Table B of the Lake County Zoning Ordinance.

#### Article 27 - Use Permits

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. 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 lot is ±78.38 acres in size, and 40 acres are required for the permits requested.*
- 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 more than 500 feet to the south 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 sf for each 20 acres of land for each A-Type 3 license): *Complies; The total proposed outdoor canopy area is 87,120 sf. The ±78.38 acre lot size supports the proposed canopy areas.*

### **General Requirements**

There are general requirements for cannabis cultivation listed in Section 27.13(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, access requirements, and other applicable standards and criteria found in Article 27, subsection 27.13(at), as well as in Article 51, subsection 4, Major Use Permit Findings for Approval.

The applicant has submitted a Property Management Plan outlining compliance with all regulations pertaining to cannabis operations including air quality, biological resources, cultural and tribal resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security and annual compliance monitoring. The property management plan, the site plans, and the various studies submitted for this project demonstrate compliance with the various Plans, Ordinances and Regulations that are required for this type of cannabis project.

### **Agency Review**

Agency comments (Attachment 6) were received from the following agencies that require action by the Applicant. These comments have been addressed by staff verification and within the project's Conditions of Approval.

- Lake County Agricultural Commissioner – operator needs a Pesticide Applicator license (Addressed within the project's Conditions of Approval)  
CALFIRE – standard comments; PRC 4290 compliance needed (Addressed within the project's design and Conditions of Approval)
- Lake County Surveyor – record survey on file. Make sure parcel and access are legal access and utility easements have been verified. Access Easements verified (Attachment 9).

### **Tribal Consultation**

Notification of the project and offering consultation under AB-52 (Attachment 7) was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Hopland Band of Pomo Indians, 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 May 7, 2021, by the County of Lake. The Middletown Rancheria Tribe sent an email to the County indicating that the project was in their Area of Concern (AOC) and requested further information. On October 23, 2023, the Middletown Tribal Historic Preservation Officer sent an additional email stating he had conducted a site visit and surveyed the Project area. Middletown Rancheria had no further commentary. Tribal consultation was not requested.

### **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 4) was prepared and circulated for public review in compliance with CEQA from August 25, 2023, to September 22, 2023. No adverse comments were received regarding this project from any notified State agency. No public comments were received.

While the current proposed project is relying on the 2023 Initial Study, it has been revised on June 24, 2024, to include minor changes proposed within the current project scope since the time of its publication, and has included information from the 2023 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:

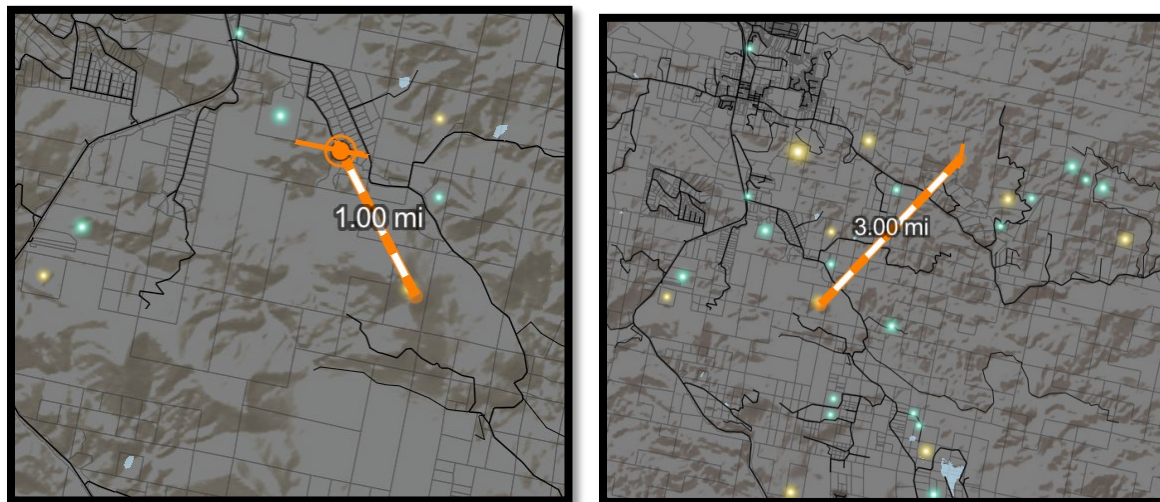
- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire

### Cumulative Impacts

Within one mile of the proposed project are one (1) approved, zero pending projects. Within three miles of the proposed project are twelve (12) approved and six (6) pending projects.

**FIGURE 6 – Cumulative Impacts; 1-mile and 3-mile radius**



Source: Lake County ArcGIS

### 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 – Findings for Approval) 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 Community Development Department requires annual compliance monitoring reports and will conduct annual inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval. To date, no adverse comments have been received from neighboring property owners.

- 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 Lake County Zoning Ordinance allows cultivation operations on “RL” Rural Lands-zoned land if the land meets the requirements within Article 27.13(at) and Article 51.4. The proposal consists of 87,120 sf of outdoor cannabis canopy for two A-Type 3 “Medium Outdoor” licenses requiring 20 acres for each license type. The subject site is ±78.38 acres in size, large enough to allow the cultivation areas proposed. 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 Project Parcel is accessed via a private gravel and native soil surfaced access deeded easements to Little High Valley Road that directly connects to Spruce Grove Road, a county-maintained road as seen on the project’s site plans (Attachment 1). The project was circulated for public agency review, including Lake County Fire District, CALFIRE, and the Lake County Department of Public Works and no adverse comments were received. The interior driveway needs to meet PRC 4290 and 4291 driveway standards for a commercial use prior to the construction of the proposed processing facility.

- 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 CALFIRE provide fire-related emergency services to the site. The Lake County Sheriff’s Department provides police protection. The site is served by PG&E on-grid power, and the site will use a private permitted groundwater well, and septic is required for the processing facility’s ADA compliant restroom facility.

The application was routed to all 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.*

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

*Further, Article 27.13(at) has three findings that must be met for commercial cannabis:*

*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 Lower Lake Area Plan.

*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 Initial Study and Mitigated Negative Declaration (IS 21-07) for Major Use Permit (UP 21-07) with the following findings:
  - 1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels by mitigation measure AES-1.
  - 2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-6.
  - 3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels by mitigation measures BIO-1 through BIO-5.
  - 4. Potential environmental impacts related to Cultural Resources can be mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
  - 5. Potential environmental impacts related to Hazards and Hazardous Materials can be mitigated to less than significant levels by mitigation measures HAZ-1 through HAZ-8.
  - 6. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to less than significant levels by mitigation measures HYD-1 and HYD-2.

7. Potential environmental impacts related to noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
  8. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels by mitigation measures CUL-1, CUL-2, TCR-1, and TCR-2
  9. Potential wildfire impacts can be reduced to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-5.
  10. This project is consistent with land uses in the vicinity.
  11. This project is consistent with the Lake County General Plan, Lower Lake Area Plan and Lake County Zoning Ordinance.
- B. Approve Major Use Permit (UP 21-07) with the following findings:
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.
  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.
  3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
  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.
  5. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Lower Lake Area Plan and the Lake County Zoning Ordinance.
  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.
  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).

Sample Motions :

**Mitigated Negative Declaration (IS 21-07)**

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 21-07) submitted by Little High Valley / 17870 Little High Valley, LLC for the property located at 17870 Little High Valley Road, Lower Lake (APN 012-061-03) will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 21-07) with the findings listed in the staff report dated February 13, 2025.

**Major Use Permit (UP 21-07)**

I move that that the Planning Commission find that the Major Use Permit (UP 21-07) for 17870 Little High Valley / 17870 Little High Valley, LLC for the property located at 17870 Little High Valley Road, Lower Lake (APN 012-061-03) 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 13, 2025.

**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's decision, 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 calendar day following the Planning Commission's final determination.*