



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
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Planning • Building • Code Enforcement  
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Item 6b  
9:20 AM  
August 28, 2025

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Community Development Department  
Prepared by Trish Turner, Associate Planner

**DATE:** August 28, 2025

**SUBJECT:** Consideration of proposed Major Use Permit (UP 24-01/ PL-25-25), MIT Farms, and Initial Study/ Mitigated Negative Declaration (IS 24-01/ PL-25-25) for approval of a commercial outdoor cannabis cultivation of up to 42,066 sf canopy; located at 22368 and 22430 Jerusalem Grade, Middletown (APNs:136-071-02 and 03)

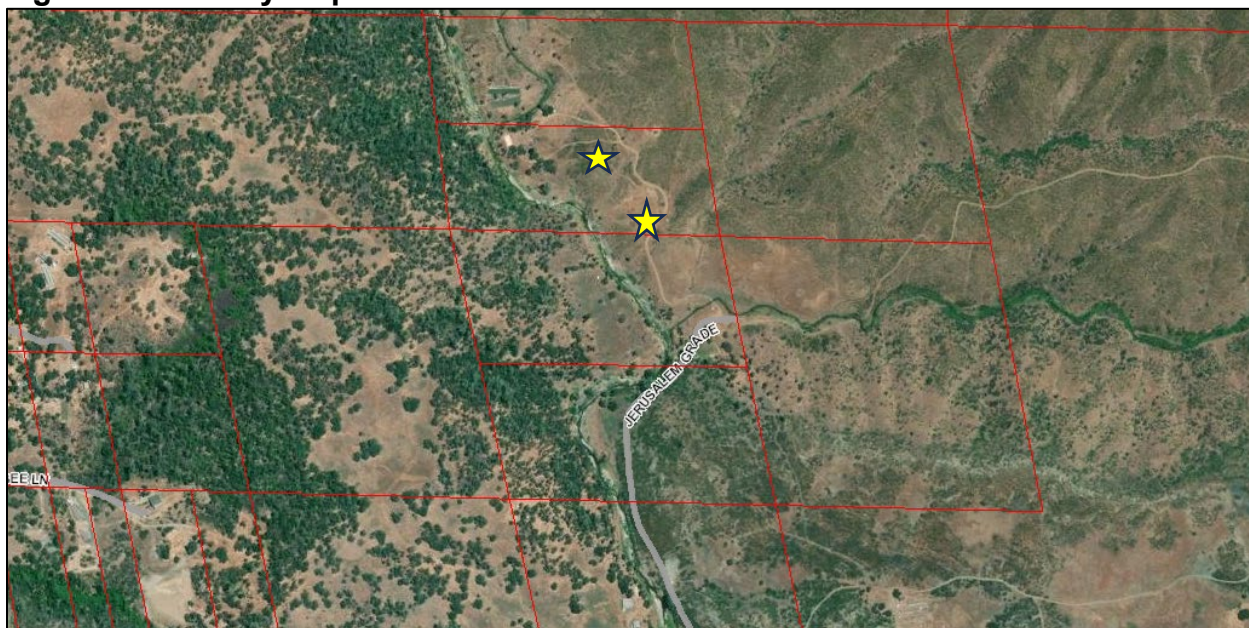
### ATTACHMENTS:

1. Project Site Plans and Grading Plans
2. Draft Conditions of Approval
3. Property Management Plan
4. Draft Initial Study/ Mitigated Negative Declaration (IS 24-01)
5. Biological Analysis
6. Hydrology Report
7. Drought Management Plan
8. Agency Comments
9. Tribal Comments
10. Public Comments

### EXECUTIVE SUMMARY

The applicant, MIT Farms, proposes a major use permit for commercial cannabis cultivation of three fenced outdoor cultivation areas, with up to 42,066 sf of combined cannabis canopy. Additionally, the applicant requests one (1) Type 13 Cannabis Distributor Transport Only, Self-distribution License for legal transportation of licensed cannabis to and from the site. The project site is situated on two parcels, located at 22368 and 22430 Jerusalem Grade, Middletown (APNs 136-071-02 and 03). Soda Creek, a perennial Class I watercourse, flows from north to south through the project property. Additionally, multiple unnamed ephemeral and intermittent watercourses flow through the project property into Soda Creek. The cultivation area maintains a minimum setback of 100 feet from all watercourses and no trees are proposed for removal.

**Figure 1 – Vicinity Map**



**Source: County of Lake, ArcGIS (2025)**

## **PROJECT DESCRIPTION**

<u>Project Title:</u>	MIT Farms / Nicholas Taix
<u>Permit Numbers:</u>	PL-25-25 (UP 24-01, IS 24-01)
<u>Applicant Name &amp; Address:</u>	MIT Farms, LLC 344 North Rios Avenue Solana Beach, CA 92075
<u>Property Owner:</u>	Nicolas Taix 344 North Rios Avenue Solana Beach, CA 92075
<u>Project Location:</u>	22368 & 22430 Jerusalem Grade, Middletown
<u>Parcel Number(s) (APN):</u>	136-071-02 and 03
<u>Parcel Size:</u>	±37.27 acres (combined)
<u>General Plan Designation:</u>	Rural Lands
<u>Zoning District(s):</u>	“RL” Rural Lands
<u>Hazards:</u>	High Fire Hazard Severity Zone
<u>Fire Protection:</u>	South Lake County Fire Protection District; CAL FIRE

Flood Zone: Project location is within “D” areas in which the flood hazards are undetermined

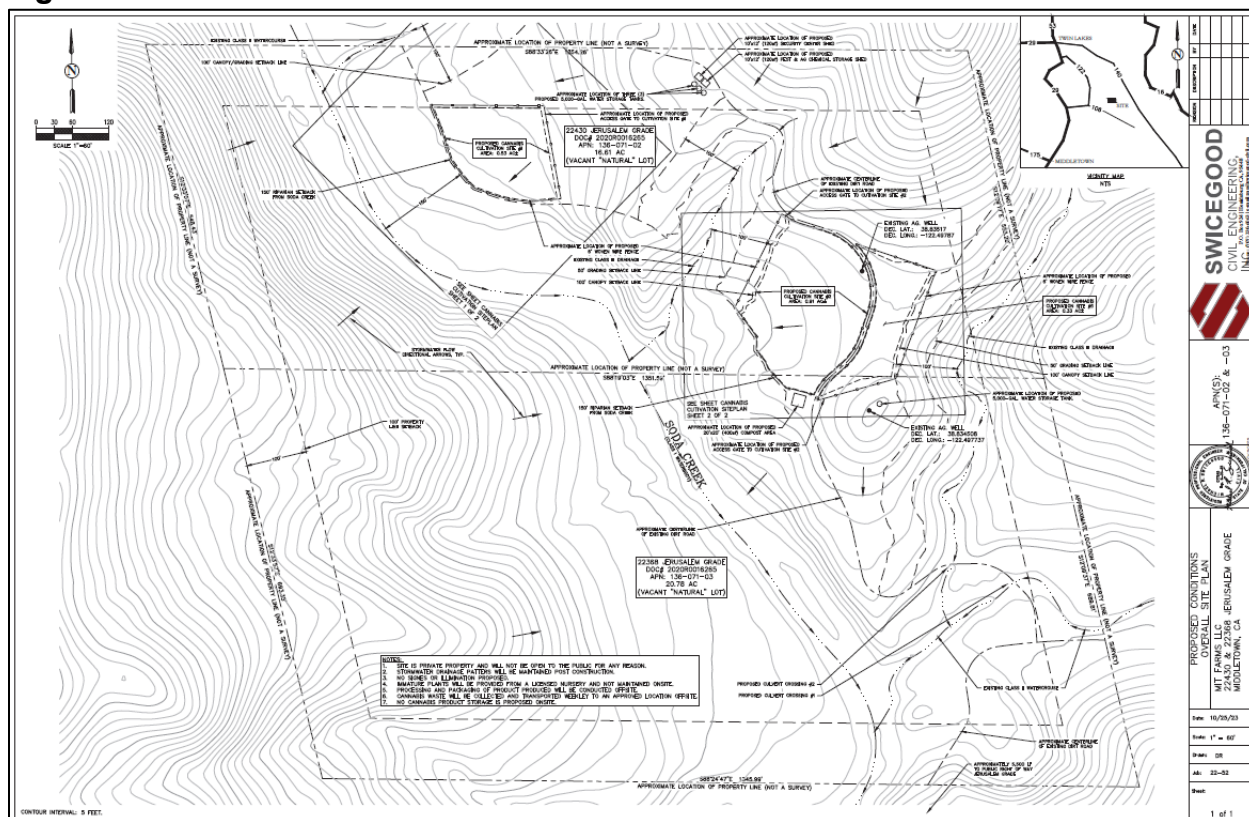
Soils: 175 - Maymen-Millsholm-Bressa Complex, 30 To 50 Percent Slopes, 177 - Millsholm-Bressa Loams, 30 To 50 Percent Slopes, 209 - Skyhigh-Millsholm Loams, 15 To 50 Percent Slopes, Serpentine Soils

Existing Features:

- Two existing groundwater wells
- Security gate
- Existing roadway improvements

Proposed Features:

- Up to 42,066 sf (0.97 acres) of cannabis canopy within three (3) fenced outdoor cultivation areas
- Three 5,000-gallon water storage tanks
- Two 120 sf wooden storage sheds
- 4 employee parking spaces, including 1 ADA space
- One 5,000-gallon water storage tank made of steel, fiberglass, or concrete dedicated to fire suppression equipped with quick coupling for fire district use
- Two culvert installations

**Figure 2: Site Plan**

**Source: Submitted Documents, October 25, 2023**

According to the Property Management Plan submitted by the applicant (Attachment 3), the proposed outdoor cultivation areas would be enclosed with 6-foot-tall galvanized woven wire fencing, covered with privacy screen/mesh (where necessary) to screen the canopy areas from public view. Metal gates secured with commercial-grade locks would control access to the proposed outdoor cultivation areas. The growing medium for the proposed outdoor cultivation areas would consist of an imported organic soil mixture in above ground garden beds. Drip irrigation systems would deliver water to the proposed garden beds/canopy areas. No trees are proposed for removal.

Individual photovoltaic solar panels would power the proposed security cameras and lights around the cultivation operation. Roof-mounted solar panels would power the monitoring and recording station of the proposed Security Center/Shed. A solar array would be installed on a portable trailer bed to power the water pumps of the proposed cultivation operation.

Two onsite groundwater wells would supply all water operations for the proposed cultivation (no surface water diversions would be associated with the proposed cultivation operation). Three 5,000-gallon heavy-duty plastic water storage would store irrigation water from the onsite groundwater wells, which would then be delivered to the proposed cultivation areas via polyvinyl chloride (PVC) piping. Drip irrigation systems would deliver

water to the proposed garden beds/canopy areas. An imported organic soil mixture in above ground garden beds would serve as the growing medium for the proposed outdoor cultivation areas.

The applicant would install one 5,000-gallon water tank dedicated to fire suppression. This tank would include connectors that enable emergency responders to utilize them in the event of an on-site fire. The tank would be constructed of steel, fiberglass, or concrete per CAL FIRE suppression tank standards.

## **POINTS OF INTEREST**

### **Water Analysis**

A Hydrological Analysis was prepared by Hurvitz Environmental Services, Inc. and is dated December 11, 2023 (Attachment 6). Below provides a summary of information contained within the Hydrological Analysis.

Water for cultivation activities would be supplied by two (2) existing groundwater wells.

- The groundwater well located at Latitude 38.834508° and Longitude - 122.497737° on APN 136-071-03, was drilled in May of 2016, through multiple layers of sandstone and shale to a depth of 300 feet below ground surface. This well was screened between 138 and 198 feet below ground surface and had an estimated low yield of 5 gallons per minute at the time it was drilled.
- The groundwater well located at Latitude 38.83517° and Longitude - 122.49787° on APN 136-071-02, was drilled in August of 2023, through clay, serpentine, shale, ash, and volcanic rock to a depth of 207 feet below ground surface. This well was screened between 61 and 161 feet below ground surface and 181 and 201 feet below ground surface and had an estimated yield of 21 gallons per minute at the time it was drilled. This will be the well for primary use.

The estimated total water usage for the proposed project is 1.93 acre-feet (628,893 gallons) annually, including employee usage. Precipitation, primarily as rainfall, is the major source of inflow to the Clear Lake area. Though there are no climate stations on the Site or in the immediate vicinity, it is estimated that the seasonal precipitation for the Site is 38-inches/year (3.17 feet/year) based on data from Middletown. With this precipitation rate it can be reasonably expected that the average annual precipitation equates to 118.53 acre-feet over the entire 37.39-acre Site. With this data, and the precipitation data presented above, we can re-estimate the groundwater recharge within the Site using the following equation.

118.53 acre-feet (annual precipitation onsite) x 0.10 (estimated average for recharge) =  
11.85 acre-feet/year = Estimated Annual Groundwater Recharge Onsite



Based on the estimated annual recharge to the site aquifer (11.85 acre-feet/year or 3,861,339 gallons /year) and the estimated annual project usage (1.93 acre-feet/year or 628,893 gallons/year), the aquifer at the site can support the groundwater demands of the proposed project.

### **Water Courses and Erosion Control**

Soda Creek, an intermittent Class I watercourse, flows from north to south through the project Property. Additionally, multiple unnamed ephemeral and intermittent watercourses flow through the property into Soda Creek. No cannabis cultivation activities, nor agricultural chemicals storage, would occur within 150 feet of any Class I watercourse and 100 feet from any other surface waterbody, consistent with the State Water Board regulations and Article 27.13(at) of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation.

There are two existing “dry ford” (temporary manmade) watercourse crossings on the shared private gravel access road in the southeastern corner of the Project Property. The applicant plans to improve the existing dry ford crossings with culverted watercourse crossings capable of passing the expected 100-year flood flow at each. A 36” diameter-round culvert with native fill and rock armoring would be installed at the unnamed ephemeral Class III watercourse crossing. A 12-foot wide and 5-foot tall box culvert with native fill, rock armoring, and concrete wing walls would be installed at the unnamed intermittent Class II watercourse crossing. The applicant will be required to obtain and comply with a Lake or Streambed Alteration Agreement (LSA) from the California Department of Fish and Wildlife (CDFW) for the work to improve the existing crossings.

The Initial Study for the project identifies mitigation measures related to water quality and biological resources impacted by the project. Additionally, the applicant has provided a Property Management Plan (Attachment 3) addressing controlled water runoff to reduce impacts to surface water bodies.

The Grading and Erosion Control Site Plans (Attachment 1) and the Stormwater Erosion Control Measures within the Property Management Plan shall be implemented during and after site development. The project property is also 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: 5S17CC429330).

Lastly, 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 would 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.

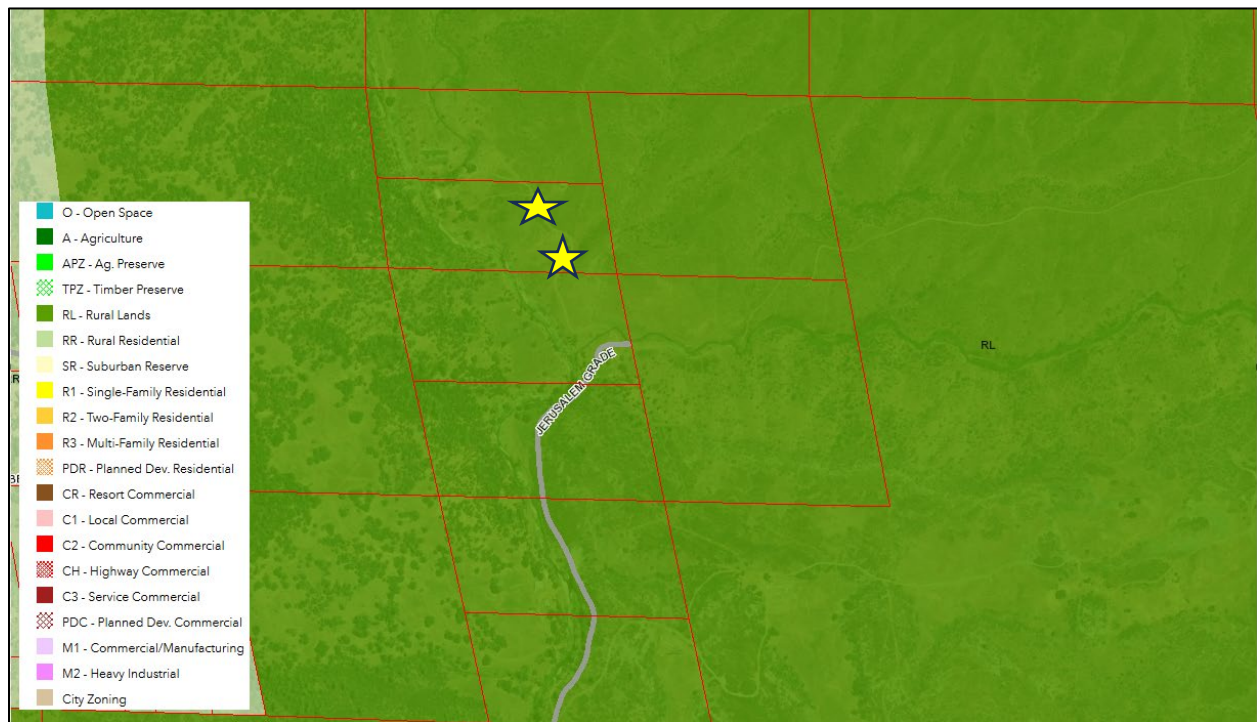
## **PROJECT SETTING**

The project site is accessed via a shared private access road off of Jerusalem Grade. The proposed cultivation sites are relatively flat with some moderately sloped areas, overall ranging from 0 to 20 percent. Most of the vegetation and trees on the property were burned in 2020 as a result of the Hennessey Fire (part of the LNU Lightning Complex). The surrounding area contains undeveloped lands and rural residential development.

## **Surrounding Zoning and Uses**

- North: "RL" Rural Lands zoning; unpermitted cannabis cultivation, referred to County of Lake Code Enforcement Division (ENF-25-1047)
- West: "RL" Rural Lands zoning; vacant
- South: "RL" Rural Lands zoning; contains a dwelling
- West: "RL" Rural Lands zoning; vacant

**Figure 3 - Zoning Map**



*Source: County of Lake, ArcGIS (2025)*

## PROJECT ANALYSIS

### General Plan Conformity

The General Plan Designation for the subject site is Rural Lands, which is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. This designation allows rural development in areas that are primarily in their natural state. Typical uses permitted with a use permit or by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other discretionary, conditional uses include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields. Agriculture production (including commercial cannabis production) is subject to review and approval of a major or minor use permit.

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

### Chapter 3 Land Use

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

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



*Response: Pursuant to Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, the cultivation of cannabis constitutes an allowable use within the “RL” Rural Lands Zoning upon securing a Minor/Major Use Permit. The project parcels are surrounded by large parcels with limited 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.*

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

*Response: The approval of this use permit will allow both the cannabis industry to strengthen and revitalize the overall community through economic development promotion, employment opportunities, tax generation, and other revenues for the County of Lake. According to the applicant, the operation would include between two and four full-time employees during the regular growing season, and between four and eight employees during peak harvest season. It is anticipated that employees would spend money locally on commodities such as food, gas, rent and other items, which in turn would benefit local area merchants. Cannabis grown on site would be sold in local retail outlets, further benefitting revenues for cannabis retailers.*

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 the type of operation and chemicals used for spraying.

*Response: 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 cultivation areas is a minimum of 100-ft away from all watercourses, and the nearest off-site residence is over 600 feet west of the proposed project, exceeding the 200-foot setback requirement for offsite residences from commercial cannabis cultivation operations. Additionally, Commercial Cannabis Cultivation is prohibited within 1,000 feet of Community Growth Boundaries, licensed childcare facilities, churches, or youth-oriented facilities. The nearest Community Growth Boundary is over 3.12 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, faults).

*Response: The applicant would have three (4) 5,000-gallon water tanks on site for the cannabis cultivation operation and one (1) 5,000-gallon water storage tank that will be dedicated for fire suppression. The fire suppression tank will be fitted with connectors that will enable emergency responders to utilize them in the event of an on-site fire. The fire suppression tank would consist of steel or fiberglass per CAL FIRE suppression tank standards. The water storage tanks will be located next to the project's access road. The applicant would also maintain 100' of defensible space around all project-related buildings.*

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 the soils, surface water and groundwater are protected from contamination.

*Response: The Property Management Plan that was submitted by the applicant (Attachment 3), specifies that all fertilizers and pesticides used in operations must be properly stored and placed within storage sheds with the use of secondary containment, as required for all commercial cannabis activities. Lastly, the cultivation area and structures also meet the State-required 150-foot setback from the top of bank of a perennial creek (Class I watercourse), as well as the County-required 100-foot setback of Class II intermittent watercourses and 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.

*Response: Prior to cultivation, the applicant must create 100 feet of defensible space around all buildings that humans would occupy and/or that require a building permit. As an added Condition of Approval, staff recommends all water tanks be equipped with a 2.5 hose connection for fire suppression. The applicant would dedicate 5,000-gallons of water dedicated to fire suppression.*

## Chapter 8 – Noise

Goal N-1: To protect County residents from 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.

*Response: The project is situated in an area characterized by large vacant lots on Jerusalem Grade. The nearest dwelling is located approximately 600 feet from west of the cultivation area. 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 (Attachment 4) 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, would be limited to Monday through Friday, between the hours of 7:00 A.M. to 7:00 P.M., and Saturdays from 12:00 P.M. and 5:00 P.M. According to the Property Management Plan, the hours of operation are between 6:00 A.M. and 8:00 P.M. Monday through Saturday, with deliveries and pickups restricted to 9:00 A.M. - 6:00 P.M.*

## 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 ground water 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.

*Response: A Hydrological Analysis prepared by Hurvitz Environmental Services, Inc. and dated December 11, 2023 (Attachment 6) evaluates annual water demand for the project; aquifer capacity and recharge rate during drought and non-drought years; assesses drought management actions needed and provides well data on the on-site well.*

*Two existing permitted on-site groundwater wells would supply irrigation water, as evaluated in the Analysis. A well test was performed on November 26, 2023, by JAK Drilling and Pump. The well yielded approximately 27.12 gallons per minute (gpm) over a six-hour testing period. The water level dropped from 21.33 feet to 74.83 feet during the well test. The well recovered to 98.7% in one hour after the test. The well yield test*

*demonstrates that Site Well #2 alone can provide adequate water supply for the project. The peak daily water (4,576 gallons/ day) requires 3 hours and 13 minutes of pumping 25 gpm. Site Well #1 serves as a backup well, however with a yield of 5 gpm it would require almost 16 hours of pumping to meet the project's anticipated peak demand and is therefore unsuitable for primary use as the project's water supply.*

*The Analysis projects the annual water usage for as being about 1.96 acre-feet per year, or about 639,669 gallons. This estimate includes anticipated water usage for employees. The project would use a drip irrigation system to disperse water to the plants. The plants would grow in above ground garden beds; the drip irrigation systems are standard for cannabis cultivation.*

*The materials submitted by the applicant indicate four (4) 5,000-gallon water tanks on site for the cultivation operation. The applicant must provide a total of 5,000 gallons of water dedicated to fire suppression. The materials needed for fire suppression water tanks include steel or fiberglass tanks; this requirement would be added as a condition of approval.*

*118.53 acre-feet (annual precipitation onsite) x 0.10 (estimated average for recharge) =  
11.85 acre-feet/year = Estimated Annual Groundwater Recharge Onsite*

*Based on the estimated annual recharge to the site aquifer (11.85 acre-feet/ year) and the estimated annual project usage (1.96 acre-feet/ yearly), it appears that the aquifer at the site can support the groundwater demands of the proposed project.*

*The Analysis demonstrates that based on all the factors associated with water use and project demand, that there is adequate water supply for this project, even during drought years. The Analysis concludes that "It is recommended that the project applicant monitor water levels in the well. The purpose of the monitoring is to evaluate the functionality of the well to meet the long-term water demand of the proposed project. Water level monitoring is required by the Lake County Zoning Ordinance. Ordinance Article 27 Section 27.13 (at) 3.v.e. requires the well to have a water level monitor."*

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

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

- Objective 4.5: To protect water quality in the Lower Lake area for the long-term benefit of area residents.

*Response: For the proposed cannabis cultivation, the applicant intends to utilize drip irrigation systems for water delivery to the garden beds and canopy areas. In support of their application, they have provided a Hydrology Analysis Report (Attachment 6) and a Drought Management Plan (Attachment 7). Additionally, the applicant would be mandated to install water monitoring equipment on their wells and submit the collected data within their annual performance reports.*

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

*Response: In line with Policy 5.1b-1's objective to boost local economic development, the proposed low-intensity project (42,066 sq ft canopy on 37.27 acres) will provide employment opportunities for up to four individuals during peak season. The project's economic impact will be realized through local job creation, cannabis tax revenues, and increased employee expenditures on local goods and services, ultimately strengthening the Lower Lake area's retail cannabis sector.*

- The Objective 3.2: To encourage programs, which reduce and limit the potential for soil erosion, particularly in erosion sensitive areas as found in much of the Lower Lake planning area.

*Response: In compliance with regulations, the applicant has submitted grading and erosion control plans and shall implement Best Management Practices (BMPs) as defined in their Property Management Plan (Attachment 3) and by the California State Water Resources Control Board.*

### **Zoning Ordinance Conformity**

The subject lots are zoned “RL”, Rural Lands. The following Articles potentially apply to this project.

#### Article 7 - Rural Lands (“RL”)

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

#### Article 27 - Use Permits

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

### **Development and Performance Standards**

This application meets the Development Standards, General Requirements, and Restrictions as specified within Article 27, subsection 13(at) of the Lake County Zoning Ordinance. These include:

- Minimum Lot Size (20 acres required for each A-Type 3 license): *Complies; the lots are ±37.27 acres in combined size. The applicant is requesting one A-Type 3*



*licenses. Each license requires 20 acres. The A-Type 13 Self Distribution licenses are accessory to cultivation and do not have minimum lot sizes associated with those license types.*

- Setback from property line (100 feet): *Complies; the cultivation sites are set back more than 100 feet from all property lines.*
- Setback from off-site residence (200 feet): *Complies; the nearest dwelling is located approximately 1,856 feet to the south of the nearest cultivation area.*
- Minimum and maximum fence height of six (6) to eight (8) feet: *Complies; the proposed fence is six (6) feet tall.*
- Maximum canopy area (43,560 sf for each 20 acres of land): *Complies; the total proposed canopy area is one acre. The ±37.27-acre (combined) lot size is large enough to support the proposed canopy areas.*

## **General Requirements**

There are general requirements for cannabis cultivation listed in Section 27.13 (at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, and other applicable standards and criteria found in Article 27, subsection 27.13 (at), Article 41, Performance Standards, and Article 51, subsection 4, Major Use Permit Findings for Approval.

The applicant has also submitted a Property Management Plan (Attachment 3), outlining compliance with all regulations pertaining to cannabis operations including construction and operational details, air quality, biological resources, cultural resources, energy usage, pesticide and fertilizer usage, fish and wildlife protection, storm water management, security, compliance monitoring, etc.

## **AGENCY COMMENTS**

The County Planning Department received comments from the following agencies and departments:

1. Lake County Community Development Department, Resource Planner
2. Lake County Community Development Department, Building Division
3. California State Waterboards
4. California Department of Cannabis Control
5. Lake County Environmental Health Department
6. Northwest Information Center
7. PG&E
8. Lake County Special Districts
9. Lake County Surveyor
10. Central Valley Regional Water Quality Control Board

## ENVIRONMENTAL REVIEW

### TRIBAL INTERACTION

An AB52 consultation notice was sent to all 11 area Tribes on May 17, 2024. Notified Tribes consisted of Big Valley Rancheria, Cortina Rancheria, Elem Colony, Hopland Band of Pomo, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake, and the Yocha Dehe Wintun Nation. The Habematolel Pomo of Upper Lake and the Yocha Dehe Wintun Nation have also acknowledged the consultation process and deferred to the Middletown Rancheria Tribe. No consultation was requested by the Tribes.

### COMMENTS

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. The environmental review of this project yielded a draft Mitigated Negative Declaration, which was uploaded to the State Clearinghouse on February 03, 2025, and was recirculated on March 06, 2025, due to an incorrect email address for comment on the Notice of Intent. No adverse comments were received regarding this project from any notified State agency. Two public comments were submitted and are included as Attachment 10. All potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures described in the Draft Initial Study (Attachment 4) and draft Conditions of Approval (Attachment 2). The following categories were identified as having potential environmental impacts:

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

Specific Mitigation Measures required in the Mitigated Negative Declaration (and subsequent Conditions of Approval) are as follows.

### Aesthetics

AES-1: All indoor lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare.

AES-2: 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**

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 with such information 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 surface 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 areas to reduce fugitive dust generations.

## **Biological Resources**

BIO-1: A pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present prior to the onset of disturbance and construction.

BIO-2: If construction activities require the removal of trees or shrubs, or disturbance to riparian habitat, and if these activities occur during the nesting season (February 1st to August 31st), 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. If active nests are identified in these areas, the California Department of Fish and Wildlife or the US Fish and Wildlife Service shall be consulted to develop measures to avoid a “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include the establishment of a buffer zone using

construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

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

BIO-4: Prior to commencement of activities within the bed or bank of a creek, a Lake or 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**

CUL-1: All employees shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to the issuance of a grading permit, or any ground-disturbing activities, including, but not limited to, trenching, grubbing, auguring, excavation, or prior to the issuance of a grading permit, the Permittee shall submit a Cultural Resources Plan to the Community Development Department, 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.

CUL-2: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work.

CUL-3: Should any human remains be encountered, the applicant shall halt all work within 100 feet, 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.

## **Geology and Soils**

GEO-1: Prior to any ground disturbance, the permittee shall obtain a Grading Permit from the Lake County Community Development Department. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed

areas, and other measures in accordance with Chapters 29 and 30 of the Lake County Code. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.

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

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

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

### **Hazards and Hazardous Materials**

HAZ-1: All equipment shall 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 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 the Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

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

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

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



HAZ-6: All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area 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-7: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District with such information to complete an updated Air Toxic Emission Inventory.

### **Hydrology and Water Quality**

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 their Drought Management Plan during periods of declared drought emergency.

### **Noise**

NOI-1: All construction activities including engine warm-up shall be limited to 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**

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.

### **Wildfire**

WDF-1: Grading and construction activities shall not occur during a red flag warning per the local fire department and/or national weather service) when there is an increased risk of wildfire spread should equipment create a spark.

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

WDF-3: The applicant shall create and maintain 30' of defensible space around the proposed outdoor cultivation areas and associated infrastructure.

WDF-4: The applicant shall designate one 5,000-gallon water storage tank, exclusively for fire protection purposes. The tanks shall have connectors that can be used by emergency services and shall be made of steel, fiberglass, or cement.

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

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

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

The proposed use of commercial cannabis cultivation is a permitted use in the “RL” Rural Lands zoning district subject to the review and issuance of a major use permit pursuant to Article 27 (Table B) of the Lake County Zoning Ordinance. The cultivation of cannabis will occur outdoors, which is permitted if the property is not within a mapped Farmland Protection Area subject to use permit approval. Additionally, the Community Development Department will require annual compliance monitoring reports and conduct annual inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval.

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

The applicant proposes one (1) A-Type 3 "medium outdoor" license consisting of three fenced outdoor cultivation areas, with up to 42,066 sf of combined cannabis canopy. The subject site is ±37.27 acres (combined) acres in size, large enough to enable the cultivation areas as proposed.

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

The project site is accessed via Jerusalem Grade. While a section of Jerusalem Grade is a county-maintained road, the project location itself is situated on the private portion. Pedestrian access to the project site is not available. Vehicular access to the site is adequate for the proposed use. The project anticipates a maximum of eight seasonal employees and is unlikely to impede emergency response access on local roadways.

The project was circulated for public agency review, including but not limited to all local Lake County Fire Districts, CAL FIRE, and the Lake County Department of Public Works.

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.*

After reviewing this proposal, the applicant is required to have one 5,000-gallon water storage tank made of steel or fiberglass dedicated to fire suppression available on the site. The application was routed to all the affected public and private service providers, including but not limited to: CAL FIRE, Public Works, Environmental Health, Specials Districts, Water Resources and PG&E. All agency comments are attached (Attachment 7).

The project parcel has adequate emergency service protection through the Lake County Sheriff's Office, the California Board of Forestry and Fire Protection, (CAL FIRE), and the South Lake County 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.

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

Upon review, the Community Development Department has determined that the proposed use for the cultivation of outdoor cannabis is in conformance with the applicable provisions and policies of this Code, the General Plan, Lower Lake Area Plan and the Lake County Zoning Ordinance as the cultivation of cannabis is an allowable use within the "RL" Rural Lands Zoning Districts upon securing a major use permit pursuant to Article 27, (Table B) of the Lake County Zoning Ordinance. The General Plan and Lower Lake

Area Plan do not have any provisions specifically for commercial cannabis, but both plans have provisions for economic development and land use compatibility.

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

There are no documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject properties.

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

The purpose of this report is to evaluate the levels of compliance with the standards and criteria found in Article 27, section 1.i., as well as other portions of the Zoning Ordinance, General Plan and Lower Lake Area Plan.

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

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

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

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

## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Initial Study (PL-25-25/ IS 24-01) for Major Use Permit (PL-25-25/ UP 24-01) with the following findings:
  1. Potential environmental impacts to (Aesthetics) can be mitigated to less than significant levels by mitigation measures AES-1 through AES-2.
  2. Potential environmental impacts related to (Air Quality) can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-6.
  3. Potential environmental impacts related to (Biological Resources) can be mitigated to less than significant levels by mitigation measure BIO-1 through BIO-4.

4. Potential environmental impacts related to (Cultural Resources) can be mitigated to less than significant levels by mitigation measures CUL-1 through CUL-3.
  5. Potential environmental impacts related to (Geological Resources) can be mitigated to less than significant levels by mitigation measures GEO-1 through GEO-3.
  6. Potential environmental impacts related to (Hazards and Hazardous Material) can be mitigated to less than significant levels by mitigation measures HAZ-1 through HAZ-7.
  7. Potential environmental impacts related to (Hydrology and Water Quality) can be mitigated to less than significant levels by mitigation measures HYD-1 through HYD-2.
  8. Potential environmental impacts related to (Noise) can be mitigated to less than significant levels by mitigation measures NOI-1 and 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 TCR-1 through TCR-2.
  10. Potential environmental impacts associated with (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 (PL-25-25/ UP 24-01) with the following findings:
1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
  2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
  3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
  4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.



5. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Lower Lake and the Lake County Zoning Ordinance.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

Sample Motions:

### **Mitigated Negative Declaration**

I move that the Planning Commission find that potential impacts associated with PL-25-25/UP 24-01) can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration (PL-25-25/ IS 24-01) for MIT Farms on property located at 22430 and 22368 Jerusalem Grade, Middletown (APNs: 136-071-02 and 03), with the findings listed in the staff report dated August 28, 2025.

### **Major Use Permit (UP 22-15)**

I move that the Planning Commission approve Major Use Permit (PL-25-25/ UP 24-01) for MIT Farms on property located at 22430 and 22368 Jerusalem Grade, Middletown (APNs: 136-071-02 and 03), subject to the conditions included in Attachment 2 and with the findings listed in the staff report dated August 28, 2025.

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