



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
255 N. Forbes Street – 3<sup>rd</sup> Floor  
Lakeport, California 95453  
Planning • Building • Code Enforcement  
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Item 6c  
9:35 AM  
December 12, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Community Development Department  
Michelle Irace, Principal Planner  
Mary Claybon, Associate Planner

**DATE:** December 12, 2024

**SUBJECT:** Consideration of proposed Major Use Permit (UP 20-14) Nina Star Farms (Nina Star, LLC/Nina Bogdanova) and Mitigated Negative Declaration (IS 20-16) for approval of Commercial Cannabis Cultivation of 37,446 square feet of canopy at 23180 Shady Grove Road Middletown, CA 95461 (APN 014-006-16)

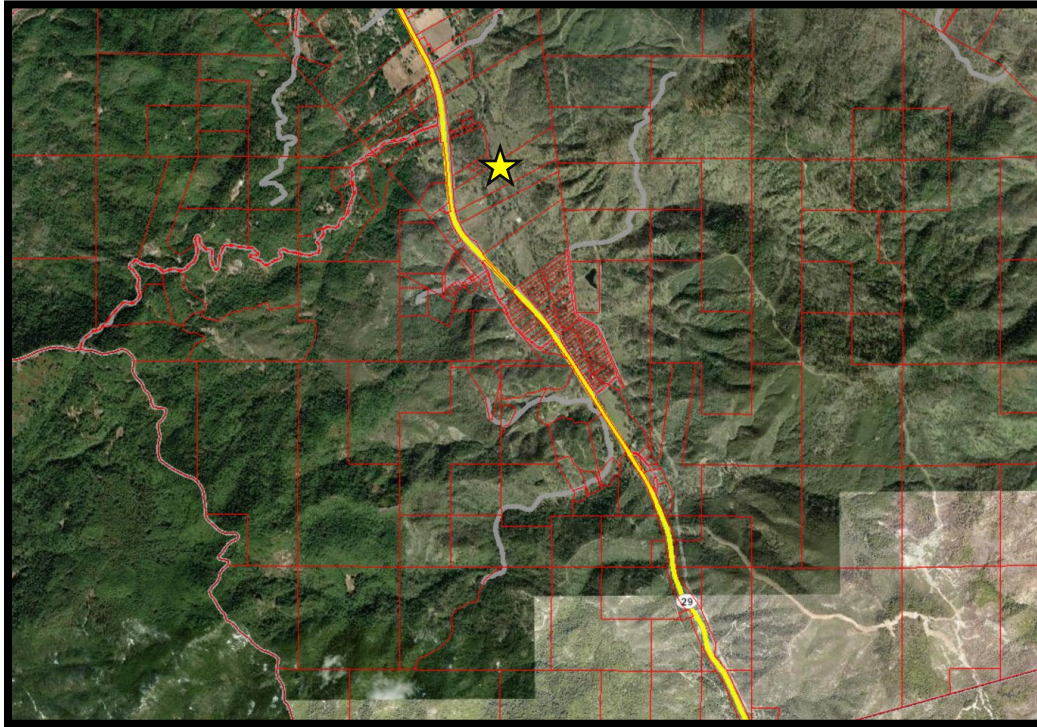
### ATTACHMENTS:

1. Project Site Plans (2023)
2. Draft Conditions of Approval
3. Property Management Plan (8/2023)
4. Initial Study/Mitigated Negative Declaration (8/6/2024)
5. Hydrology Report (9/6/2021)
6. Drought Management Plan (9/6/2021)
7. Biological Assessments (2/2/2020, 10/8/2024)
8. Electrical Load Calculations (8/4/2023)
9. Agency Comment
10. Tribal Comment
11. Public Comment

### EXECUTIVE SUMMARY

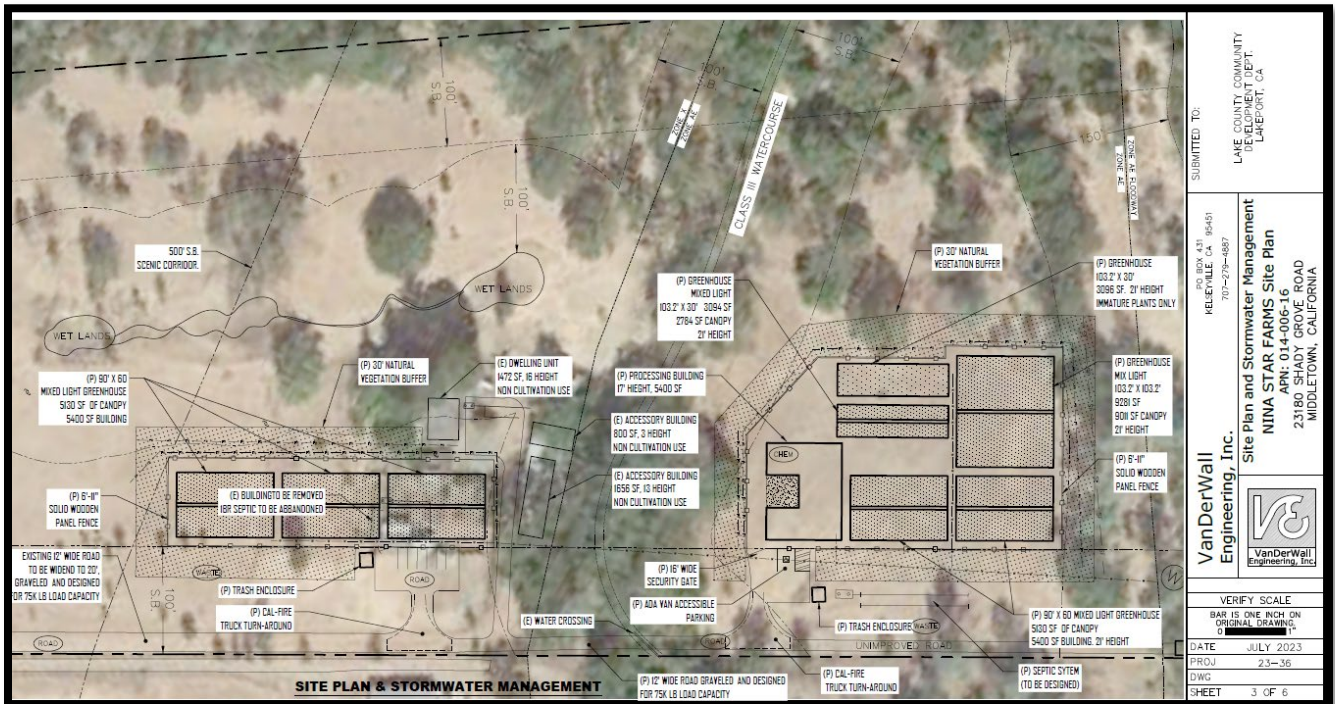
The applicant, Nina Bogdanova of Nina Star, LLC is proposing a commercial cannabis cultivation operation consisting of two (2) A-Type 3B licenses for 37,446 square feet (sf) of mixed-light canopy within a 48,529 sf cultivation area and an A-Type 13 Distributor, Self-Distribution, transport only license. The site is located approximately two miles north of the Lake/Napa County line. Topography consists of rolling grassland with slopes between 2% to 10% in the west and 10% to 20% in the east. Several known watercourses and potential wetlands, including Saint Helena Creek, a Class I, perennial watercourse; one (1) Class II watercourse; and several Class III watercourses are located on the project parcel. All setbacks from watercourses have been identified. No surface water diversion is proposed. The property is developed with a permitted residence and septic system, residential accessory structures, and an existing well. Historical uses include animal husbandry and grazing. Total parcel acreage is 47.36 acres.

FIGURE 1 – VICINITY MAP



Source: Lake County GIS Portal

FIGURE 2 – SITE PLANS



Source: Site Plan, VanDerWall Engineering, Inc. 2023

## PROJECT DESCRIPTION

Project Title: Nina Star Farms

Permit Numbers: Major Use Permit (UP 20-14)  
Initial Study (IS 20-16)

Lead Agency: County of Lake  
Community Development Department  
Courthouse, 3<sup>rd</sup> Floor 255 North Forbes Street  
Lakeport, California 95453

Applicant Name & Address: Nina Bogdanova  
23180 Shady Grove Road  
Middletown, CA 95461

Property Owner: Nina Star, LLC

Project Location: 23180 Shady Grove Road  
Middletown, CA 95461

Parcel Number(s) (APN): APN 014-006-16

Parcel Size: 47.36

General Plan Designation: Rural Lands (RL), Agriculture (A), Resource Conservation (RC)

Zoning District(s): Split Zoning: “RL/A-FF-FW-SC-WW”; Rural Lands - Agriculture - Floodway Fringe Combining - Floodway Combining - Scenic Combining - Waterway Combining

Flood Zone: “AE” – Special Flood Hazard Area with a Base Flood Elevation of 1,190 feet and 1,200 feet (along the creek)  
“X”: Area of Minimal Flood Hazard (rest of property)

Existing features:

- Residence
- Residential accessory structures
- Permitted on-site groundwater well
- Permitted septic system
- PG&E utilities
- Security Gate
- 5,000-gal steel water tank
- 14’ Interior access road
- Triple-barrel culvert
- Twelve (12) Shipping containers for cultivation infrastructure storage

Proposed features:

- 37,446sf of mixed-light commercial cannabis canopy
- Five (5) 90’x 60’ greenhouses
- One (1) 90’x103’greenhouse for immature plant propagation
- Two (2) 30’x103’greenhouses

- 5,400 square foot processing facility with ADA-compliant restroom
- One (1) 120 square foot storage shed
- Widening existing access roadway to 20-foot-wide access driveway from Shady Grove Road
- Four (4) employee parking spaces, including one (1) ADA-compliant parking space
- Three (3) 5,000-gallon water storage tanks equipped with standard 2.5" Fire Department Hose Connection
- (1) one steel/fiberglass 5,000-gallon water storage tank equipped with standard 2.5" Fire Department Hose Connection dedicated to fire suppression
- Knoxbox for emergency response access
- Perimeter fencing and security cameras

The site is accessed via a graded native dirt and gravel driveway that branches to the east of Shady Grove Road, parallel to Highway 29. Public Resource Codes (PRC) Sections 4290 and 4291 Road Standards shall be applied to this cultivation project due to the permanent structures in which cultivation activities will occur. Internal gates and roadways are designed to meet CALFIRE requirements including adequate road standards and width requirements for fire equipment access and a turnaround for emergency vehicles. For the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA) the roadway will include widening from the existing 14' to 20' of unobstructed horizontal clearance with a grading permit following approval of the major use permit and installing turnouts for emergency vehicle access. In addition, signage and building numbering; private water supply reserves for emergency fire use utilizing steel/fiberglass/or concrete water storage; and 100' of defensible space around structures are required.

The applicant has indicated that construction would occur over a five-week period. Construction would require grading of the roadway, installation of identified parking spaces, and preparation of cultivation-related structures. All construction activities, including engine warm-up, will occur from 9:00 a.m. to 6:00 p.m. Monday through Saturday and shall adhere to all noise requirements in adherence to the Lake County Code. Additionally, all equipment will be maintained and operated to all federal, state, and local agency requirements to minimize spillage or leakage of hazardous materials. During construction, no vehicles will be left idling. Vehicles will only be parked on existing roadways/driveways or in previously disturbed areas. Water from the approved onsite well will be used to mitigate the generation of dust during development with a water truck.

The project will feature 37,446 square feet of mixed-light canopy, within a total of eight greenhouses. Specifically, the greenhouses will consist of five (5) structures measuring 90' x 60', one (1) structure measuring 90' x 104', and one (1) structure measuring 30' x 104'. Additionally, immature plant propagation will be carried out in one (1) greenhouse measuring 103' x 30'. The greenhouses will be constructed using galvanized steel frames, covered with 6-millimeter polyethylene film for blackout purposes. Artificial lighting for the mixed-light cultivation will be implemented at a maximum intensity of 25 watts per square foot. The proposed greenhouses will be equipped with a black plastic film to ensure that light does not escape during the use of artificial lighting. The location of the ancillary buildings adheres to the setbacks of Scenic Combining District as identified by the project's site plans (Attachment 1)

The proposed cultivation operation will utilize water sourced from an existing onsite groundwater well, which has a capacity of 16 gallons per minute (gpm). To ensure efficient use of water resources, a drip irrigation system is proposed. The applicant has submitted a Hydrological



Analysis (Attachment 5) and a Drought Management Plan (Attachment 6) outlining water conservation strategies in the event of a declared drought emergency. There are two (2) agricultural ponds and two (2) existing stream crossings on-site. One stream crossing is a metal span bridge across Saint Helena Creek that is not proposed as an access point for the project. The other water crossing other is a triple-barrel corrugated metal culvert crossing for the Class II watercourse. The culvert appears stable but likely does not meet current design specifications for withstanding 100-year floods and will need to be replaced in alignment with a California Department of Fish and Wildlife (CDFW) Lake Streambed Alteration Agreement (LSAA). Cultivation activities will take place on a relatively flat section of the parcel, which is situated within flood zones X and AE. Certain areas of the site located in the AE flood zone, as illustrated in Figure 3 below, will necessitate elevation certificates at the building permit stage of development.

The project is proposing mixed light cultivation which can include artificial lighting of up to 25 watts per square foot of canopy area. The Electrical Load Calculations prepared by DTN Engineering, dated August 3, 2023, identifies the project would utilize 3,300 amps. All electricity needed for the project will be supplied from the existing PG&E connection. According to the Property Management Plan, Nina Star Farms will require an electrical upgrade on the property. The electrical upgrade is to be applied for along with building permits for the processing facility and greenhouses after approval of the major use permit. The project is proposing a backup generator to be used in emergency situations when electricity cannot be supplied by PG&E. The proposed use would not include wasteful, inefficient, or unnecessary consumption of energy resources during Project development or operation. All energy usage shall adhere to all Federal, State, and local agency requirements regarding energy use.

Immature plants will be sourced from a permitted off-site nursery or propagated on-site in the immature plant mixed-light greenhouse. Distribution activities for self-transport will be carried out from the processing facility and will consist of up to one delivery or pickup per day. Subsequently, the cannabis will be transported and transferred to a licensed distribution facility.

## **POINTS OF INTEREST**

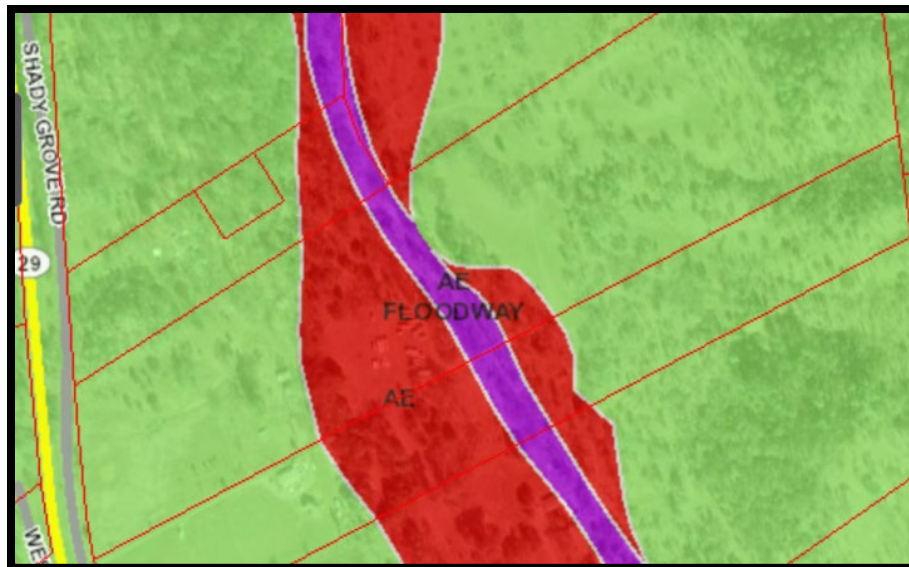
### **Watercourses and Potential Wetlands**

The Biological Assessment by Pinecrest Engineering (2/2/2020) states there are several unnamed and one named watercourse on site. A Class I perennial reach of St. Helena Creek and riparian corridor divides the parcel, flowing north through the middle of the property. The riparian corridor is well developed and stable. The unnamed seasonal Class II watercourse flows north through the western part of the parcel. Several Class III watercourses are also identified. On the western portion of the parcel there are two existing stock ponds that are connected by a vegetative swale. There is some wetland vegetation surrounding the stock ponds and swale. 100' setbacks have been identified in the site plans (Attachment 1). Activities are largely proposed to be limited to existing disturbed areas and will observe all required setbacks from jurisdictional watercourses. There are no vernal pools or serpentine outcrops that possess a high likelihood of containing special-status plant species in the proposed cultivation areas. The use of the existing on-site stock ponds and access utilizing the bridge located to the rear of the property are not proposed for use by the project. While the bridge crossing on Saint Helena Creek provides access to the eastern side of the parcel, the project is accessed via Shady Grove Road and not accessed by the bridge.

### **Flood Zone AE**

The portion of the property along the Class I and Class II watercourses is designated as a Special Flood Hazard Area with a Base Flood Elevation of 1,190 feet and 1,200 feet. The Special Flood Hazard Area is defined as the area that will be inundated by the flood event having a 1-percent chance of being equal or exceeded in any given year, also referred to as the base flood or 100-year flood. All watercourses are over 100 feet from the proposed cultivation areas. Structures in this area are required to have an engineered benchmark for Building Safety Division to issue building permits.

**FIGURE 3 – Flood Zone**



Source: Lake County GIS Portal

### **Stormwater Management**

Stormwater Management within the Property Management Plan (Attachment 3) identifies the method of stormwater containment in the cultivation area (straw wattles), which are typical for this type of cultivation activity. The cultivation area is set back more than 100 feet from all water courses on site. Setbacks from any surface water channel or above-ground water storage facility is 100 feet or more as is required by Article 27.11(at) of the Lake County Zoning Ordinance. 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 and the applicant is required to adhere to the State Water Resources Control Board Cannabis Cultivation Policy requiring runoff to be retained on-site, mitigating off-site downstream drainage impacts. 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.

### **Water Analysis**

According to the applicant’s Hydrological Assessment by Vanderwall Engineering dated September 6, 2021, the proposed project water usage for 37,446 sf of canopy (.86 acres), a two-bedroom dwelling unit, and four regular employees included a conservative estimate of water use. The estimate assumes a canopy size of one-acre rather than the actual proposed canopy of .86 acre. The water use for cultivation activities is estimated at 540,875 gal/year or 1.65 acre-feet/year. The domestic use of the well estimates approximately 97,455 gal/year. According to the assessment, Calculation of Aquifer Recharge is based on the tributary area to the radius of influence of the well. The total recharge area is 277,989 sf. The cultivation and domestic use combined equate to approximately 638,330 gal/year or 1.95 acre-feet/year.

### **Scenic Combining District**

The project has been strategically developed to ensure that the ancillary structures for cannabis cultivation are situated outside of the Scenic Corridor within the Scenic Combining District. In alignment with this requirement, a setback of 500 feet from the roadway has been established. The accompanying site plans and renderings (Attachment 1) illustrate the incorporation of vegetative screening and a thoughtfully designed building façade as further measures to preserve and enhance the viewshed and aesthetic integrity of the surrounding neighborhood. as seen in Figure 4 below.

**FIGURE 4 – Renderings**



*Source: Applicant submitted renderings*

### **Site Maintenance**

The project was applied for on February 5, 2020. Staff visited the site on December 15, 2023. At that time several items for demolition and site cleanup were identified. The Planning Division and Build Safety Division staff worked closely with the applicant and project consultant for a demolition



permit identified as BLD24-00488 for removal of an out-of-service hot tub, proper removal of electrical installation serving the hot tub, removal of two trailers by a waste hauling company, and clearing of garbage and rubbish. The building permit was finalized by a Building Safety Division Building Inspector on July 15, 2024, following verification of site maintenance.

**FIGURE 5 – HOT TUB REMOVAL AND CAPPING OFF OF ELECTRICAL WIRING/PLUMBING**



*Source:* Lake County Building Safety Division

**FIGURE 6 – FIRST TRAILER FOR DEMOLITION**



*Source:* Lake County Building Safety Division



**FIGURE 7 – SECOND TRAILER FOR DEMOLITION**



Source: Lake County Building Safety Division

### **Project Setting**

The subject parcel is located at 23180 Shady Grove Road, Middletown (APN 014-006-16) accessed via a graded native dirt and gravel driveway. Shady Grove Road is a county-maintained road. The site is located approximately two miles north of the Lake/Napa County line and approximately one- and one-half miles south of the Middletown Community Growth Boundary.

### **Surrounding Zoning and Uses**

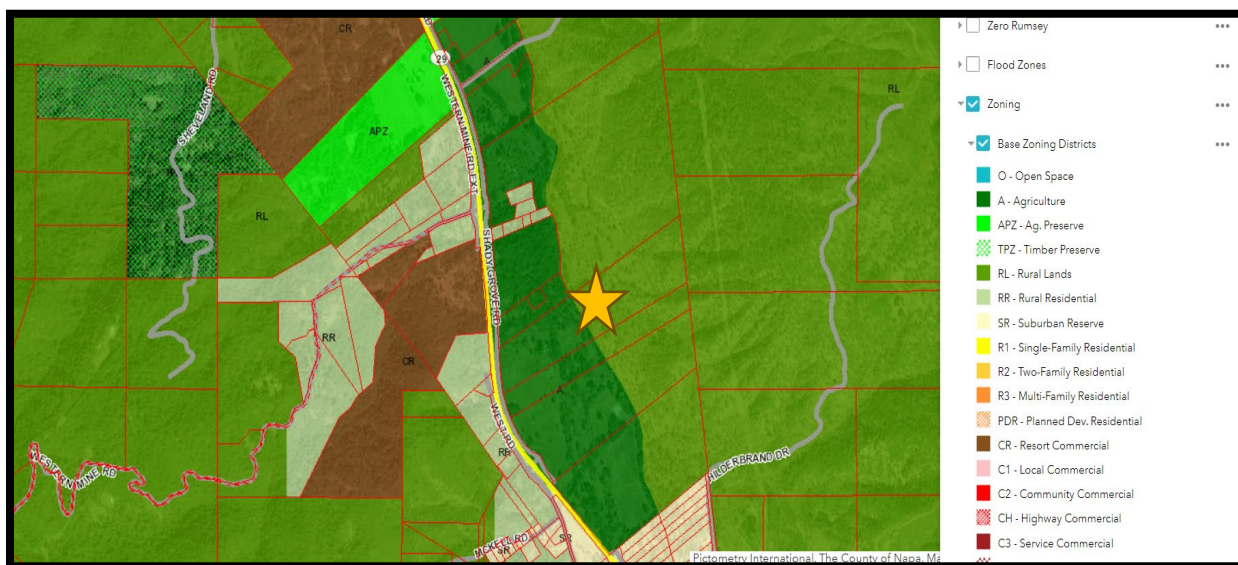
North: Parcels to the north are zoned “RL” Rural Lands and “A” Agricultural District. These parcels contain undeveloped lands and a residence.

South: Parcels to the south are zoned “RL” Rural Lands; “A” Agricultural District; “SC” Scenic Combining District and “WW” Waterway. These parcels are larger lots with residential development.

West: Parcels to the west are zoned “RR” Rural Residential and “SC” Scenic Combining District. These parcels are adjacent to State Hwy 29 and contain rural residences.

East: Parcels to the east are zoned “RL” Rural Lands. These parcels are large undeveloped lots with slopes.

**FIGURE 8 – ZONING MAP**



Source: Lake County GIS Portal

## PROJECT ANALYSIS

### General Plan Conformity

The General Plan designation for the subject site is (RL-A-RC) Rural Lands – Agriculture – Resource Conservation.

#### Rural Lands

The purpose of this land use category is to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. 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.

#### Agriculture

This land use category includes areas with prime farmland, vineyard soils and grazing lands, along with areas characterized by steep slopes and limited services. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities. Wineries and the processing of local agricultural products such as pears and walnuts are encouraged within this designation.

#### Resource Conservation

The purpose of this land use category is to assure the maintenance or sustained generation of natural resources within the County. This category would include public and private areas including: significant plant or animal habitats; forest lands in Timberland Preserve Zones; agricultural lands within the Williamson Act; grazing; watersheds including waterways and wetlands; outdoor parks and recreation; retreats; mineral deposits and mining areas which require

special attention because of hazardous or special conditions; publicly-owned land (e.g., U.S. Forest Service, BLM land, State, and County); and open space activities.

Lake County General Plan does not have any provisions specifically for commercial cannabis, but it does support economic development, water resources, agricultural resources, and land uses compatibility. The following General Plan policies related to site development in the context of this proposal as follows:

### **Water Resources**

Goal WR-1: is 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, 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 proposed project plans to utilize a highly efficient drip irrigation system, the water storage tanks will be equipped with float valves to prevent overflow and runoff of irrigation water when they are full, safety valves will be equipped to supply lines in case the flow of the water needs to be stopped in an emergency, a well meter will be installed on the groundwater well for monitoring and reporting water use to the County and State.

A well performance test was conducted by JAK Drilling and Pump on March 12th, 2020, and the results of the well performance test were included in a Hydrology Study that was prepared by Vanderwall Engineering on September 6, 2021 (attachment 6). The well performance test concluded that the onsite groundwater well has a capacity of at least 16 gallons per minute and an estimated volume of 960,663 gallons per year. As Nina Star Farms expects a total annual water use requirement of 746,740, the well is adequate to accommodate the proposed cultivation in a drought year.

### **Land Use**

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

- Policy LU-1.3: “The County shall prevent the intrusion of new incompatible land uses into an existing community area.

The property has varied topography where cultivation will occur on slopes approximately 2% to 10% and is surrounded by agricultural and rural residences. The proposed project plans to cultivate cannabis and build associated structures on the property and is consistent with similar existing structures in the vicinity. The proposed project would therefore be compatible with its surrounding land uses in the community.



### **Middletown Area Plan Conformity**

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

- 3.1.1a: Development should be focused in areas of low to moderate erosion hazard. Substantial development on hillsides or other areas with high erosion hazard is discouraged.
- 3.4.1a: Support the continued use of agricultural lands and discourage conversion of these lands to other uses unless necessary to accommodate an orderly and logical pattern of urban development.
- 4.3.1g: Require that locked gates on private roads be accessible to emergency personnel.
- 4.4.1c: Alternatives to open burning of vegetative waste such as chipping or composting should be promoted.
- 5.4.3b: Require development projects that would result in off-site drainage impacts to mitigate project related impacts completely.

The proposed project is consistent with the policies of the Middletown Area Plan, including the policies cited above. Cultivation and all associated structures will occur on relatively flat land, so there will not be a high erosion hazard. As the site will be utilized to cultivate cannabis, which is similar to an agricultural use, the land will not be converted to non-agricultural use. The property gate will be secured with a heavy-duty chain, commercial padlock, and a Knox Box to allow 24/7 access for emergency services. As an alternative to burning vegetative waste, all vegetative waste generated at the site will be composted or chipped and used when soil cover is needed. The proposed project is required to adhere to the State Water Board Cannabis Cultivation Policy, which requires all run-off be retained on-site, which mitigates off-site, downstream drainage impacts. The project, therefore, is consistent with the Middletown Area Plan.

### **Zoning Ordinance Conformity**

#### Article 5 – Agricultural District:

The purpose of Article 5, is to protect the County's agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude the land's future use in agriculture.

The cultivation of cannabis is similar to an agricultural use and would take place on the property. The addition of eight greenhouses, a processing facility, a storage shed, four 5,000-gallon water storage tanks, and 6'10" perimeter fencing would support the use and thus are not considered a conversion.

Under Article 27.13(at), commercial cannabis cultivation is allowable upon obtaining a major use permit under a zoning designation for Agriculture. The applicant meets all development standards under Article 5 with further restrictions under Article 27.13(at) regarding minimum setback requirements.

#### Article 7 – Rural Lands District:

The purpose of Article 8 is to provide for resource-related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access.

The cultivation of cannabis is similar to an agricultural use and would take place on the property. The addition of eight greenhouses, a processing facility, a storage shed, four 5,000-gallon water storage tanks, and 6'10" perimeter fencing would support the use and thus are not considered a conversion.

Under Article 27.13(at), commercial cannabis cultivation is allowable upon obtaining a major use permit under zoning designation for Rural Lands. The applicant meets all development standards under Article 5 with further restrictions under Article 27.13(at) regarding minimum setback requirements.

Article 27 – Uses Permitted:

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

Pursuant to Article 27 of the Lake County Zoning Ordinance, outdoor commercial cannabis cultivation is permitted in the Agricultural zoning district and Rural Lands 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 5, 8, and 27 are met and any adverse environmental impacts are adequately mitigated.

Article 34– Scenic Combining District

The purpose of Article 34 is 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. This designation includes additional development standards for structures within the Scenic Corridor area.

The project has been designed for the cannabis cultivation ancillary structures to be constructed out of the Scenic Combining District's Scenic Corridor. For this project, a setback of 500 ft from the roadway has been implemented. Site Plans (Attachment 1) identify the 500' setback from the Scenic Corridor.

Article 35- Floodway

The purpose of Article 35 To provide land use regulations for properties situated in floodways, and along creeks and streams to ensure for an adequate open corridor to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property; and to prevent property damage and safeguard the health, safety and general welfare of the people by allowing the passage of the one hundred (100) year flood.

The project has been designed to adhere to the setbacks from the identified waterways; additionally, any future construction of the commercial cannabis cultivation ancillary facilities within an identified AE flood zone will require an engineered benchmark during the permitting stage with the Building Safety Division.

Article 36- Floodway Fringe

The purpose of Article 36 is 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.

The project has been designed to adhere to the setbacks from the identified waterways; additionally, any future construction of the commercial cannabis cultivation ancillary facilities is not within the identified AE Floodway.

Article 37– Waterway District

The purpose of Article 37 is 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 project materials identify adherence to the required setbacks for the project. The California State Water Resources Control Board (CSWRCB) identified structures that would need to be removed to adhere to setbacks within Agency Comment (Attachment 9). The applicant has applied for a demolition permit from the Building Safety Division and has removed the structures with demolition permit BLD24-00488.

**Development & Performance Standards**

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

- Minimum Lot Size (20 acres per A-Type 3): Complies; the parcel is 44.5 acres in size.
- Setback from Property Line (100 feet): Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.
- Setback from Off-Site Residence (200 feet): Complies; the nearest dwelling is approximately 240 feet away from the cultivation area.
- Minimum Fence Height of Six (6) Feet: Complies; the proposed enclosure is a 6’10” tall fence for screening.
- Maximum Canopy Area (44,000 ft<sup>2</sup> maximum for two (2) A-Type): Complies; the proposed canopy area would be 37,446 square feet.

**General Requirements**

There are several 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, completing background checks, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, etc.

The applicant meets the General Requirements outlined in Section 27.13(at) of the Zoning Ordinance from the previous and the amended Ordinance (3101). Additionally, the project’s Conditions of Approval include requirements to ensure compliance with the local zoning ordinance.



The applicant has submitted a Property Management Plan, outlining compliance with all regulations regarding cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, stormwater management, security, compliance monitoring, etc. The applicant complies with the restrictions regarding the prohibited activities listed in Article 27, subsection 13(at), as the project does not propose any tree removal and will utilize a private well. The project will also be setback from the property line and is located over 200 feet away from an off-site resident to minimize odor through passive means.

### **AGENCY COMMENTS**

The following agencies submitted comments on this project:

- Lake County Agricultural Commissioner
- Lake County Water Resources
- Lake County Air Quality Management District
- Lake County Special Districts
- Lake County CDD Grading
- Lake County Environmental Health
- Lake County Sheriff's Office
- CAL FIRE
- NWIC (Sonoma State University)
- PG&E
- CA State Water Quality Control Resources Board
- Department of Cannabis Control

Of the agency comments submitted in response to the February 18, 2020, and August 12, 2020, Request for Review, the following comments are of note:

- Lake County Water Resources noted that Structures B and F are encroaching into the 100-foot offset from receiving water body and need to be removed. The structures in question were removed with a demolition permit from the Building Safety Division in 2024 (BLD24-00488) as noted in figures 5 and 6 above.

### **TRIBAL COMMENTS/CONSULTATION**

Notification of the Project 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 February 18, 2020. On February 19, 2020, Middletown Rancheria responded stating the project is located within the aboriginal territory of Tribe. The Middletown Rancheria Tribal Historic Preservation Department stated they are, "okay with the project moving forward under the mutual understanding that the Tribe is contacted should there be any significant inadvertent discoveries." On August 10, 2022, Yocha Dehe Wintun Nation sent comment deferring to Middletown Rancheria. Tribal Consultation was not requested. Tribal Comments are attachment 10 to the staff report.

### **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 11/29/2023 to 12/28/2023. The California Water Resources Control Board and the Department of Cannabis Control

provided commentary. Agency Comments are Attachment 9 to the Staff Report. Minor edits have been incorporated to the Mitigated Negative Declaration 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).

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Noise
- Tribal Cultural Resources
- Utilities and Services
- Wildfire

**Aesthetics** Impacts relating to Aesthetics have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures AES-1 through AES-3:

AES-1: The cultivation area shall be screened from public view. Methods of screening may include, but are not limited to, topographic barriers, vegetation, or 6' tall solid (opaque) fences.

AES-2: All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of [www.darksky.org](http://www.darksky.org) and provisions of Section 21.48 of the Zoning Ordinance.

AES-3: All greenhouses/structures incorporating artificial lighting shall be equipped with blackout film/material to be used at night for the maximum light blockage to lessen the impact on the surrounding parcels and the dark skies.

**Air Quality** Impacts relating to (AQ) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures AQ-1 through AQ-8:

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

AQ-2: All mobile diesel equipment used must comply 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 CI engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.

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

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

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

AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. The applicant shall regularly use and/or maintain the graveled area to reduce fugitive dust generations.

AQ-7: Each greenhouse shall contain an air and odor filtration system. Method of filtration shall be provided to the Lake County Planning Department for review prior to any construction occurring on site.

AQ-8: The applicant shall apply water to the ground during any site preparation work that is required for the greenhouses and drying building, as well as during any interior driveway improvements to mitigate dust migration.

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

BIO-1: All minimization measures in Appendix H of the Biological Report prepared for the project site by Pinecrest Environmental Consulting on February 3, 2020, shall be followed in order to protect the Foothill Yellow-Legged Frog in the event of migration to potential habitat on the property.

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.

BIO-3: If construction activities occur during the nesting season (February 15 through August 31), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS should 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-4: All work should incorporate erosion control measures consistent with Lake County Grading



Regulations and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

BIO-5: The applicant shall maintain a minimum of a 100-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool. Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not within 100 feet of a well head.

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

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted 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 (GEO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures CUL-1, CUL-2, and GEO-1 through GEO-4:

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

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

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

GEO-4: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate BMPs to the maximum extent practicable

to prevent or reduce discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapter 29 and 30 of the Lake County Code.

**Hazard and Hazardous Materials** Impacts relating to (HAZ) 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 the event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

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

HAZ-3: 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 should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

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

HAZ-6: Prior to operation, all employees shall have access to ADA-accessible 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 and Water Quality) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures GIO-1, HYD-1 and 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 began 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 upon 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 (NOI) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure NOI-1 and NOI-2:

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels.

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

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

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.



**Utility and Services** Impacts relating to (UTS) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures HYD-1 and HYD-2.

**Wildfire** Impacts relating to (WDF) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measures WDF-1 through WDF-4:

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

WDF-2: Prior to cultivation, the applicant shall provide 100' of defensible space around all buildings. This does not require tree removal, but it does require removal of grasses and brush, and limbing trees up to a height of 8'.

WDF-3: Prior to cultivation, the applicant shall schedule a site visit with the Building Official or designee to verify that the roads, gates and site are PRC 4290 and 4291 compliant.

WDF-4: The applicant shall place at least 5,000 gallons of water on site that is designated specifically for use of fire suppression. Water tanks shall have connectors that are able to be used by Fire Protection Districts.

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 Parcel.

**Mandatory Findings of Significance**

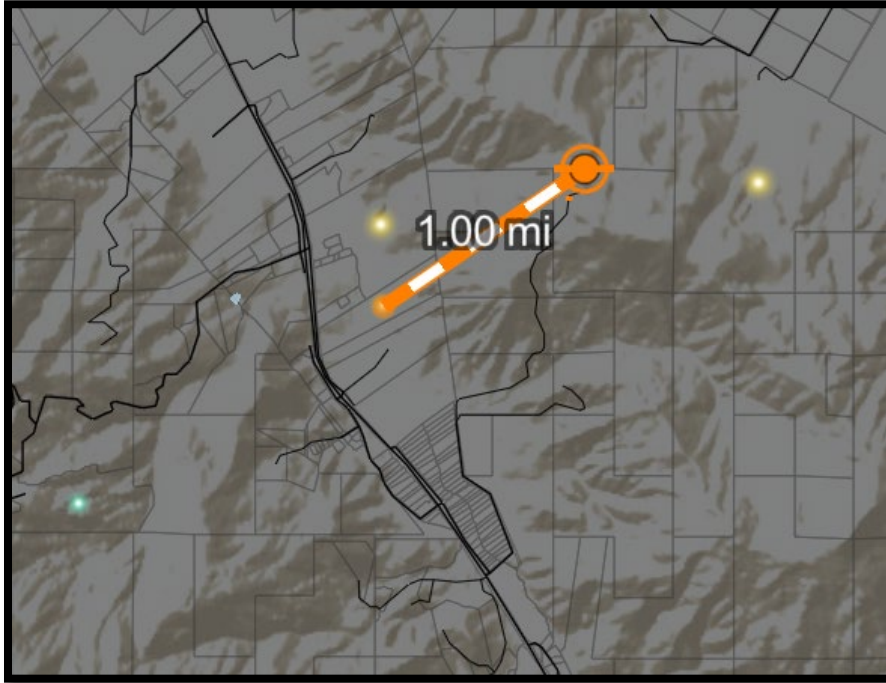
The discussion within this section is incorporated to mitigate any potential impacts from the implementation of the project. In addition to the mitigation measures above, the applicant will apply for permits from various agencies including the Department of Cannabis Control, the State Water Resources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

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

### CUMULATIVE IMPACTS

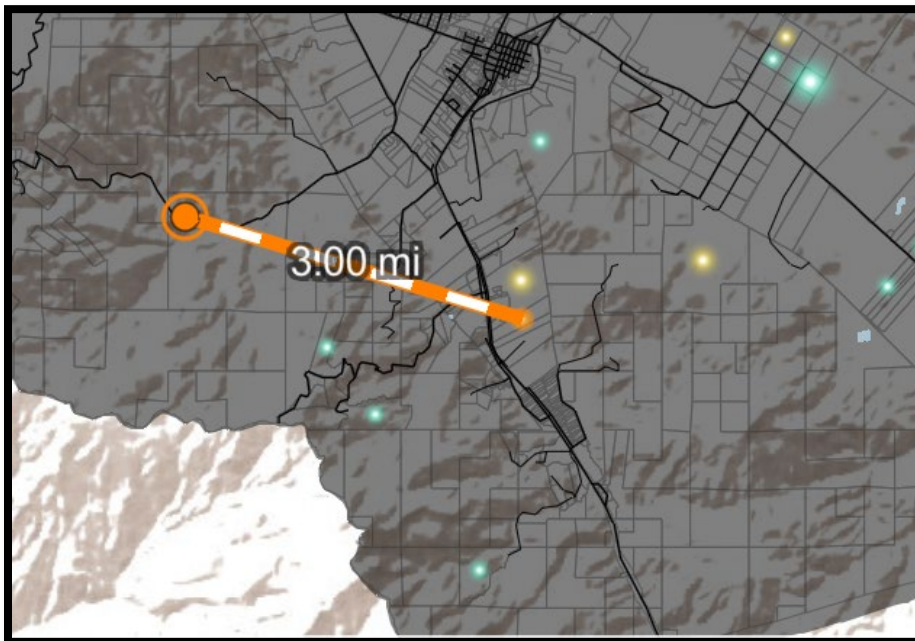
Within a one-mile radius of the proposed project, there are one pending and zero approved projects.  
Within a three-mile radius of the proposed project, there are two pending and four approved projects.

**FIGURE 8 – ONE-MILE RADIUS**



Source: Lake County Cannabis GIS Portal

**FIGURE 9 – THREE-MILE RADIUS**



Source: Lake County Cannabis GIS Portal

## 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 “AG” Agricultural and “RL” Rural Lands zoning 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. 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 includes 37,446 square feet of outdoor canopy area located within 48,529 square feet of cultivation area. The location and size of the project site comply with the local ordinance requirements for use and setbacks. The Lake County Zoning Ordinance allows type 1, 2, 3, and 4 cultivation operations on Agricultural- and Rural Lands-zoned land, and the subject parcel is approximately 44 acres in size, large enough to enable the cultivation area proposed.

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

The site is served by a private driveway which is accessed off Shady Grove Road. Additionally, per the Public Resource Codes (PRC) Sections 4290 and 4291 Road Standards, the project will need to meet the CALFIRE road standards. The applicant must comply with all building codes prior to construction of any structures. Therefore, the project has adequate access to accommodate the specific use and will be required to maintain and improve the access to be compliant with PRC 4290 and 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 an onsite groundwater well. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff’s Office, and the Lake County 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 services and maintain safety at the site. This application was routed to all of the affected public and private service providers (including Special Districts, Environmental Health, PG&E, and all area Tribal Agencies), 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 and Rural Lands zoning district upon securing a Major Use Permit according to Article 27 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan does not have any provisions specifically for commercial cannabis, but both the General Plan and the Middletown Area Plan have provisions for economic development, water resources, agricultural resources, and land use compatibility. Additionally, the subject property complies with the minimum setbacks and development standards.

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

There are no violations of Chapters 5, 7, 34, 35, 36, or 37 of the Lake County Code on this property. The project was applied for on February 5, 2020. Staff visited the site on December 15, 2023. At that time several items for demolition and site cleanup were identified. The Planning Division and Build Safety Division staff worked closely with the applicant and project consultant for a demolition permit (BLD24-00488) for removal of an out of service above ground hot tub, proper removal of electrical installation serving the hot tub, removal of trailer structures by a waste hauling company, and clearing of garbage and rubbish.

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

The proposed project complies with all development standards described in Chapter 21, Article 27, Section 1.i, including minimum lot size, setbacks from property lines and off-site residences, and fence height.

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 the application described in Chapter 21, Article 27, Section 1.ii.(g), as the applicant complies with background clearance requirements.

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

The applicant complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i), as the applicant has passed the livescan background check.

## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-16) for Major Use Permit (UP 20-14) with the following findings:
  1. Potential environmental impacts related to Aesthetics (AES) can be mitigated to less than significant levels with the inclusion of mitigation measures AES1 through AES-2.
  2. Potential environmental impacts related to Air Quality (AQ) 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 (BIO) 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 (CUL) 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 (GEO) can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-4.
  6. Potential environmental impacts related to Hazards and Hazardous Material (HAZ) 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 and Water Quality (HYD) can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-2.
  8. Potential environmental impacts related to Noise (NOI) 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 (TCR) can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, TCR-1, and TCR-2.
  10. Potential environmental impacts related to Wildfire (WDF) can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-4.
- B. Approve Major Use Permit UP 20-14 with the following findings:
  1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use



- or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
  3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
  4. There are adequate services to serve the project.
  5. This project is consistent with the Lake County General Plan, Middletown Area Plan, and Lake County Zoning Ordinance.
  6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
  7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
  8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
  9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

**Sample Motions:**

**Mitigated Negative Declaration (IS 20-16)**

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 20-16) submitted by Nina Star Farms (Nina Star LLC) for the property located at 23180 Shady Grove Road, Middletown, APN: 014-006-16, will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 20-16) with the findings listed in the staff report dated October 24, 2024.

**Major Use Permit (UP 20-14)**

I move that the Planning Commission find that the Major Use Permit (UP 20-14) applied for by Nina Star Farms (Nina Star LLC) on property located at 23180 Shady Grove Road, Middletown, APN: 014-006-16, 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 December 12, 2024.

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