



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item #6b
9:05 AM
January 25, 2024

STAFF REPORT

TO: Planning Commission

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

DATE: January 25, 2024

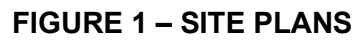
SUBJECT: Consideration of proposed Major Use Permit (UP 21-27) Sky High Farms LLC (Kathy Crist) and Mitigated Negative Declaration (IS 21-27) for approval of 21,600 square feet (sf) Mixed-light commercial cannabis canopy located at 10788 Sky High Ridge Road, Lower Lake (APN:122-340-02).

ATTACHMENTS:

1. Project Site Plans
2. Draft Conditions of Approval
3. Property Management Plan
4. Initial Study
5. Hydrology Report and Drought Management Plan
6. Agency Comments
7. Tribal Comments

EXECUTIVE SUMMARY

The applicant, Kathy Crist, requests discretionary approval from the County of Lake for a Major Use Permit, (UP 21-27), for commercial cannabis cultivation at 10788 Sky High Ridge Road, Lower Lake (APN: 122-340-02). The proposed project will include cultivation of 21,600 sf Mixed-light cannabis canopy area and one (1) A-Type 13 Self-distribution License. The zoning is "RL" Rural Lands and the parcel is approximately 27.16 acres.



PROJECT DESCRIPTION

<u>Project Title:</u>	Sky High Farms
<u>Permit Numbers:</u>	UP 21-27; IS 21-27
<u>Lead Agency:</u>	County of Lake, Community Development Department
<u>Applicant Name & Address:</u>	Kathy Crist 10788 Sky High Ridge Road Lower Lake CA
<u>Property Owner:</u>	Kathy Crist
<u>Project Location:</u>	10788 Sky High Ridge Road, Lower Lake CA
<u>Parcel Number(s) (APN):</u>	122-340-02
<u>Parcel Size:</u>	±27.16 acres
<u>General Plan Designation:</u>	Rural Lands
<u>Zoning District(s):</u>	“RL” Rural Lands
<u>Flood Zone:</u>	“D” - Areas of undetermined flood hazard

Existing features:

- 20' wide gravel access driveway
- (1) 20' wide gate
- 2,300 sf dwelling
- 800 sf cabin
- 1,400 sf barn
- 650 sf shed
- 300 sf shed
- groundwater well
- septic system for the dwellings
- (2) 8'x40' shipping containers

Proposed features:

- (9) 3,000 sf greenhouses (30'x100')
- (4) Parking spaces, one ADA-compliant
- (1) ADA compliant portable chemical toilet with handwashing station
- (1) 840 sf loading area (27'x70')
- (4) 2,500-gallon water tanks
- (1) 375 sf composting area (25'x15')
- (1) 100 sf chemical and fertilizer storage shed (10'x10')
- (2) locking garbage containers
- Interior driveway improvements
- Interior roadway improvements

According to the Property Management Plan (Attachment 3) the project consists of a proposed 21,600 sf mixed-light cannabis canopy within a 22,000 sf cultivation area. The cultivation will occur in nine (9) greenhouses. Each greenhouse is 30 feet wide, 100 feet long, and 12 feet high, containing a canopy area of 2,400 sf within the structure. Construction will take place over an estimated one-month period. Equipment staging will occur on the previously disturbed portion of the site that is used as driveway and vehicle parking. The proposed cultivation operation will be established in areas that have been previously used as a legacy grow and for agricultural hay production. Much of the area was affected by the 2015 Rocky Fire.

POINTS OF INTEREST

Access

The property is accessed by Sky High Ridge Road, a county unmaintained road. The gravel access road is 20 feet wide, with less than 16 percent grade, and has an aggregate surface capable of supporting fire apparatus weighing at least 75,000 pounds. At minimum, the driveway is proposed to be 20 feet wide of unobstructed horizontal clearance and 15 feet of unobstructed vertical clearance. The interior driveway around the cultivation area will be 14 feet wide. A locking metal gate is installed across the driveway, controlling access to the parcel. Gravel will be applied to the surfaces of 20 feet wide access roads. A hammerhead turnaround is also proposed.

Incoming and outgoing deliveries by small vehicles only are anticipated to be infrequent. The figure for estimated daily employee trips between 4pm and 6pm is slightly less than that of a typical single-family dwelling, which averages 9.55 ADT according to International Transportation Engineer's manual, 9th edition. Additionally, the Initial Study prepared for the project found all impacts associated with traffic and transportation to be less than significant (refer to Section XVII, Transportation, of Attachment 4 for more information).

Energy Use

According to the applicant's Property Management Plan, the on-site residence has electricity provided by PG&E. The applicant states an additional 600 amps would be needed to serve this project with adequate power in the form of an electrical upgrade. Figure 3 below depicts the project's energy calculations.

Sky High Farms will implement the following best management practices related to energy consumption:

- Establish goals for energy conservation
- Provide employees with guidelines for efficient practices
- Minimize use and turn off lights and unnecessary electronics
- Non-peak use of pumps, motors, and other energy sources
- Log and maintain electricity, natural gas bills and fuel consumption
- Maintain accurate recordkeeping as to the cultivation/production
- Adjust strategies as needed to meet energy conservation goals

FIGURE 3 – Energy Calculations

Appliance	Number in Use	Watts/Unit	Hrs./Day	Total Watts/day
Dehumidifier	40	400	8	128000
LED Grow Lights	120	8	6	5760
Whole Space AC	10	3500	4	140000
Refrigerator	0	77	24	0
Computers	1	120	5	600
Stereo	0	60	4	0
Fans	10	100	4	4000
Vacuum	0	650	.5	0
Wireless Router	1	7	24	168
Coffee Maker	0	1500	.5	0
Phone Charger	0	5	10	0
Printer	1	45	.5	22.5
Security System	1	450	24	10800
Water Pump	2	2000	2	8000
TOTAL WATTS PER DAY	297350.5			
KWh/DAY	297.4			
KWh/MONTH	8,920			

PROJECT SETTING

Surrounding Zoning and Uses

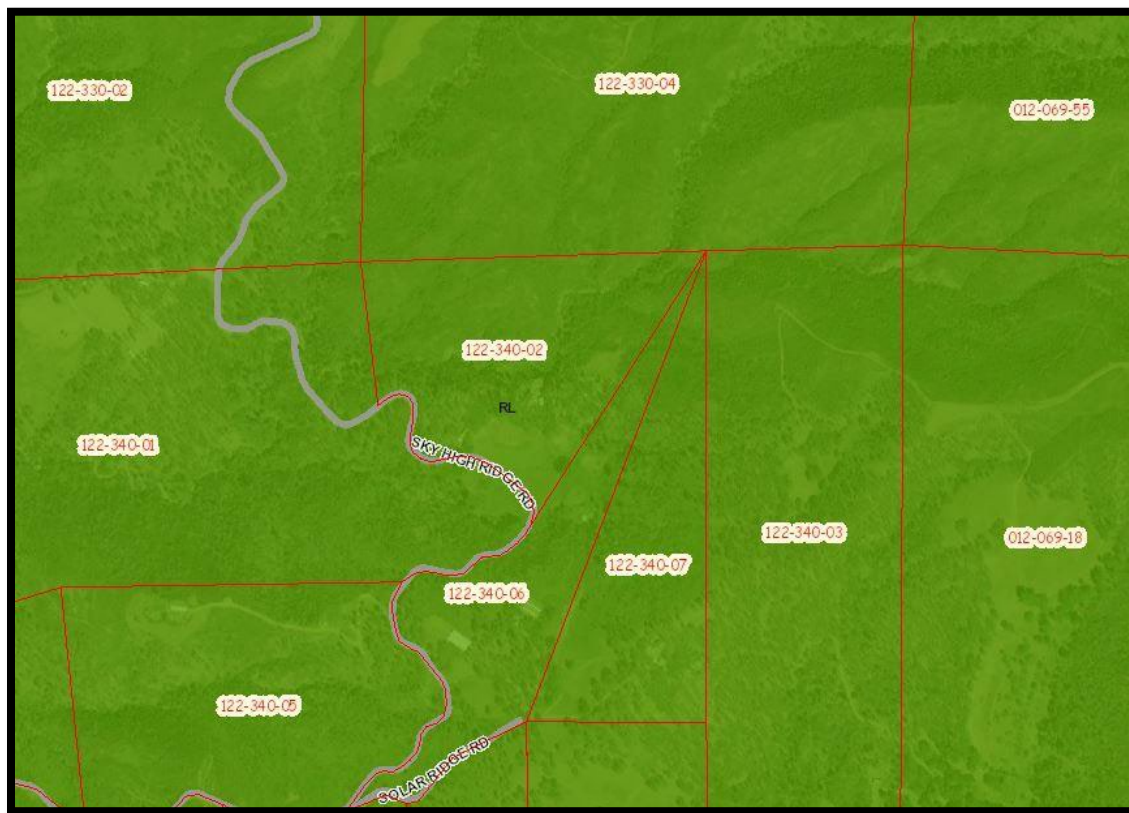
North: “RL”, Rural Lands. 118 acres; undeveloped.

East: “RL”, Rural Lands. 19 acre lot, developed with a dwelling.

South: “RL”, Rural Lands. 19 acre lot, developed with a dwelling.

West: Sky High Ridge Road and land zoned “RL”, Rural Lands. 98 acres; developed with a dwelling.

FIGURE – ZONING MAP



PROJECT ANALYSIS

General Plan Conformity

The General Plan designation for the subject site is Rural Land. In reference to the Lake County General Plan (2008), Chapter 3 – *Land Use*, rural lands provide for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. The following policies from the General Plan can be applied to the proposed project:

Chapter 3 Land Use

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

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

Pursuant to Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, the cultivation of cannabis is an allowable use within the “RL” Rural Lands upon securing a Minor/Major Use Permit. As discussed below, the project also meets all development and performance standards related to land use compatibility. Therefore, the proposed project would not be an intrusion of a new incompatible land use within the existing zoning and general plan designation of this area as it is an allowable use. The Project Parcel is surrounded by large parcels

with limited to no development. The nearest Community Growth Boundary is approximately 3.16 miles Northwest of the Project parcel, so the project would not impact primary residential areas.

Goal LU-6: *“To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents”.*

- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

The proposed commercial cannabis operation would create diversity within the local economy and create future employment opportunities for residents. According to the applicant’s application there is a total of four to six employees proposed at peak shift.

Chapter 7 – Health and Safety

Goal HS-1: To ensure the County is protected from injury and damage resulting from natural catastrophes, man-made events, and hazardous conditions.

- Policy HS-1.3: Building and Fire Codes: The County shall ensure all buildings for human habitation are designed in compliance with the Uniform Building Code and other requirements based on risk (e.g., seismic hazards, flooding), type of occupancy, and location (e.g., floodplain, fault).

The applicant proposes to implement Public Resource Code 4290/4291 road standards for commercial operations to allow adequate access for wildfire suppression. Furthermore, the project will require one of the 5,000-gallon water tanks to be available for fire suppression and made of steel or fiberglass.

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

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

The Property Management Plan has stated that all fertilizers and pesticides used would be organic and would be properly stored in their manufacturer’s original containers and placed within a well-marked hazardous waste storage locker within the existing lockable barn on site. The applicant will also maintain a hazardous material storage area with the use of secondary containment as required for all commercial cannabis activities. Lastly, the proposed project also meets the required 100-foot setback from any spring, top of bank of any creek or seasonal stream (Class II watercourse), edge of lake, delineated wetland or vernal pool, as well as the State required 50-foot setback of Class III ephemeral watercourses.

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

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

As an added Condition of Approval, staff recommends all water tanks be equipped with a 2.5 Fire Department Hose Connection for fire suppression. Additionally, prior to cultivation, the applicant is required to create 100 feet of defensible space around all buildings that will be occupied by humans and / or that require a building permit.

Chapter 8-- Noise

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

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

The project is situated in a remote location with adequate setbacks from sensitive receptors so as not to create a nuisance for the community. The Initial Study/Mitigated Negative Declaration for this project includes Mitigation Measures NOI-1 and NOI-2 including maximum non-construction related sounds levels 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 at the property lines. All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels.

Chapter 11 Water Resource

Goal WR-1: Provide for the current and long-range water needs of the County and for the protection of the quality and quantity of groundwater resources.

- Policy WR-1.2: Sustainable Groundwater Withdrawal. The County shall manage groundwater resources within its jurisdiction through ordinances, project approvals, and agreements to ensure an adequate, safe, sustainable, and economically viable groundwater supply for existing and future use within the County, to maintain and enhance the natural environment, protect existing groundwater users, the overall economy of the County, and groundwater and surface water quality and quantity in a manner consistent with existing law and with a doctrine of safe yield within the groundwater basins of the County.

The applicant has submitted a Hydrology Report (Report), prepared by Matthew Klein, P.E., dated January 14, 2022. The Report evaluates water demand for 21,600 sf of canopy area. The Report analyzes water demand from nearby wells, aquifer recharge, and any adverse impacts to the water table. The Report states that the project would operate for about 300 days per year; this would cause the demand to be 450,000 gallons per year, or about 1.4 acre-feet.

The Report states that the well site is located nearest to the Clear Lake Cache Formation Groundwater Basin. The well is approximately 1.67 miles west of the basin boundary. According to the California Department of Water Resources (DWR), almost all groundwater in the Clear

Lake Cache Formation Groundwater Basin is derived from rain that falls within the 47 square mile Clear Lake Cache Formation Groundwater Basin Watershed drainage area (DWR Bulletin 118). This basin is identified as a low-priority basin that is not tracked by state or local agencies.

There are approximately 71 domestic wells, 9 agricultural wells, 10 monitoring wells, and 7 other wells that use this water basin. The Report estimates that the 9 agricultural wells use approximately 100 acre-feet of water per year. Other cannabis cultivation projects in the vicinity use an estimated 41.5 acre-feet per year. The project would require between 0.83 and 1.4 acre-feet of water per year, increasing the overall demand on the aquifer from 141.5-acre feet to 142.9 acre feet based on a 300 day growing season. The Report concludes that this project will have adequate water to meet its demand without adversely affecting other competing water wells in the area.

Community Area Plan Conformity

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

Objective 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. The proposed project is consistent with the policies of the Lower Lake Area Plan, including the policies cited above.

The Initial Study/Mitigated Negative Declaration for this project includes Mitigation Measures GEO-1 through GEO-4, requiring the applicant to install erosion and sediment control measures through the implementation of appropriate Best Management Practices (BMPs) in accordance with the County's Grading Ordinance. The project is also required to adhere to the State Water Resources Control Board Cannabis Cultivation Policy, which requires all runoff be retained on-site, mitigating off-site downstream drainage impacts.

Objective 3.9: To protect and preserve the Lower Lake area's wealth of archaeological and historical resources for long-term benefit of the area's residents, tourism, scientific research and for future generations.

- Policy 3.91: The Lower Lake area contains one of the highest densities of prehistoric archaeological sites in northern California, and the highest density of sites in Lake County. Archaeological surveys shall be required in accordance with state law whenever new development could potentially impact unique or significant cultural resources.

Mitigation Measures, CUL-1 and CUL-2 requires all employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. The applicant is to notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures should any archaeological, paleontological, or cultural materials be discovered during site development.

Zoning Ordinance Conformity

Article 7 – Rural Lands (“RL”)

Article 7 allows agricultural uses; Article 27.11(at) and Table B list commercial cannabis cultivation as a conditionally permitted use in the “RL” zoning district subject to approval of a major (or in some cases minor) use permit.

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, mixed-light and outdoor commercial cannabis cultivation is permitted in the 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 7, 27.13(at), 41 and 51.4 are met and any adverse environmental impacts are adequately mitigated.

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, including:

- Minimum Lot Size (20 acres per A-Type 2B): Complies, the total acreage combined is ±27.16 acres
- 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 closest off-site residence is 1,176 feet from the cultivation site.
- Minimum Fence Height of Six (6) Feet: Complies; the proposed security fence will be six feet tall.
- Maximum Canopy Area for an A – Type 2B (22,000 sf): Complies; the proposed canopy areas would be approximately 21,600sf for one (1) A-Type 2B mixed-light license. The total acreage for the parcel for this project is approximately ±27.16 acres

General Requirements

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

The applicant will be required to meet the General Requirements outlined in Section 27.11(at) of Chapter 21 Zoning Ordinance and Ordinance 3106, Conditions of Approval (Attachment 2) are proposed to ensure compliance with the Zoning Ordinance.

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

Project complies with the restrictions pertaining to the prohibited activities listed in Article 27, including water use that is illegally diverted.

AGENCY COMMENTS

Agency Review was requested on October 3, 2022. Comments were received from the agencies listed below (Attachment 6).

- Lake County Lake County Fire Protection District
- Lake County Building Department
- Lake County Environmental Health
- Lake County Sheriff's Office
- CDD Resource Planning
- CDD Building Division
- NWIC (Sonoma State University)
- Lake County Special Districts
- California State Water Board
- CA Department of Cannabis Cultivation
- CAL FIRE

TRIBAL COMMENTS

Notification of the Project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on October 3, 2022. Tribal consultation was not requested. (Attachment 7)

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 January 31, 2022, to March 3, 2022. (Attachment 6)

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

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

Aesthetics Impacts relating to Aesthetics (AES) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure AES 1-2:

AES-1: 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 and provisions of Section 21.48 of the Zoning Ordinance.

AES-2: All greenhouses shall incorporate blackout screening, and no light from inside greenhouses shall be visible from outside the greenhouses.

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

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

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

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

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

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

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

Biological Resources Impacts relating to Biological Resources (BIO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure BIO 1-4:

BIO-1: All work should incorporate erosion control measures consistent with the engineered Erosion and Sediment Control Plans submitted, Lake County Grading Regulations, and the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ).

BIO-2: 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.

BIO-3: 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 (turtle) 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-4: 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.

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

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist 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, 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: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such findings.

Geology and Soils Impacts relating to Geology and Soils (GEO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure GEO-1 through GEO-4:

GEO-1: Prior to any ground disturbance for building construction, the permittee 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 appropriate 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 site during the rainy season (October 15 – May 15), including post-installation, application 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 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. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

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

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 (HYD) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure HYD 1-2:

HYD-1: The production well shall have a meter to measure the amount of water pumped. The permittee shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or made upon request.

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

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

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 (Table 11.1) at the property lines.

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

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 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 stored in steel/fiberglass tanks on site designated specifically for fire suppression. Water tanks shall have connectors that are configured Fire Protection District equipment.

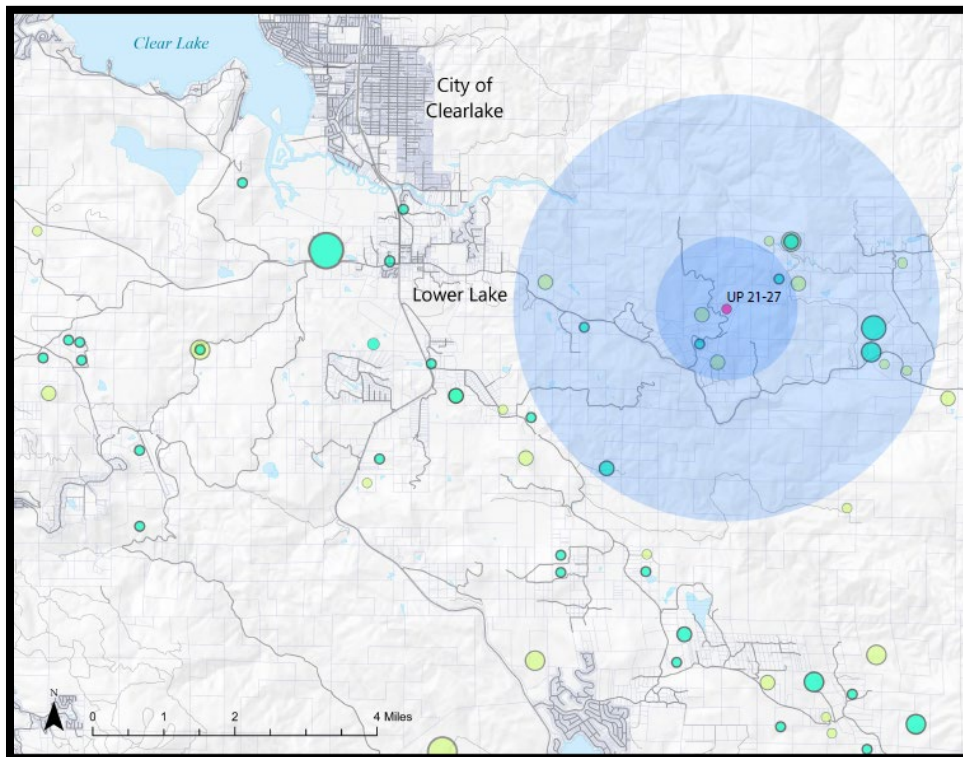
Mandatory Findings of Significance

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, Hazards & Hazardous Materials, Hydrology, Noise, 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 one mile of this proposed project are 2 Pending and 2 Approved projects. Within three miles of this proposed project 9 Pending, 7 Approved projects.



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 “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. The project meets or exceeds all required setbacks for this type of use, including distance to nearby sensitive receptors. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the Community Development Department 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 location and size of the project site comply with the local ordinance requirements for use and setbacks. The site is large enough to meet the standards and criteria for commercial cannabis licenses applied for as found in Article 27.11. The Lake County Zoning Ordinance allows Types 1, 2, 3, and 4 cultivation operations within “RL” Rural Lands zoning districts, and the subject site is ±27 acres total in size, large enough to enable the canopy area, as proposed.

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

The Project Property is accessed via a private driveway, which is accessed from Sky High Ridge Road, a county unmaintained road. Per the Public Resources Code (PRC) 4290/4291 Fire Safe Requirements, the interior driveway will need to meet the CAL FIRE road standards outlined in PRC 4290/4291. A locking metal gate is to be installed across the private driveway that controls access to the Project Parcel. Gravel will be applied to the surfaces of access roads. The applicant must comply with all building codes prior to construction of any structures. The project has adequate access to accommodate the specific use.

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 will use an existing permitted onsite groundwater well and four (4) 2,500-gallon water storage tanks with 5,000-gallons of water being dedicated to fire suppression. Additionally, the project parcel has adequate emergency service protection through the Lake

County Sheriff's Office, the California Board of Forestry and Fire Protection, (CALFIRE), and the 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 services and maintain safety at the site. This application was routed to all the affected public and private service providers (including Public Works, 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 Rural Lands zoning district upon securing a Major Use Permit according to Article 27.13 of the Lake County Zoning Ordinance. Additionally, although the Lake County General Plan does not have any provisions specifically for commercial cannabis, both the General Plan and the Lower Lake Area Plan have provisions for water resources and land use compatibility. The subject property complies with the minimum setbacks and development standards. The project is in conformance with the provisions of the Lower Lake Area Plan Policy.

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

There are no known violations of Chapters 5, 17, 21, 23, or 26 of the Lake County Code on this property.

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

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

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

The applicant has passed 'live scan' background check and is qualified to apply for this permit.

RECOMMENDATIONS

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 21-27) for Major Use Permit (UP 21-27) with the following findings:
1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-2.
 2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-6.

3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels with the inclusion of mitigation measures BOI-1 through BOI-4.
4. Potential environmental impacts related to Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-2.
5. Potential environmental impacts related to Hazards and Hazardous Material can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-8.
6. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-2.
7. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-2.
8. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-5.

B. Approve Major Use Permit (UP 21-27) 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, Lower Lake Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).

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

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that potential impacts associated with this project can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration (IS 21-27) submitted by Sky High Farms (Kathy Crist) for the property located at 10788 Sky High Ridge Road, Lower Lake (APN 122-340-02) will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 21-27) with the findings listed in the staff report dated January 25, 2024.

Major Use Permit (UP 21-27)

I move that the Planning Commission find that the Major Use Permit (UP 21-27) applied for by Sky High Farms (Kathy Crist) for the property located at 10788 Sky High Ridge Road, Lower Lake (APN 122-340-02) 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 January 25, 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.*