



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item 6c
9:35 AM
April 9, 2026

TO: Planning Commission

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

DATE: April 09, 2026

SUBJECT: Consideration of proposed Major Use Permit PL-25-492 (UP 23-10), Clearpath Canyon LLC/ Brian Pensack and Garrett Burdick, and Mitigated Negative Declaration PL-25-492 (IS 23-21), for the approval of no more than 653,400 square feet (sf) of commercial cannabis cultivation and a Type 13 Distribution, self-transport license located at 2050 and 2122 Ogulin Canyon Road, Clearlake (APNs 010-053-01 and 010-053-02).

EXECUTIVE SUMMARY

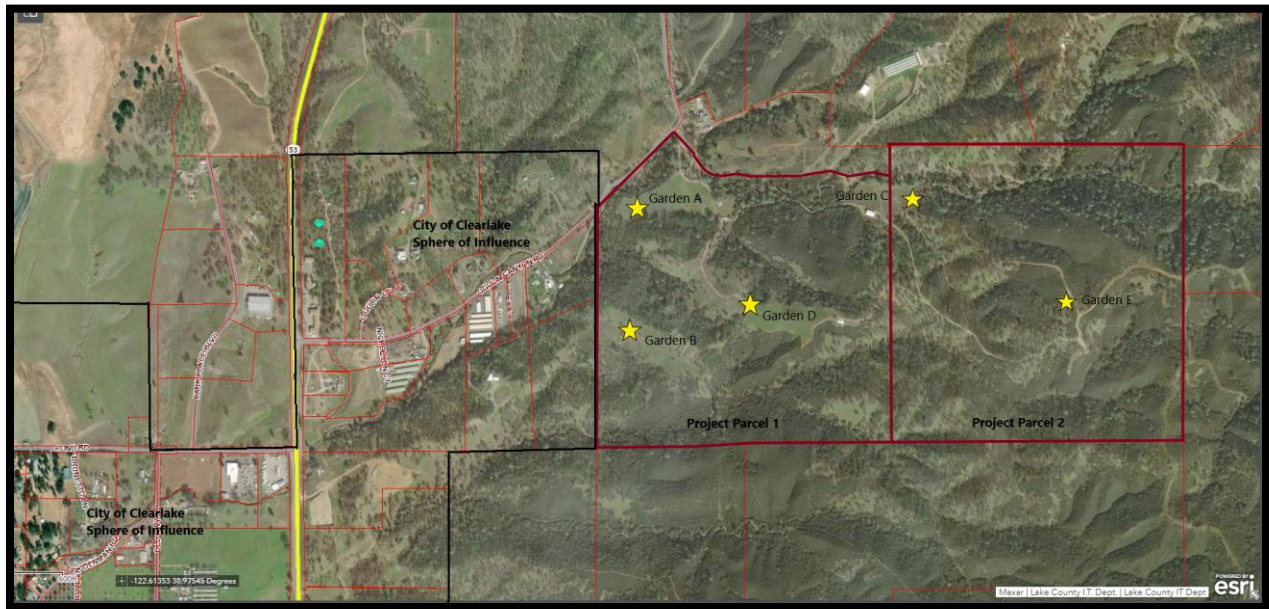
Action Requested:

Staff is recommending the Planning Commission adopt a Mitigated Negative Declaration (MND) and approve Major Use Permit PL-25-492 (UP 23-10). This approval is for no more than 653,400 sf of outdoor commercial cannabis cultivation and a Type 13, Distribution, self-transport license at 2050 and 2122 Ogulin Canyon Road, Clearlake (APNs 010-053-01 and 010-053-02).

Project Overview:

The applicant proposes no more than 653,400 sf of commercial cannabis canopy within five fenced outdoor cultivation areas totaling approximately 15 acres on a combined \pm 302.45-acres of land zoned "RL-WW" Rural Lands – Waterway Combining District'. Site infrastructure includes 2,800 sf drying and curing structure (existing), security fencing around the perimeter of the cultivation areas, 46 – 5,000-gallon water storage tanks, up to five portable restrooms, eight Connex containers for chemical storage, five existing groundwater wells, a total of 15,000 gallons of fire suppression water storage tanks. . An imported organic soil mixture in above ground nursery pots will be used in the three proposed immature plant greenhouses. The growing medium of the proposed canopy areas will be organic soil in above ground garden beds or container. No tree removal is proposed.

Figure 1 – Vicinity Map



Source: Lake County ArcGIS 2025

PROJECT SUMMARY

- Up to 653,400 sq. ft. (15 acres) of cannabis canopy within five fenced outdoor cultivation areas
- Corresponding State Licensing: Fifteen A-Type 3 Outdoor Licenses; Type 13 Distribution (self-transport only)
- Employees: Up to eight full-time, up to 20 seasonal employees
- Hours: 6:00 a.m. – 8:00 p.m. Monday through Sunday with some flexibility during harvest
- 2,800 sf drying, curing, and immature plant propagation building (existing)
- 46 5,000-gallon water storage tanks (proposed)
- A total of 15,000-gallon metal fire water storage tank (proposed).
- eight 320 sq. ft. Connex containers (proposed)
- An onsite septic system (existing)
- Five onsite permitted groundwater wells (existing)
- Drip irrigation systems consisting of black poly tubing and drip tapes/lines
- Total of 29 parking spaces, including two ADA compliant spaces

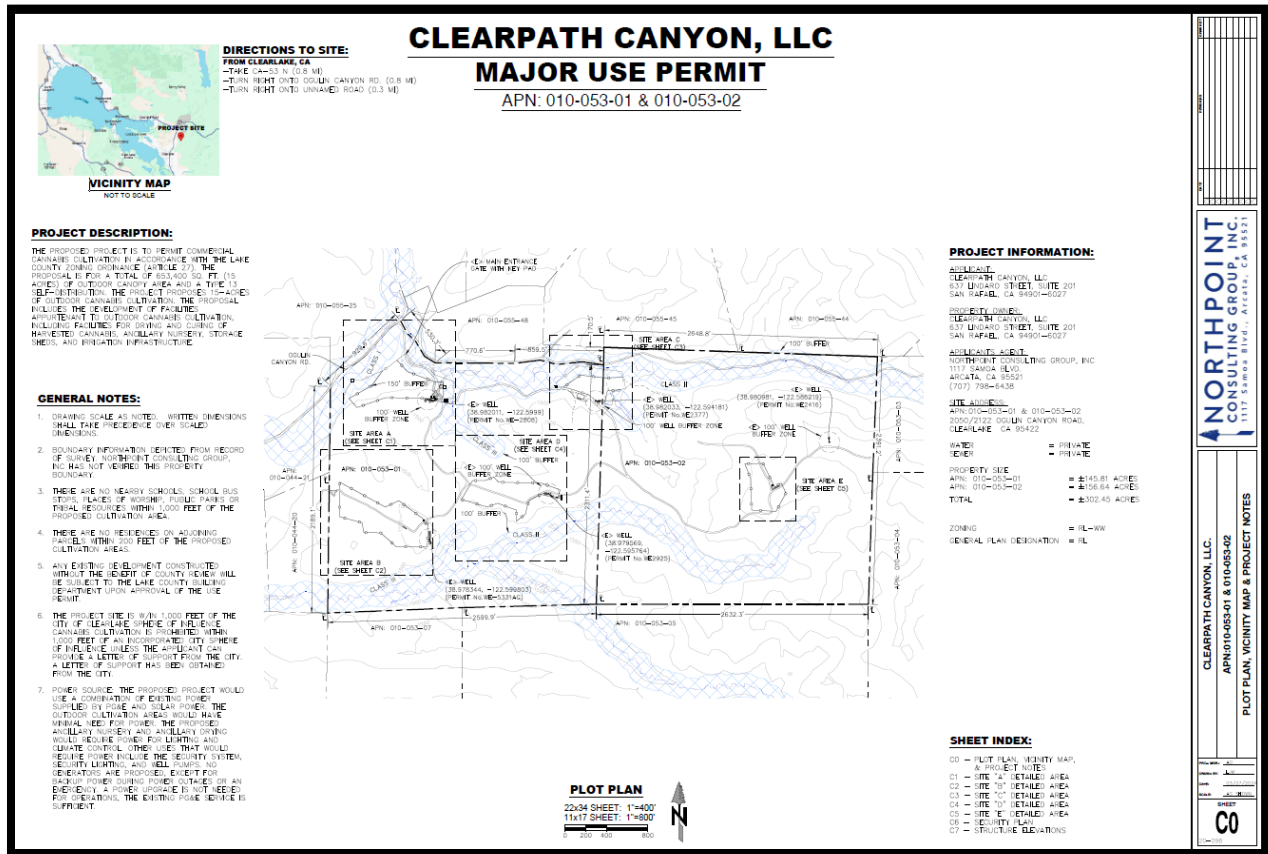
- Trash enclosures within each cultivation area
- Compost and soil pile location within each cultivation area
- Up to five ADA portable restrooms with handwashing stations
- A total of 15,000 gallons of water dedicated to fire suppression
- Improve the roadways leading to the drying and curing building to comply with commercial roadway requirements outlined in SRA 4290 regulations.
- Improve culvert upgrades or replacement when widening the roadway

Construction Details:

Construction traffic would occur over approximately one to two months. Larger equipment would be mobilized once at the beginning of the construction season, and out and the end of the construction season. The following equipment is expected to be used to construct the project facilities:

- Tractor
- ATV
- Backhoe
- Truck

Figure 2 – Site Plans (Attachment 1)



Source: Northpoint Consulting Group INC., Site Plans, 2023

SITE CONTEXT

Location: 2050 and 2022 Ogulin Canyon Road, Clearlake (APNs: 010-053-01 and 010-053-02).

General Plan: Rural Lands.

Project Zoning: “RL-WW”, Rural Lands - Waterway Combining District.

Access: Ogulin Canyon Road, Clearlake.

Flood Zone: “D” – Areas in which flood hazards are undetermined, but possible.

Hazard Zone: The project parcels are within Very High and Moderate Fire Severity Zones.

Fire District: Lake County Fire Protection District

Supervisor District: 2

The parcel has been previously developed to include hops farming, orchards, agricultural support facilities, including a 1,200 square foot single family residence, septic system, barn, accessory structures, and multiple wells. The pre-existing agriculture activities covered over 18 acres. Other land uses on the project site include residential, timberland, grazing land, and open space. There are also remnants of almond orchards in existence prior to 1993.

Surrounding parcel consists of lands zoned for Rural Lands, Open Space, and City of Clearlake. Existing development in the area is comprised of a blend of single-family residences, mini-storage units, commercial businesses, and cannabis cultivation operations.

Figure 3 – Site Photo



Source: Staff Site Visit, June 2024

WATER SUPPLY & USE (SUMMARY)

- Source: Five existing on-site groundwater wells (please see Figure 4 for well information)
- Annual Demand: ~29.5acre-feet/year (see Figure 5 for annual water usage)
- According to the Hydrology Report and Drought Management Plan (Attachment 5), the surrounding cannabis cultivation operations annual water use, including this project, is 89.5-acre feet a year The analysis states even during drought years, the onsite groundwater well has the capacity to handle the water needs of the proposed Project without impacting surrounding neighbors' wells.

Figure 4 – Well Information

Site	Name (Well Latitude/Longitude)	Well #	Year Drilled	Depth (ft)	Yield (gpm)	Yield (AFY)
A	Northwestern Hops Field (38.982011, -122.599900)	1	2011	240	60	96.8
B	Southwest Clearing (38.978344, -122.599803)	5	2020	340	300	483.9
C	Northeast Hops Field (38.982033, -122.594181)	2	2004	114	60	96.8
D	Central Hops Field (38.979569, -122.595764)	4	2013	358	200	322.6
E	Chaparral Clearing (38.980981, -122.586219)	3	2006	460	100	161.3
				Total	720	1,161

Source: Northpoint Consulting Group INC., Hydrology Report, November 2023

Figure 5 – Water Usage

Site	Name	Canopy Area		Annual Demand	
		acres	sq. ft.	1,000 Gallons	AF
A	Northwestern Hops Field	4.07	177,436	2,611	8.0
B	Southwest Clearing	5.25	228,692	3,368	10.3
C	Northeast Hops Field	1.16	50,501	744	2.3
D	Central Hops Field	2.98	129,798	1,912	5.9
E	Chaparral Clearing	1.54	66,973	988	3.0
Total		15.00	653,400	9,624	29.5

Source: Northpoint Consulting Group INC., Hydrology Report, November 2023

ENVIRONMENTAL REVIEW (CEQA)

An Initial Study/Mitigated Negative Declaration was circulated from October 23, 2024, to November 22, 2024.

The Initial Study determined that the project could result in potentially significant impacts in the following areas:

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

Mitigation measures are incorporated by reference from the IS/MND (Attachment 4) into the Conditions of Approval (Attachment 2). All impacts would be reduced to a less-than-significant level through incorporation of mitigation measures and compliance with existing regulations.

No significant and unavoidable impacts were identified. Therefore, preparation of an Environmental Impact Report is not required pursuant to CEQA Guideline §15070.

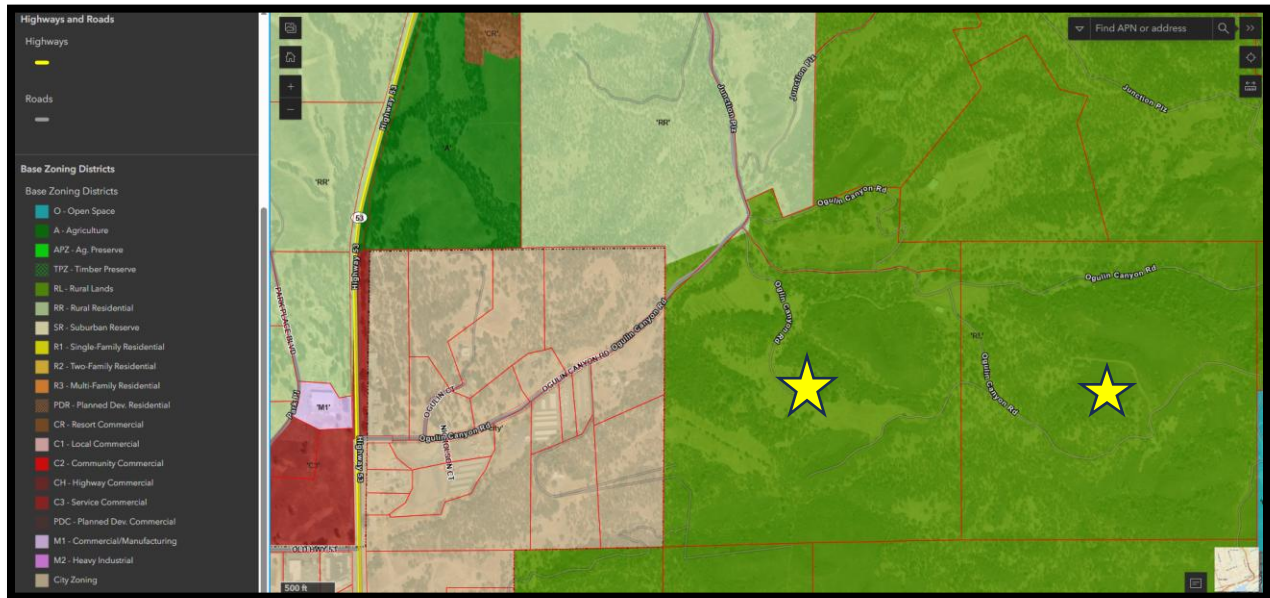
GENERAL PLAN & ZONING CONSISTENCY

The project is an allowable agricultural use, maintains required setbacks, and incorporates fire safety, water management, and environmental protection measures. As demonstrated below, the project is consistent with the General Plan, Shoreline Communities Area Plan, and the Lake County Zoning Ordinance.

Policy Area	Conclusion
General Plan – Rural Lands -	Chapter 3 Land Use; Chapter 7 Health and Safety; Chapter 8 Noise; Chapter 11 Water Resources
Shoreline Communities Area Plan	Policy 3.2.1b – Design new development to conserve water using drought-resistant vegetation, low-flow plumbing fixtures, grey water systems, and other conservation measures.

Policy Area	Conclusion
	<p>Policy 5.1.1b – Priority should be given to providing service and employment opportunities locally.</p> <p>Objective 5.5.3 – To promote development of agricultural uses and support continued viability of Lake County’s agricultural economy.</p>
<p>Zoning:</p> <p>Article 7 - APZ</p> <p>Article 27.11(at) – Cannabis Uses</p>	<p>Permitted under Article 7.5 with a Major Use Permit</p> <p>Permitted with a Major Use Permit in the “RL” zoning.</p>
<p>Setbacks</p>	<ul style="list-style-type: none"> • The cultivation site is set back a minimum of 100 ft from property lines (varies in areas), • At least 100 ft setbacks from all waterways, • at least 200 ft from the nearest off-site residence
<p>Lake County Muni Code Consistency</p>	<p>There are no violations of Chapter 5, 17, 21, 23, or 26</p>
<p>Qualified Applicant</p>	<p>Notification was received from Lake County Sherriff’s Office that the applicant is qualified to engage in commercial cannabis activities.</p>

Figure 6 - Zoning Map



Source: Lake County ArcGIS, 2026

AGENCY & TRIBAL CONSULTATION

Agency comments (Attachment 7) were received and addressed through Conditions of Approval (Attachment 2), including Lake County Fire Protection District. The applicant has submitted a letter from the City of Clearlake in support of the project.

The County of Lake Community Development Department initiated the AB 52 Tribal notification process by sending letters on January 3, 2024, to eleven (11) Lake County-based Tribes, informing them of the proposed project and offering consultation. Koi Nation requested consultation on January 29, 2024. County records indicated that a consultation was held on April 29, 2024. The County concluded the AB 52 Tribal Consultation process on June 25, 2024.

CANNABIS PROJECTS PROXIMITY TO SITES:

There is two pending and four approved commercial cannabis projects within a one-mile radius.

There are zero pending and one approved commercial cannabis projects within a three-mile radius.

REQUIRED FINDINGS (Article 51.4 – Major Use Permit and Article 27.11(at) Uses Generally Permitted under the Lake County Zoning Ordinance)

Based on the record, including the Initial Study/Mitigated Negative Declaration and supporting technical reports, staff finds the Project:

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.
4. 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. Is consistent with the General Plan, Area Plan, and Zoning Ordinance
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. Meets all cannabis development standards
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
7. Applicant is qualified to apply for the Use Permit.
8. The Project was adequately analyzed under CEQA, and all impacts associated with the project can be mitigated to a less than significant level.

Please see the preceding sections of this Staff Report establishing these findings.

RECOMMENDATIONS AND SAMPLE MOTIONS

A. I move that the Planning Commission find that potential impacts associated with this project applied for by Clearpath Canyon LLC/ Brian Pensack and Garrett Burdick can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration for the property located at 2050 and 2122 Ogulin Canyon Road, Clearlake (APNs: 010-053-01 and 010-053-02) will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study PL-25-492 (IS 23-21) with the findings listed in the Staff Report dated April 9, 2026.

B. I move that the Planning Commission find that the Major Use Permit PL-25-492 (UP 23-10) applied for by Clearpath Canyon LLC/ Brian Pensack and Garrett Burdick for the property located at 2050 and 2122 Ogulin Canyon Road, Clearlake (APNs: 010-053-01 and 010-053-02) does, meet the requirements of the Lake County Zoning Ordinance Article 27 and Article 51.4 and that the Major Use Permit be granted based on the findings listed in the Staff Report and subject to Conditions of Approval dated April 9, 2026.

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.

ATTACHMENTS (BY REFERENCE)

1. Site Plans
2. Grading Plans
3. Draft Conditions of Approval
4. Property Management Plan
5. Initial Study / Mitigated Negative Declaration
6. Hydrological Assessment and Drought Management Plan
7. Biological Assessment
8. Floristic Survey
9. Agency Comments
10. Public Comments