



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Planning • Building • Code Enforcement
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Item #6b
9:20 AM
March 28, 2024

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Director
Michelle Irace, Principal Planner
Mary Claybon, Assistant Planner II

DATE: March 28, 2024

SUBJECT: Consideration of proposed Major Use Permit (UP 20-23) Vann Ranch (Omar Malfavon) and Mitigated Negative Declaration (IS 20-26) for five (5) A-Type 3 “Medium Outdoor” licenses, one (1) A-Type 4 “Nursery” license, and one (1) A-Type 13 Self-Distribution license for up to 193,800 sq. ft. (4.45 acres) of cannabis canopy located at 15095, 15365, 15187, 15525, & 17247 Elk Mountain Road, Upper Lake (002-021-15; 002-021-16; 002-021-04; and 002-021-17; 002-021-23).

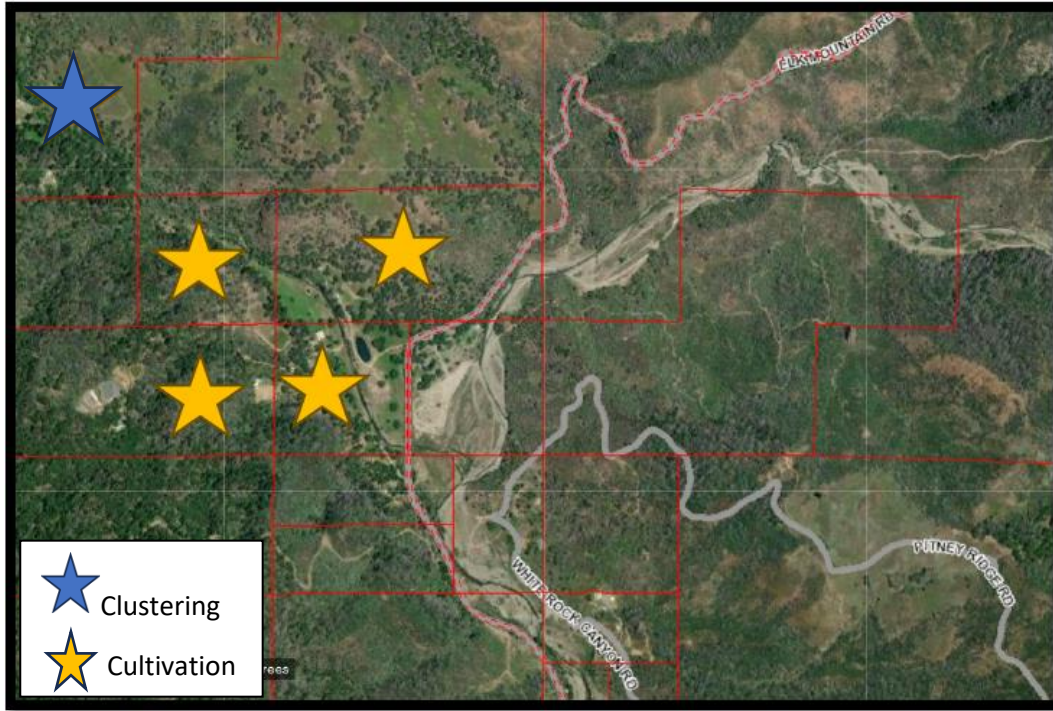
ATTACHMENTS:

1. Project Site Plans (9/28/2023)
2. Draft Conditions of Approval
3. Property Management Plan (9/28/2023)
4. Draft Initial Study/Mitigated Negative Declaration
5. Biological Analysis
6. Hydrological Analysis (9/29/2021)
7. Drought Management Plan (3/7/2024)
8. Agency Comments
9. Tribal Comments
10. Emergency Timber Operations
11. Less Than 3 Acre Conversion

EXECUTIVE SUMMARY

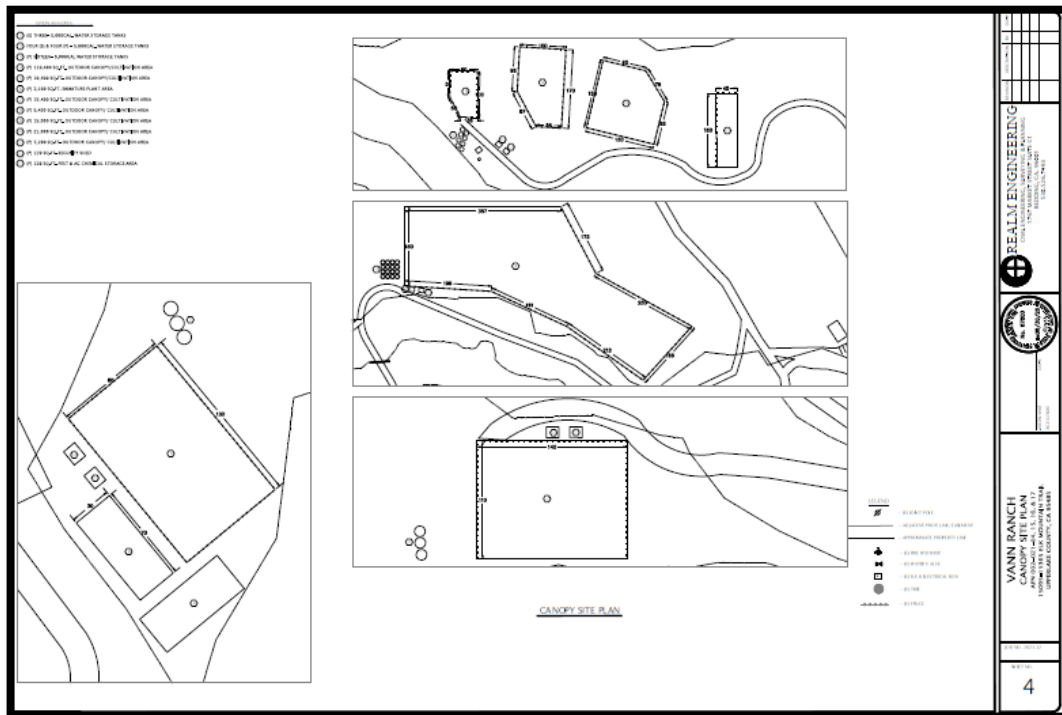
The applicant is requesting a major use permit for five (5) A-Type 3 “Medium Outdoor” licenses, one (1) A-Type 4 “Nursery” license, and one (1) A-Type 13 Self-Distribution license. The property is located at 15095, 15187, 15263, 15365 & 15525 Elk Mountain Road, Upper Lake (APNs: 002-021-04, 002-021-15, 002-021-16, and 002-021-17 for cultivation) and (APN 002-021-23 clustering). 4.45 acres of commercial cannabis canopy is proposed within seven cultivation areas. West Fork Middle Creek, an intermittent Class II watercourse, flows through the Project property from northwest to southeast. Multiple ephemeral and intermittent watercourses flow through the Project property into West Fork Middle Creek. Historical land uses include agriculture (animal grazing), orchards, and legacy cannabis operations. Most of the Project property burned in the Mendocino Complex Fire of 2018. The project was issued Early Activation in 2020. Total combined acreage is approximately 351.78 acres.

FIGURE 1 – VICINITY MAP



Source: Lake County GIS Portal

FIGURE 2 – SITE PLANS



Source: Applicant Submitted Site Plans

PROJECT DESCRIPTION

Project Title: Vann Ranch

Permit Numbers: UP 20-23; IS 20-26; EA 20-27

Lead Agency: County of Lake

Applicant Name & Address: Vann Ranch/Omar Malfavon
PO Box 361
Ukiah, CA 95423

Property Owner: Jose Fernandez

Project Location: 15365, 15095, 15187 & 15525 Elk Mtn Rd. Upper Lake

Parcel Number(s) (APN): 002-021-04, 002-021-15, 002-021-16, 002-021-17, 002-021-23

Parcel Size: (APN 002-021-04) 39.04 Acres
(APN 002-021-15) 75.33 Acres
(APN 002-021-16) 37.76 Acres
(APN 002-021-17) 76.48 Acres
(APN 002-021-23) 123.17 Acres
351.78 Acres Combined

General Plan Designation: Rural Lands, Resource Conservation

Zoning District(s): “APZ-SC-WW-FF”, Agriculture Preserve, Scenic Combining, Waterway, Floodway Fringe

Flood Zone: “A, D & X”; the cultivation sites are in the “X” (areas of minimal flooding) designated portion of the property

Soils and Slope: Maymen-Hopland-Mayacama association (173), 20 to 60 percent slopes, Sanhedrin-Kekawaka-Speaker complex (202), 30 to 50 percent slopes, Xerofluvents-Riverwash complex (249), and Yorktree-Hopland-Squawrock complex (252), 15 to 50 percent slopes.

Existing Features:

- Residence
- Septic
- 4,760 sq. ft. barn
- Three existing onsite permitted groundwater wells

Water for cultivation activities would be supplied from three existing permitted groundwater wells. Well #1 (DWR Well Completion Report 2020-003720) is approximately 230 feet in depth with an estimated yield of 10 gallons per minute. Well #2 (DWR Well Completion Report 2020-003719) is approximately 196 feet in depth with an estimated yield of 15 gallons per minute. Well #3: (DWR Well Completion Report 2020-003719) is approximately 200 feet in depth with an estimated yield of 15 gallons per minute. The 4,760 sq. ft. barn is proposed as a harvest storage area. The use of the private residence is not incorporated within the project.

Proposed Features:

- Up to 193,800 sf (4.45 acres) of outdoor cannabis canopy within seven fenced cultivation areas
- Twenty-eight (28) 5,000-gallon water storage tanks
- Eight (8) 120 sq. ft. wooden storage sheds
- Two (2) 2,100 sq. ft. immature plant greenhouses
- A 9,750 sq. ft. Processing Facility/Building with ADA-compliant restroom and roof-mounted solar array
- Loading zone for Processing Facility
- Fifteen (15) employee parking spaces, including 1 ADA space

The project parcels are accessed via Middle Creek Road, which connects to Elk Mountain Road in the southeast corner of the Project property. The cultivation areas are accessed via gravel and native soil surfaced access roads off of Middle Creek Road. Locking metal gates control access to the gravel and native soil surfaced access roads of the property. Emergency access for first responders, i.e. *KnoxBoxes*, will be installed at each of the metal gates controlling access to the site. The cultivation areas will be surrounded with 6-foot galvanized woven wire fencing, with access using metal gates secured by padlocks. Security cameras will be installed around the perimeters of the cultivation areas and at other points of access in compliance with the Lake County Zoning Ordinance.

The growing medium of the proposed outdoor cultivation areas would be an imported organic soil mixture in above ground garden beds and nursery pots. Drip irrigation systems would be used to deliver water to the proposed garden beds and nursery pots. Cannabis waste generated from the proposed cultivation operation would be chipped and composted onsite. Composted cannabis waste would be stored in a designated composting area, until it is incorporated into the growing medium of the cultivation areas, as an organic soil amendment. Solid waste will be stored in bins with secure fitting lids until disposed of at a Lake County Integrated Waste Management facility, at least once a week during the cultivation season. Agricultural chemicals (fertilizers, amendments, pesticides, and petroleum products) will be stored within the proposed Pesticide & Agricultural Chemicals Storage sheds.

Operations include up to 15 employees at peak season. One delivery/pickup per day is estimated. The hours of operation are between 8:00 a.m. and 6:00 p.m. daily, with deliveries and pickups restricted to 9:00 a.m. -7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m. to 5:00 p.m.

Power for the proposed cultivation activities would come from two established Pacific Gas and Electric (PG&E) service connections, a proposed roof-mounted solar array atop the processing facility, and individual photovoltaic solar panels with battery storage/backup systems. Photovoltaic solar panels with battery storage/backup systems would be used to power security cameras, security lights, and water/well pumps throughout the Project property. The existing onsite PG&E service connections would be used to power lights, fans, security cameras, and equipment used in and around the cultivation areas. The proposed roof-mounted solar array would be installed on the proposed Processing Facility, to power equipment and lights in and around the proposed building. A backup generator would be kept onsite for use during power outages.

POINTS OF INTEREST

Water Analysis

A Hydrological Analysis was prepared by Vanderwall Engineering and is dated September 29, 2021 (Attachment 6). Water for cultivation activities would be supplied from three existing permitted groundwater wells. Well #1 (DWR Well Completion Report 2020-003720) is approximately 230 feet in depth with an estimated yield of 10 gallons per minute. Well #2 (DWR Well Completion Report 2020-003719) is approximately 196 feet in depth with an estimated yield of 15 gallons per minute. Well #3: (DWR Well Completion Report 2020-003719) is approximately 200 feet in depth with an estimated yield of 15 gallons per minute. According to the analysis, twenty-eight (28) 5,000-gallon water storage tanks would be used to store irrigation water from the three onsite groundwater wells for the proposed cultivation operation using polyvinyl chloride (PVC) piping and transferred to the cultivation site.

The estimated total water usage for the proposed Project is 2,478,717 gallons per/year or 7.6 acre-feet annually, including processing facility and employee usage. The total recharge area is 9,199,249 square feet, annual precipitation is 40 inches and the average annual precipitation during a drought year is about 20% of the annual average precipitation or about 8 inches per year. The Analysis projected the average annual recharge during a drought year to be about twice the amount as would be needed for the proposed Project.

Water Courses

The Project property is located within the West Fork Middle Creek Watershed (HUC12) approximately 6 miles north of the community of Upper Lake, CA. West Fork Middle Creek, an intermittent Class II watercourse, flows through the Project property from northwest to southeast. Multiple ephemeral and intermittent watercourses flow through the Project property into West Fork Middle Creek. The onsite pond and watercourses are considered sensitive biological communities which provide rare/unique habitat within the landscape that are protected from development.

No development is proposed within 100-feet of the identified watercourses, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation. The applicant has provided a Property Management Plan (Attachment 3) addressing controlled water runoff to reduce impacts to surface water bodies. No development would occur within the drainage buffers and setbacks. According to the submitted Biological Resources Assessment, there are no sensitive natural communities within the proposed cultivation areas. Within the Draft Initial Study/Mitigated Negative Declaration (Attachment 4), six mitigation measures have been identified to reduce biological resources environmental impacts to less than significant.

Tree Removal and Ground Disturbance

The proposed Project would result in the loss of approximately three (3) acres of forest land and the conversion of forest land to non-forest use. Portions of the Project property, including some of the proposed cultivation areas, were logged in 2020 under California Department of Forestry and Fire Prevention Notice of Emergency Timber Operations No: 1-19EM-00235-LAK, following the Mendocino Complex Fire, which burned nearly the entire Project property. Additionally, California Department of Forestry and Fire Prevention Less Than 3 Acre Conversion exemption

(No: 1-20EX-01332-LAK) has been obtained for the proposed Project, for the forest land that would be converted to a non-forest use. According to the applicant's submitted materials, over 100 acres of forest land on the Project property will not be converted to a non-forest use and would not be affected by the three acres of use of cultivation operations.

Ground disturbance and construction activities would occur over a 2-to-3-month period. The proposed cultivation areas are relatively flat but would require some minor grading. Additional grading is required for the pad of the proposed processing building. Interior roadway widening improvements and application of gravel for emergency vehicle access is required in some areas of the project site identified in the applicant submitted Site Plans (Attachment 1).

During construction, materials and equipment will only be staged on previously disturbed areas. The site had been previously used for crop production and was granted Early Activation in 2020. Water from the existing onsite wells will be used to mitigate the generation of dust during construction. All construction activities, including engine warm-up, will be limited to Monday through Saturday, between the hours of 9:00 a.m. to 6:00 p.m.

Erosion Control

The Applicant had an Erosion & Sediment Control Plan prepared by Realm Engineering for the proposed cultivation areas, and a Commercial Building Site Grading and Drainage Improvement Plan prepared by Tall Tree Engineering, Inc. (Attachment 1) for the proposed processing facility. The Erosion & Sediment Control Plan and Commercial Building Site Grading and Drainage Improvement Plan shall be implemented during and after site development. 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 (WDID: 5S17CC414604).

As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) the following measures have been implemented within the Property Management Plan (Attachment 3) at the site for erosion control and stormwater pollution:

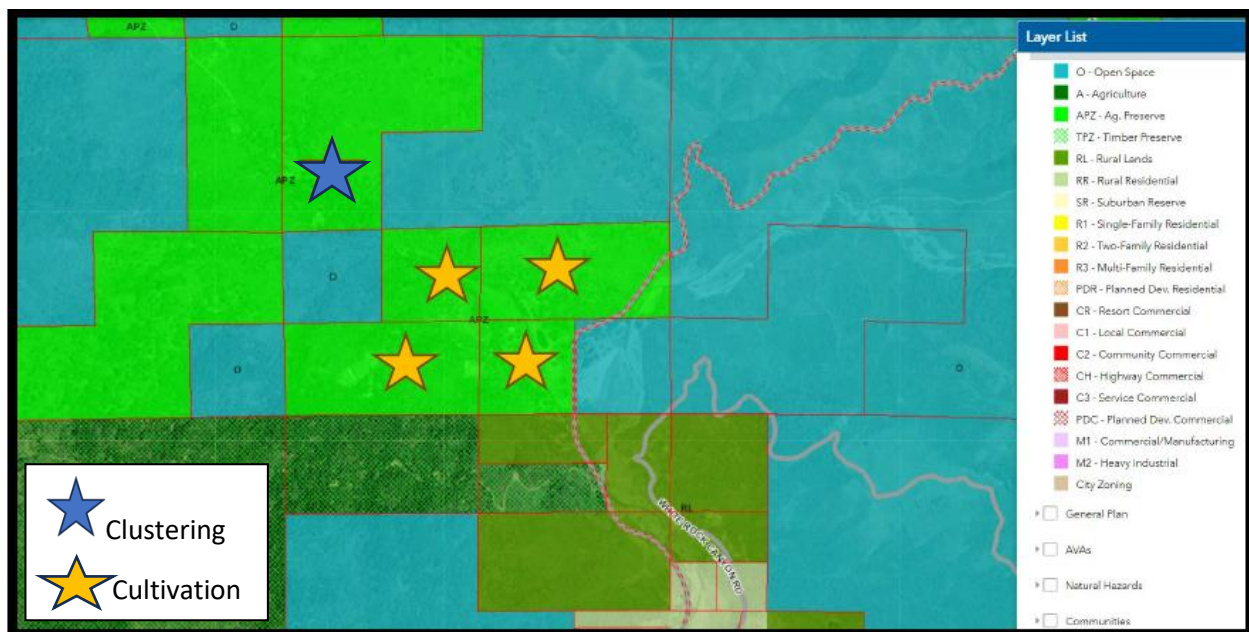
- Established and re-established vegetation within and around the proposed cultivation operation will be maintained/protected as a permanent erosion and sediment control measure.
- A native grass seed mixture and certified weed-free straw mulch will be applied to all areas of exposed soil prior to November 15th of each year, until permanent stabilization has been achieved.
- Gravel will be applied to the surfaces of access roads, pathways, and the aisles between the garden beds/pots of the proposed cultivation areas, to allow for infiltration while mitigating the generation of sediment laden stormwater runoff.
- Straw rolls/wattles will be installed before November 15th of each year throughout the proposed cultivation operation per the Project's engineered Erosion and Sediment Control Site Plan, to filter pollutants and promote stormwater retention and infiltration.
- If areas of concentrated stormwater runoff begin to develop, additional erosion and sediment control measures will be implemented to protect those areas and their outfalls

PROJECT SETTING

Surrounding Zoning and Uses

- North: Parcel Numbers 002-020-10 and 002-021-07; “O” Open Space
- 002-021-22; “APZ” Agricultural Preserve; undeveloped
- Northeast: Parcel Numbers 002-021-10 & 12; “O” Open Space; undeveloped
- East: Parcel Numbers 002-021-03 & 14; “O” Open Space; undeveloped
- Southeast: Parcel Numbers 002-023-11 & 30; “RL” Rural Land; developed with a dwelling
- South: Parcel Numbers 002-022-02, 002-023-01 & 29; “TPZ” Timber Preserve; undeveloped
- West: Parcel Numbers 002-020-13 and 002-021-11; “O” Open Space; undeveloped
- West: Parcel Numbers 002-020-06 & 15; “APZ” Agricultural Preserve; undeveloped

FIGURE 3 – ZONING MAP



Source: Lake County Parcel Viewer, Topographic Basemap and Zoning Layer

PROJECT ANALYSIS

General Plan Conformity

The General Plan designation for the subject site is Rural Lands and Resource Conservation.

Rural Lands allows for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields.

Resource Conservation is to assure the maintenance or sustained generation of natural resources within the County. The highest priority for these lands is to provide for the management of the County's natural infrastructure. This management should include, but not limited to, functioning as watershed lands which collect precipitation and provide for the important filtering of water to improve water quality.

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 Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, the cultivation of cannabis is an allowable use within the "APZ" Agriculture Preserve-zoned land upon securing a Minor/Major Use Permit. The project parcels are surrounded by large parcels with limited to no development. As discussed below in the *Zoning Ordinance Conformity* section, the project meets all required development standards intended to prevent incompatible land uses. 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.

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.

In reference to the Lake County Zoning Ordinance Article 27, Section 27.11 (at), the County requires a minimum 100-foot setback from all property lines of the subject property, a minimum 100-foot setback from the top of bank of any surface water source, and a minimum of 200-foot setback from any off-site residences. The nearest off-site residence is located over 1,000 feet south of the proposed Project, well over the 200-foot setback for offsite residences from commercial cannabis cultivation operations. Additionally, Commercial Cannabis Cultivation is prohibited within a 1,000 feet of Community Growth Boundaries, licensed childcare facilities, churches, or youth-oriented facilities. The nearest Community Growth Boundary is over 6.5 miles from the project site. This project complies with all of these required setbacks.

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 two 5,000-gallon steel or fiberglass water tanks dedicated to fire suppression. The applicant is required to obtain Building Permits, in accordance with all building and fire codes.

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 soils, surface water and groundwater are protected from contamination.

The Property Management Plan has stated that all fertilizers and pesticides used be properly stored and placed within storage sheds with the use of secondary containment as required for all commercial cannabis activities. Lastly, 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, as well as the State required 50-foot setback of Class III ephemeral watercourses.

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.

Prior to cultivation, the applicant is required to create 100 feet of defensible space around all buildings that will be occupied by humans and / or that require a building permit. As an added Condition of Approval, staff recommends all 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. The Initial Study/Mitigated Negative Declaration for this project includes Mitigation Measures NOI-1 and NOI-2 including maximum non-construction related sounds levels. All construction activities, including engine warm-up, will be limited to Monday through Saturday, between the hours of 9:00 AM to 6:00 PM. The hours of

operation are between 8:00 a.m. and 6:00 p.m. daily, with deliveries and pickups restricted to 9:00 a.m. -7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m. to 5:00 pm.

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.

Under Chapter 21, Article 27.11, the requirements for cannabis cultivation projects submittal include a Water Use Management Plan to be reviewed and approved by the County. The applicant has submitted a Hydrological Analysis, by Vanderwall Engineering and is dated September 29, 2021 (Attachment 6). The estimated total water usage for the proposed Project is 2,478,717 gallons / year or 7.6 acre-feet annually, including processing facility and employee usage. The Hydrological Analysis projected the average annual recharge during a drought year to be about twice the amount as would be needed for the proposed Project.

Upper Lake- Nice Area Plan Conformity

The subject site is within the Upper Lake - Nice Area Plan's boundary. The Plan contains several policies that are subject to consistency review as follows:

- 3.1.1.a: Employ appropriate erosion control measures during and after construction of new subdivisions, roads, and other activities involving movement of earth.

The Applicant has submitted an Erosion & Sediment Control Plan prepared by Realm Engineering for the proposed cultivation areas, and a Commercial Building Site Grading and Drainage Improvement Plan prepared by Tall Tree Engineering, Inc. (Attachment 1) for the proposed Processing Facility. Proposed BMPs include the installation of straw wattles and vegetated swales, and establishment of large, vegetated buffers surrounding the proposed cultivation areas. The buffers and swales aim to allow stormwater that is discharged from operation areas to be slowed, filtered, and percolate into the soils. The Erosion & Sediment Control Plan and Commercial Building Site Grading and Drainage Improvement Plan shall be implemented during and after site development.

- 3.3.1.a: Riparian and wetland habitat shall be designated Resource Conservation and shall be protected to the greatest extent possible. The Waterway "WW" and Wetland "W" combining districts shall be utilized where appropriate. Any permitted disturbances or removal of riparian vegetation shall require replacement at a ratio of 2 to 1.

The Draft Initial Study/Mitigated Negative Declaration incorporates mitigation measure BIO-4 specifically addressing riparian setbacks for pesticides and fertilizer storage facilities and Mitigation Measure BIO-5 for 100-foot setbacks from the bank of any watercourse, wetland, and/or vernal pool.

Zoning Ordinance Conformity

The subject site is zoned APZ-SC-FF-WW; Agriculture Preserve – Scenic Combining – Floodway Fringe – Waterway. The following Articles within the Lake County Zoning Ordinance apply to this project:

Article 4 – Agricultural Preserve Zoning District (APZ)

Purpose: To provide zoning for lands in agriculture preserve and for the conservation and protection of land capable of producing agricultural products. The uses specified in this section have been determined to be compatible uses consistent with the California Land Conservation Act of 1965. Further parcelization of lands under contract shall be discouraged.

Under Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, commercial cannabis cultivation is a permitted use within the Agricultural Preserve zoning district.

Article 34 – Scenic Combining (SC)

Purpose: To protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation-based economy of the County.

The proposed cultivation areas are located outside of the scenic combining corridor. The project parcels are wooded areas that were impacted by the 2018 Mendocino Complex Fire.

Article 36 – Floodway Fringe (FF)

Purpose: To provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters. Proposed cultivation areas and structures would be located outside of the A flood zone portion of the parcel, within the X flood zone, which is identified as areas of minimal flooding,

Article 37 – Waterway Combining District (WW)

To preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides. These purposes are to be accomplished by setting forth regulations to limit development activities in significant riparian corridors and through the establishment of an administrative procedure for the granting of exceptions from such regulations.

The cultivation sites are in the “X” (areas of minimal flooding) designated portion of the property. A seasonal stream traverses through the parcel on the northern portion. Pursuant to Article 37 (Waterway Combining District), Section 37.3(b) the traditional minimum setback for intermittent waterways is thirty (30) feet from the top of bank, however Article 27(at) requires a greater setback of 100 feet to top of bank. This setback is met with this proposal according to the applicant’s submitted materials.

Article 27 - Uses Permitted

All uses listed in this Article and all matters related thereto, are declared to be 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 permits.

Pursuant to Article 27 of the Lake County Zoning Ordinance, outdoor commercial cannabis cultivation is permitted in the Agricultural Preserve zoning district with the issuance of a Major Use Permit. To qualify for a Major Use Permit the project must demonstrate that all regulations within Articles 4 and 27 are met and any adverse environmental impacts are adequately mitigated.

Development & Performance Standards

- Minimum Lot Size (20 acres per license): *Complies; the subject site Total combined acreage is approximately 351.78 acres. The applicant has applied for five (5) A-Type 3 “Medium Outdoor” licenses, one (1) A-Type 4 “Nursery” license, and one (1) A-Type 13 Self-Distribution license which would require a minimum of 120 acres.*
- Setback from Property Line (100 feet): *Complies, the southwestern-most cultivation site is closest to a property line; it is about 280 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling is located about 2500 feet away from the nearest cannabis cultivation area.*
- Fence Height between Six (6) and Eight (8) Feet: *Complies, the proposed fence height is six (6) feet.*
- Maximum Canopy Area (43,560 sq. ft. per license): *The proposed canopy area is 73,600 sq. ft. in size.*
- Maximum Cultivation Area (for A-Type 3 licenses): *The applicant is proposing 193,800 sq. ft. (4.45 acres) of outdoor cannabis canopy within seven fenced outdoor cultivation areas.*

General Requirements

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

The applicant will be required to meet the General Requirements outlined in Section 27.11(at) of Chapter 21 Zoning Ordinance, Ordinance 3106, and Ordinance 3101. If the requirements have not yet been met, a condition has been added to the Conditions of Approval (Attachment 2) to ensure compliance with the Zoning Ordinance.

The applicant has submitted a Property Management Plan (Attachment 3), outlining compliance with all regulations pertaining to cannabis operations including the following: air quality, project grounds, grading and erosion control BMP's, security, stormwater, water use, etc. In addition, the

Project complies with the restrictions pertaining to the prohibited activities listed in Article 27, including healthy tree removal for the purpose of developing a cannabis cultivation site and water use that is illegally diverted.

AGENCY COMMENTS

The following agencies submitted comments (Attachment 8) on this project:

- Lake County Air Quality Management
- Lake County Department of Public Works
- Department of Toxic Substances
- Lake County Water Resources
- Lake County Environmental Health
- NWIC (Sonoma State University)
- Lake County Special Districts

Of the agency comments submitted in response to the March 16, 2020, Request for Review, the following comments are of note:

- Water Resources (project scope and site plans were changed to address floodplain, the additional information requested is located within the Hydrological Analysis)
- CalFire (PRC 4290, 4291 requirements)

TRIBAL COMMENTS

In accordance with AB-52, notification of the Project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on March 16, 2020. The Upper Lake Habematolel Tribe requested consultation on March 17, 2020 (Attachment 9). Consultation concluded on February 10, 2023. The applicant has provided evidence that they have entered into a Monitoring Agreement with the Habematolel Pomo of Upper Lake Tribe.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use projects. A draft Initial Study with Mitigated Negative Declaration (Attachment 4) was prepared and circulated for public review in compliance with CEQA from January 31, 2023, to March 2, 2023. Minor modifications to the Mitigated Negative Declaration were made by staff for clarification and in order to strengthen existing analysis and mitigation measures. These changes do not trigger recirculation of the Initial Study because they are minor in nature and do not result in new impacts or mitigation measures that were not previously analyzed (in accordance with CEQA Guidelines 15073.5). Comments were received from the Department of Toxic Substances Control (Attachment 8). No public comment was received.

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

- Aesthetics
- Air Quality

- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire

Aesthetics Impacts relating to Aesthetics have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure AES-1 through AES 4:

AES-1: The cultivation areas shall be screened through the installation of a 6' tall solid (opaque) fence. Fabric fencing screening is not permitted as it lacks durability. Acceptable fencing materials are chain link with slats, or solid wood or metal fencing.

AES-2: All outdoor lighting shall be directed downward onto the Project site and not onto adjacent properties. All lighting equipment shall comply with the recommendations of www.darksky.org.

AES-3: All indoor lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare. Artificial light shall be completely shielded between sunset and sunrise.

AES-4: Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.

Air Quality Impacts relating to Air Quality have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures AQ-1 through AQ-6:

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

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

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

AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.

AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all-weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.

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

Biological Resources Impacts relating to Biological Resources have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure BIO-1 through BIO-6:

BIO-1: If construction activities occur during the nesting season (usually March through September), a pre-construction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

BIO-2: Prior to any ground disturbance and/or vegetation removal, the applicant shall have a pre-construction survey conducted by a qualified biologist for special-status plant and animal species to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate resource agency (CDFW and/or USFWS) shall be consulted with and project impacts and mitigation reassessed.

1. American badger den surveys shall be conducted prior to any groundbreaking activities in an effort to reduce incidental take of any sensitive of native species within the Study Areas.
2. The nearest proposed cultivation areas are located approximately 150 feet southeast from the pond where the western pond turtles (*E. marmorata*) were observed. Prior to development of the cultivation areas near this pond, pre-construction surveys for western pond turtles shall be conducted following CDFW’s survey protocol.

BIO-3: All work shall incorporate erosion control measures consistent with the engineered Erosion and Sediment Control Plans submitted, Lake County Grading Regulations, and the State Water Resources Control Board’s Cannabis General Order (Order No. WQ 2019-001-DWQ).

BIO-4: Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not located within 100 feet of a well head and all watercourses.

BIO-5: The applicant shall maintain a minimum of a one-hundred-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool.

BIO-6: All work that is to take place with any watercourses shall be done when the channel is dry. If this is not an option, then surveys for amphibian species of concern, i.e. western pond turtles, shall be conducted prior to any work being conducted. Prior to commencement of activities within

the bed or bank of a creek, a Streambed Alteration Agreement shall be obtained from the California Department of Fish and Wildlife. All the conditions of such permit shall be adhered to throughout the course of the project to reduce the impacts to a less than significant level.

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

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100' of the find(s). A professional Archaeologist certified by the Registry of Professional Archaeologists (RPA) shall be notified to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director.

Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified Archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.

Geology and Soils Impacts relating to Geology and Soils have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures BIO- 3; GEO-1 through GEO-2

GEO-1: Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

GEO-2: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

Hazards and Hazardous Materials Impacts relating to Hazards and Hazardous Materials have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures HAZ-1 through HAZ-8:

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

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

Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

HAZ-3: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.

HAZ-4: All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area shall be deposited in trash containers with an adequate lid or cover to contain trash. All food waste shall be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

HAZ-5: 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 with such information to complete an updated Air Toxic Emission Inventory.

HAZ-6: Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.

HAZ-7: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.

HAZ-8: The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.

Hydrology and Water Quality Impacts relating to Hydrology have been reduced to Less than Significant with mitigation incorporated as described by with Mitigation Measures BIO-3 through BIO-6, GEO-2, HAZ-1, and HYD-1 through HYD-2

HYD-1: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed, and monitoring begin at least three months before the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or made upon request.

HYD-2: The applicant shall adhere to the measures described in the Drought Management Plan during periods of a declared drought emergency.

Noise Impacts relating to Hydrology have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure NOI-1 through NOI 2:

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.

Tribal Cultural Resources Impacts relating to Tribal Cultural Resources have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures CUL-1 and CUL-2, TCR-1 through TCR-5

TCR-1: All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or the culturally affiliated Tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated Tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

TCR-2: If previously unidentified tribal cultural resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated Tribe(s) shall be contacted to evaluate the resource and prepare a Tribal Cultural Resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

TCR 3: Prior to commencement of ground disturbing activities, the permittee shall submit documentation to the Community Development Department demonstrating that they have engaged with the culturally affiliated Tribe(s) to provide cultural monitors and that cultural sensitivity training has been provided to site workers.

TCR-4: All ground disturbing activities shall be monitored by qualified tribal monitor(s). Qualified tribal monitor(s) are defined as qualified individual(s) who have experience with identification, collection, and treatment of tribal cultural resources of value to the Tribes. Such individuals will include those who:

- a) Possess the desired knowledge, skills, abilities, and experience established by the Native American Heritage Commission (NAHC) through the NAHC's Guidelines for Native American Monitors/ Consultants (2005) OR
- b) Members of culturally affiliated Tribe(s) who:
 - i. Are culturally affiliated with the project area, as determined by the NAHC; and
 - ii. Have been vetted by tribal officials of the culturally affiliated Tribe(s) as having the desired knowledge, skills, abilities, and experience established by the NAHC's Guidelines for Native American Monitors (as cited in TCR-1(a), above).

TCR-5: The permittee shall notify all culturally affiliated tribes at least 45 days prior to commencement of ground disturbance activities on the project. All cultural resources unearthed by Project activities shall be evaluated by the Archeologist and monitor(s). The culturally affiliated Tribe(s) must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of the resource to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to Tribe,

that Tribe will coordinate with the permittee to establish by which the Tribe(s) may appropriately protect, treat, and dispose of the resource(s) with appropriate dignity, which may include reburial or preservation of resources. The permittee shall allow the Tribe(s) to facilitate and ensure that the treatment and disposition by the Tribe(s) is followed to the extent permitted by law.

Wildfire Impacts relating to Wildfire have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures WDF-1 through WDF-5:

WDF-1: Construction activities shall occur during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity shall be monitored in order to minimize the risk of wildfire. Grading shall not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.

WDF-2: A water tender shall be present onsite during earthwork to reduce risk of wildfire and dust.

WDF-3: The interior driveway shall be improved to meet PRC 4290 and 4291 road standards for private driveways serving commercial uses, including turn-arounds every 400 feet or less for emergency vehicles.

WDF-4: The applicant shall maintain 30' of defensible space around all structures for the life of the project. Clearing these areas shall occur prior to a building permit being finalized.

WDF-5: The applicant shall re-install the erosion and sediment control measures identified in the engineered Erosion and Sediment Control Plan for the project, as soon as possible following a wildfire emergency affecting the Project property.

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. As described throughout the Initial Study and Mitigated Negative Declaration, impacts to the following have been identified but can be reduced to less than significant with implementation of mitigation measures: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Noise, Tribal Cultural Resources, and Wildfire.

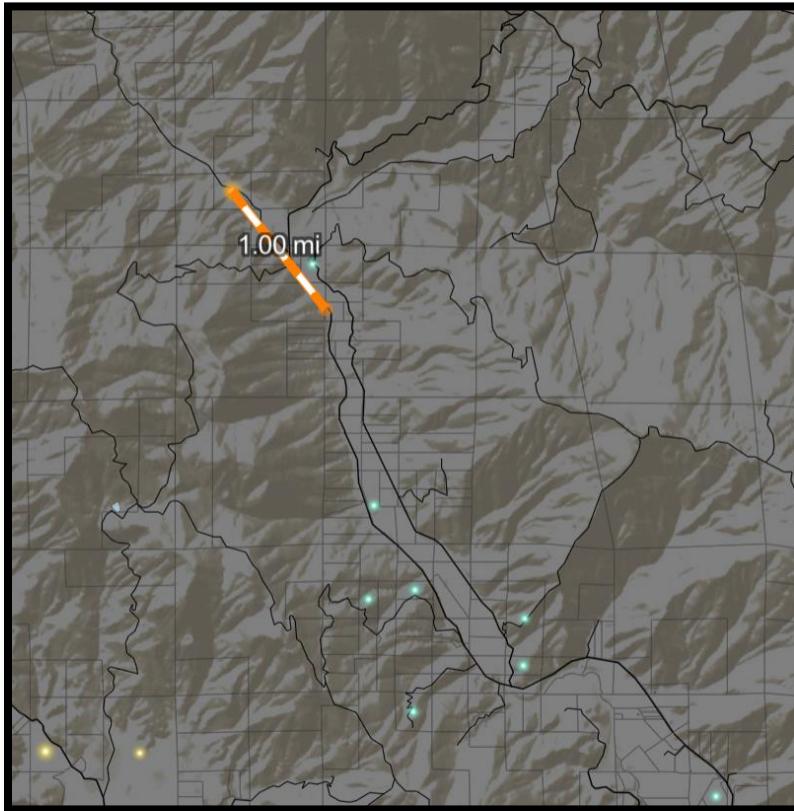
CUMULATIVE IMPACTS

Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, 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. Within one mile of the proposed project are no pending

projects and one approved project. Within three miles of the proposed project are no pending projects and four approved projects

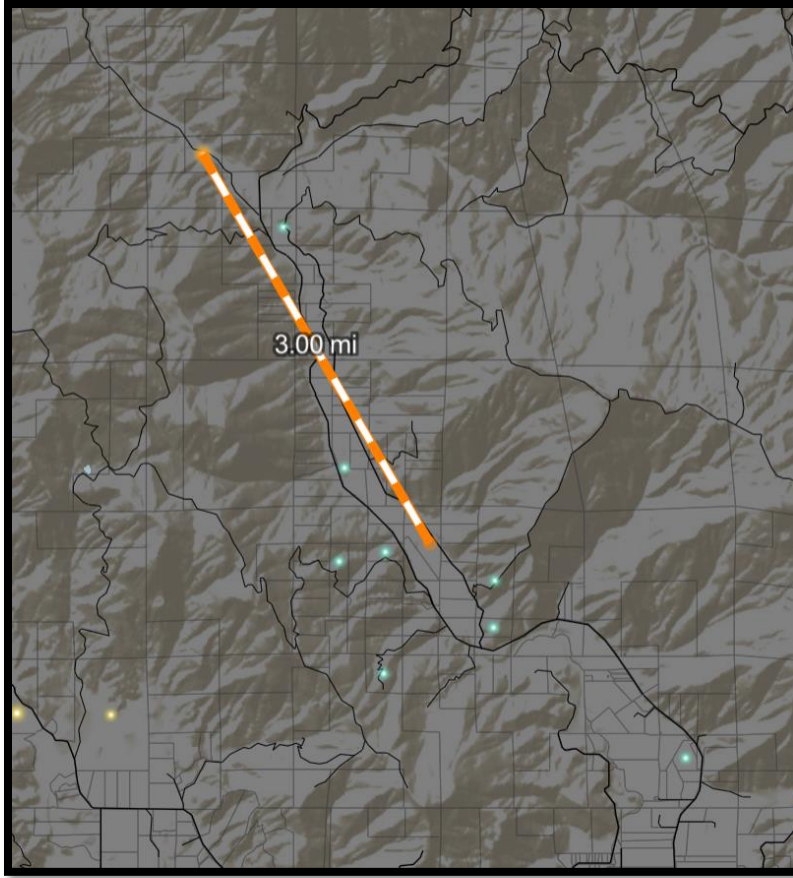
Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively significant environmental impacts.

FIGURE 4 – One mile radius



Source: Lake Co. CDD ArcGIS

FIGURE 4 – Three-mile radius



Source: Lake Co. CDD 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) 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 “APZ” Agricultural Preserve zoning district upon issuance of a Major Use Permit pursuant to Article 27, Sec. 21-27, Sec. 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. The project meets or exceeds all required setbacks for this type of use, including distance to nearby sensitive receptors. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the CDD would conduct annual compliance monitoring inspections during the cultivation season to ensure compliance with the County’s

ordinances, the approved Property Management Plan, mitigation measures, and conditions of approval.

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

The proposal is for 193,800 sf outdoor commercial cannabis canopy area with five (5) A-Type 3 “Medium Outdoor” licenses, one (1) A-Type 4 “Nursery” license, and one (1) A-Type 13 Self-Distribution license. The Lake County Cannabis Ordinance allows Type 3 cultivation licenses on Agriculture Preserve zoned property when the project meets the applicable size and locational criteria and standards. The applicant seeks seven licenses; five are for an A-Type 3 ‘medium outdoor’ licenses, which requires 100 acres of property. The fifth license is a Type 4 Nursery license requiring 20 acres of property. The fifth license is a Type 13 Self Distribution license, which has no minimum acreage requirement. The subject site is approximately 351.78 acres in size, large enough to allow the cultivation licenses that have been applied for.

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

The site is served by Elk Mountain Road, a County maintained road. The site is also served by a private on-site driveway that is dirt but generally flat and well maintained. Interior roadway improvements are proposed. Per Fire Safe Requirements, the project will need to meet the CAL FIRE road standards outlined in Public Resources Codes 4290/4291. The applicant must comply with all building codes prior to construction of any structures. There is no pedestrian access to the Project Site. The project has adequate access to accommodate the specific use and will be required to maintain and improve the access to be compliant with Public Resources Code 4290/4291.

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

The project site will utilize three permitted onsite groundwater wells and twenty-eight (28) 5,000 gallon water storage tanks, Two of which are comprised of steel/fiberglass dedicated to fire suppression. The project parcel has adequate emergency service protection through the Lake County Sheriff’s Office, California Highway Patrol (CHP), the California Board of Forestry and Fire Protection, (CAL FIRE), and the Northshore Fire Protection District. The applicant is required to adhere to all applicable local, state, and federal regulations, mitigation measures, and conditions of approval intended to ensure adequate site. This application was routed to all the affected public and private service providers (including Public Works, Special Districts, Environmental Health, PG&E), and there are adequate public utilities and services available to the site.

- 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 Agricultural Preserve zoning district upon securing a Major Use Permit according to Article 27.11 of the Lake County Zoning Ordinance. Additionally, although the Lake County General Plan does not have any provisions specifically for commercial cannabis, both the General Plan and the Upper Lake/Nice

Communities Area Plan have provisions for economic development, water resources, and agricultural resources land use compatibility. The subject property complies with the minimum setbacks and development standards. The proposed project does not have conflicting land use and is outside of buffer areas.

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 known violations of Chapters 5, 17, 21, 23, or 26 of the Lake County Code on this property.

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

This application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27.11(at) of the Lake County Zoning Ordinance.

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

The applicant has passed a 'live scan' background check and is qualified to undertake a commercial cannabis cultivation activity subject to approval of this use permit. All employees of this project will also be required to pass a 'live scan' background check. 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 20-26) for Major Use Permit (UP 20-23) 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-4.
 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-6.
 3. Potential environmental impacts related to (Biological Resources) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6.
 4. 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.

5. Potential environmental impacts related to (Geology and Soils) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-3, GEO-1 through GEO-2.
6. Potential environmental impacts related to (Hazards and Hazardous Materials) can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-8.
7. Potential environmental impacts related to (Hydrology) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-3 through BIO-6, GEO-2, HAZ-1, and HYD-1 through HYD-2.
8. 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.
9. 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, TCR-1 through TCR-5.
10. Potential environmental impacts related to (Wildfire) can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-5.

B. Approve Major Use Permit UP 20-23 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, Upper Lake/Nice 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).

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 20-26) submitted by Vann Ranch (Omar Malfavon) for the property located at 15095, 15187,15263, 15365 & 15525 Elk Mountain Road, Upper Lake (APNs: 002-021-04, 002-021-15, 002-021-16, and 002-021-17 and 002-021-23) will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 20-26) with the findings listed in the staff report dated (March 28, 2024).

Major Use Permit (UP 20-23)

I move that the Planning Commission find that the Major Use Permit (UP 20-23) applied for by Vann Ranch (Omar Malfavon) on property located at 15095, 15187,15263, 15365 & 15525 Elk Mountain Road, Upper Lake (APNs: 002-021-04, 002-021-15, 002-021-16, and 002-021-17 and 002-021-23) 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 March 28, 2023.

***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.*