



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Lakeport, California 95453
Planning • Building • Code Enforcement
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Item 6c
9:35 AM
October 10, 2024

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Department
Michelle Irace, Principal Planner
Prepared by Trish Turner, Assistant Planner II

DATE: October 10, 2024

SUBJECT: Consideration of proposed Major Use Permit UP 22-15, Joel Michaely Grow, and Mitigated Negative Declaration (IS 22-14) for approval of a two-stage commercial cannabis project on a property located at 10800 and 10850 Clayton Creek Drive, 17425, 17445 and 17475 Morgan Valley Road, 11450, 11474, 11480, 11486, and 11490 Spruce Grove Road, Lower Lake (APNs: 012-045-39, -40, -41, -42, -43; and 012-059-10, -11, -12, -13, -14)

ATTACHMENTS:

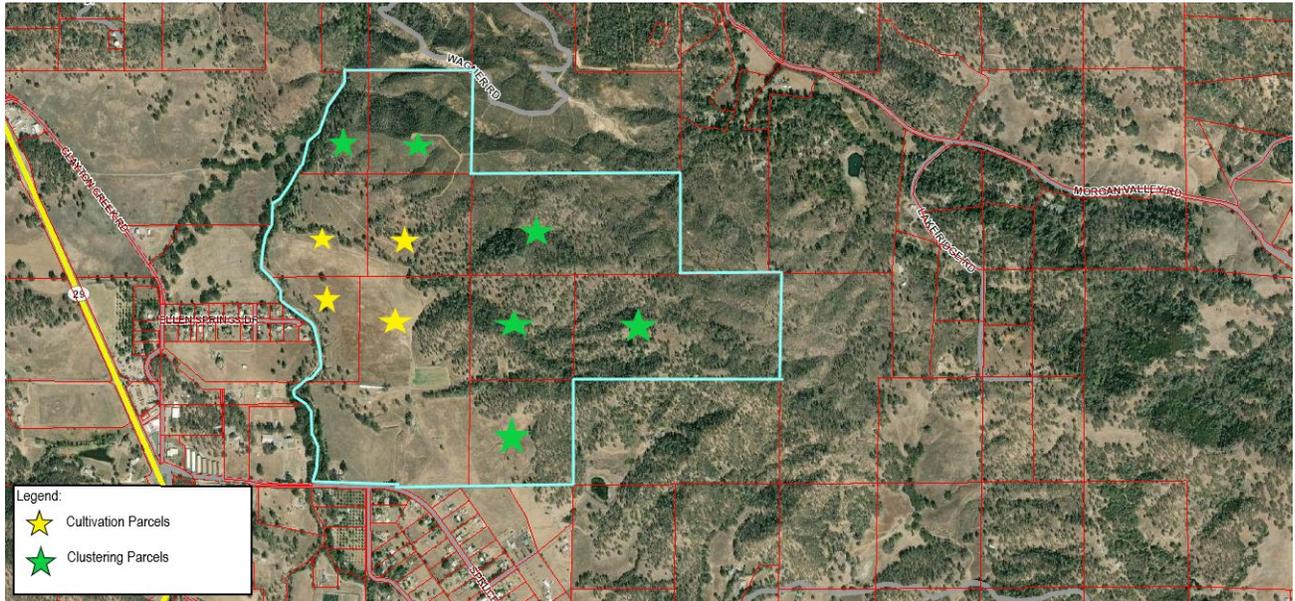
1. Project Site Plans (February 15, 2024)
2. Grading Site Plans (March 04, 2022)
3. Draft Conditions of Approval
4. Property Management Plan (December 2022)
5. Draft Initial Study/ Mitigated Negative Declaration (IS 22-14)
6. Biological Analysis (December 7, 2021)
7. Hydrology Report and Drought Management Plan (March 7, 2022)
8. Agency Comments
9. Tribal Comments
10. Public Comments (as of July 18, 2024)

EXECUTIVE SUMMARY

The applicant, Joel Michaely Farms, is applying for a major use permit for commercial cannabis cultivation. The applicant proposes two stages of development. Stage 1 consists of twenty-five (25) A-Type 3 "medium outdoor" licenses covering a total canopy area of up to 1,089,000 square feet (25 acres). For Stage II, the proposal consists of converting the 25 acres of outdoor cultivation to twenty-five (25) A-Type 3B "mixed light" licenses, with a total greenhouse canopy area of 550,000 square feet (12.6 acres) within a cultivation area of 861,128 square feet. Additionally, the applicant has requested a Type 6 Non-Volatile processing license and 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 four of the ten parcels: (APNs 012-045-41, 012-045-42, 012-059-10, and 012-045-11). The property features Copsey Creek, a perennial Class I watercourse along its western boundary, as well as two (2) unnamed intermittent Class II watercourses to the north and south, and several unnamed ephemeral Class III watercourses spread throughout the parcels. The cultivation area maintains a setback of 100 feet from all watercourses, with the exception of the southern watercourse which is setback approximately 400

feet from the cultivation area, exceeding the setback requirements. Historical uses of the site include ranching and residential uses. While a previous Major Use Permit (UP 19-22) with an approved Early Activation (EA 19-55) was initially submitted for this project location by a different applicant, it has since been withdrawn and closed.

Figure 1 - Cultivation and Clustering Sites



Source: Lake County GIS

PROJECT DESCRIPTION

Project Title: Joel Michaely Farms / Nicholas Taix

Permit Numbers: UP 22-15, IS 22-14

Lead Agency: Lake County Community Development Department,
Planning Division, 255 N. Forbes St., Lakeport

Applicant Name & Address: Joel Michaely Grow, Nicolas Taix, Manager
473-455 Johnsonville Road, #11
Susanville, CA 96130 **Property Owner:**

Project Location: 17425 Morgan Valley Road, Lower Lake
10800 Clayton Creek Drive, Lower Lake
10850 Clayton Creek Drive, Lower Lake
17445 Morgan Valley Road, Lower Lake
17475 Morgan Valley Road, Lower Lake
11450 Spruce Grove Road, Lower Lake
11474 Spruce Grove Road, Lower Lake
11480 Spruce Grove Road, Lower Lake
11486 Spruce Grove Road, Lower Lake
11490 Spruce Grove Road, Lower Lake

Parcel Number(s) (APN): 012-045-39, 40, 41, 42, 43; 012-059-10, 11, 12, 13, 14

Parcel Size: ±502.39 acres (combined)

General Plan Designation: Rural Lands, Agriculture

Zoning District(s): “RL-WW-FF” Rural Lands, Waterway, Floodway Fringe (012-045-41)
“RL-WW”, Rural Lands, Waterway (012-045-42)
“A-WW-FF”, Agriculture, Waterway, Floodway Fringe (012-059-10)
“A-WW-FF”, Agriculture, Waterway, Floodway Fringe (012-059-11)

Flood Zone: Project location is within “X” (areas of minimal flooding) designated portion of the property

Existing Features on Site:

- One (1) dwelling with septic system
- One (1) permitted groundwater well
- Two (2) ponds (Not for cultivation)
- One (1) interior access driveway
- Interior Roadway Improvements

Proposed Features on Site:

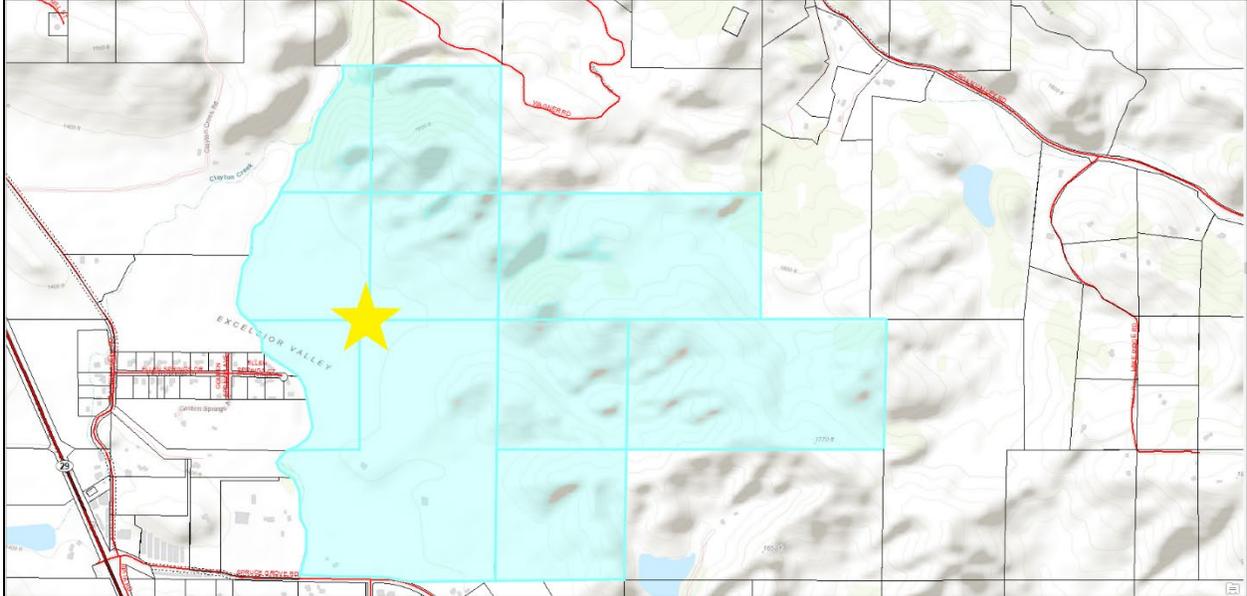
Stage 1:

- One (1) fenced enclosure containing 1,089,000 sf of outdoor cannabis canopy
- One (1) 4,500 sf drying, nutrient storage, and waste management (replacement of burned barn)
- Fifteen (15) 5,000-gallon water tanks
- Three (3) 120 sf storage sheds
- Five (5) 30' x 150' greenhouses for immature plant propagation
- 6' tall security perimeter fencing around the cultivation area
- Portable ADA-compliant restrooms and handwashing station

Stage II:

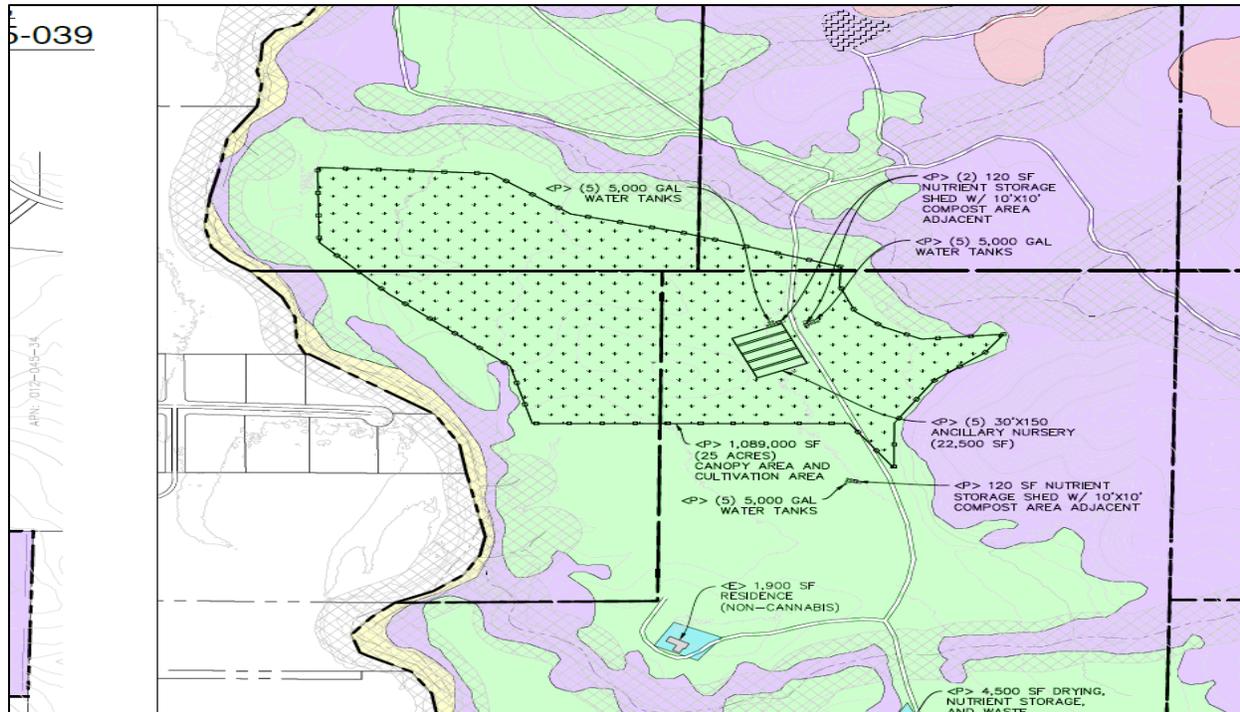
- Conversion of outdoor cannabis to 550,000 sf of mixed light canopy within (122) 30' by 150' greenhouses.
- (122) 30' x 150' greenhouses
- 48' x 80' processing and manufacturing facility (3,840 sf)
- 25 Parking Spaces

FIGURE 2 – VICINITY MAP



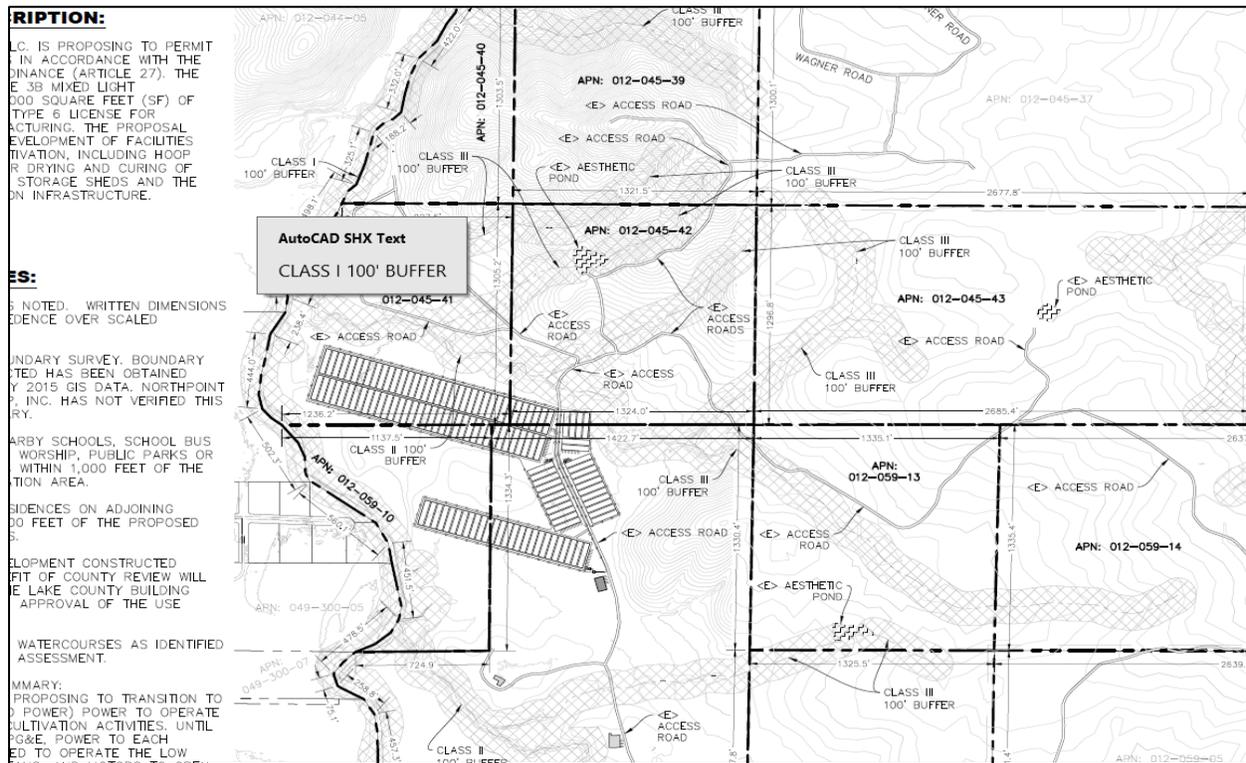
Source: Lake County ArcGIS

FIGURE 3 – STAGE 1 SITE PLAN



Source: Northpoint Consulting Group, INC

FIGURE 4 – STAGE II SITE PLAN



Source: Northpoint Consulting Group, INC

According to the applicants submitted Property Management Plan (Attachment 3), the proposed cultivation area will be surrounded by a fence that is no more than 8 feet tall. The fence will be constructed using either cyclone or welded wire fence. Additionally, the cultivation area will be screened from public view using opaque plastic slats or plastic woven fabric, wherever necessary.

For the first year of operations, the applicant proposes to import approximately 500-700 yards of soil. In the first stage of commercial cannabis cultivation, the applicant will utilize twenty-five (25) acres of total outdoor cannabis canopy, and they will use five (5) 30' x 150' sf greenhouses for immature plant propagation. In the second stage of development, the outdoor cultivation will be converted to mixed light cultivation, for a total of 12.6 acres of canopy, which will be located within (122) 30' x 150' sf greenhouses. The cannabis operation will use above-ground pots filled with imported soils.

There is an existing PG&E electrical utility service connection, but an electrical upgrade will be necessary to provide power to the greenhouses, processing facility, and non-volatile manufacturing. The greenhouses that are being proposed will have a black plastic film covering to prevent light from escaping when artificial light is in use.

All water for the proposed cultivation operation would come from one existing onsite groundwater well. Drip and micro-spray irrigation systems will be used to deliver irrigation water and to conserve water resources. Once operational, the proposed Project would employ approximately five (5) year-round full-time employees, and approximately (25) seasonal employees for the planting and harvesting periods of the outdoor cultivation area.

The applicant is required to improve the interior driveway to meet Public Resource Code (PRC) 4290 and 4291 commercial driveway standards to allow adequate access for wildfire suppression. The applicant will have fifteen (15) 5,000-gallon water tanks on site for the cannabis cultivation operation and a total of 32,000 gallons of water that will be dedicated for fire suppression. These tanks will be fitted with connectors that will enable emergency responders to utilize them in the event of an on-site fire. The tanks will be made of steel or fiberglass per CAL FIRE suppression tank standards. The applicant will also be required to maintain 100' of defensible space around all project-related buildings.

POINTS OF INTEREST

Water Analysis

A Hydrological Analysis was prepared by Northpoint Consulting Group, Inc. and is dated March 7, 2022 (Attachment 6). Water for cultivation activities will be supplied by an existing groundwater well. The well is 183 feet in depth with an estimated yield of 70 gallons per minute. According to the analysis, fifteen (15) 5,000-gallon water storage tanks would be used to store irrigation water from the on-site well for the proposed cannabis cultivation operation. Water from the storage tanks will be piped to drip irrigation systems to the garden sites. Drip lines will be sized to irrigate the cultivation areas at a slow rate to maximize absorption and prevent runoff, and evaporation.

The estimated total water usage for the proposed Project during Stage I is 41.4 acre-feet annually and Stage II is 34.8 acre-feet annually, including processing facility and employee usage. The total recharge area is 99 acre-feet during an average year and 74 acre-feet during a dry year. Annual precipitation is 29.7 inches and the minimum precipitation during a drought year is about 20% of the annual average precipitation or about 6 inches per year. The Analysis projected the average annual recharge during a drought year to be about twice the amount as would be needed for the proposed Project.

Water Courses

The project water source and cultivation area are located at the northern boundary of an alluvial valley within the Copsey Creek Watershed. Copsey Creek, a perennial Class I watercourse, is located on the southern to northern properties lines of the project parcels. There are two (2) unnamed intermittent Class II watercourses, multiple unnamed Class III watercourses, and three (3) freshwater ponds on the larger parcel. The onsite pond and watercourses are considered sensitive biological communities which provide rare/unique habitat within the landscape that are protected from development. Setbacks have been identified from watercourses (Attachment 1). However, none of these resources are located within the cultivation site.

No development is proposed within 150-feet of the identified Class I watercourse, 100-feet of the Class II, Class III, and ponds, which is consistent with Article 27.13(at) of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation. However, in Stage II of development the road will need to be widened to comply with Public Resource Code (PRC) 4290/4291. There is a culvert that will be required to be upgraded. All culvert upgrades/installations shall be completed in accordance with a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA) for Stage II of development. These activities shall be performed when the streams are dry adhering to requirements within the Lake Streambed Alteration Agreement (LSAA) and other required permits, as necessary. The applicant has provided a Property Management Plan (Attachment 3) addressing controlled water runoff to

reduce impacts to surface water bodies. No development would occur within the drainage buffers and setbacks. According to the submitted Biological Resources Assessment (Attachment 5), there are no sensitive natural communities within the proposed cultivation areas.

Erosion Control

The applicants submitted Property Management Plan (Attachment 3) includes an Erosion and Sediment Control Plan. The Grading and Erosion Control Site Plans (Attachment 1) and the Stormwater Erosion Control Plan within the Property Management Plan shall be implemented during and after site development. The Project property is enrolled in the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ) as a Tier 2, Low Risk site (WDID: 5S17CC411861).

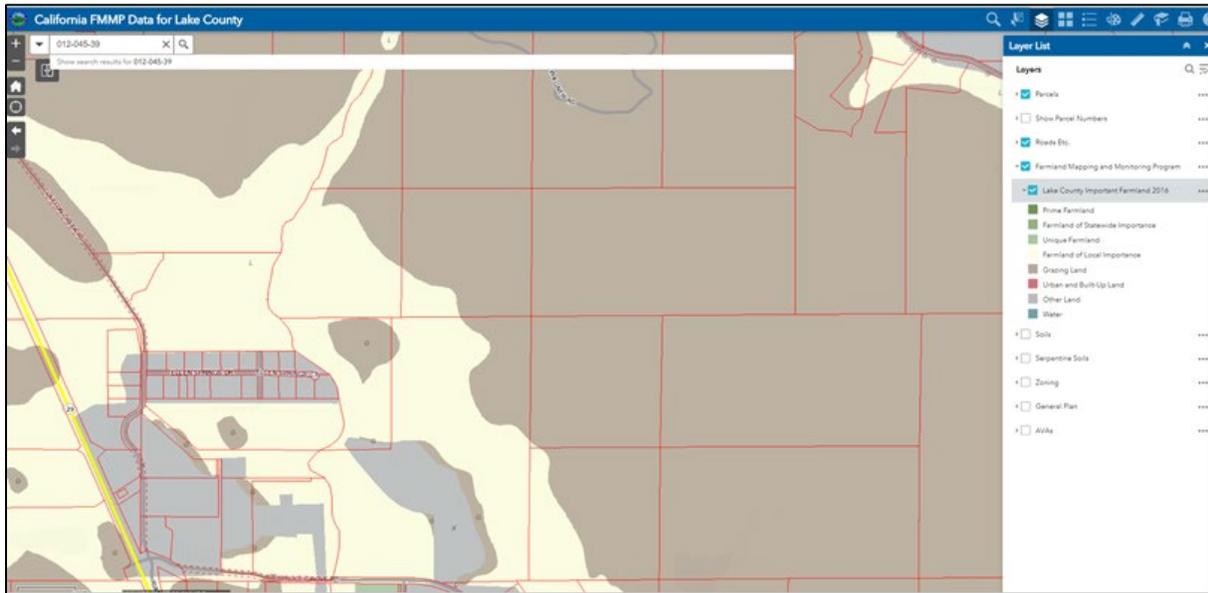
As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) the following measures have been implemented within the Property Management Plan (Attachment 3) at the site for erosion control and stormwater pollution:

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

Farmland of Local Importance

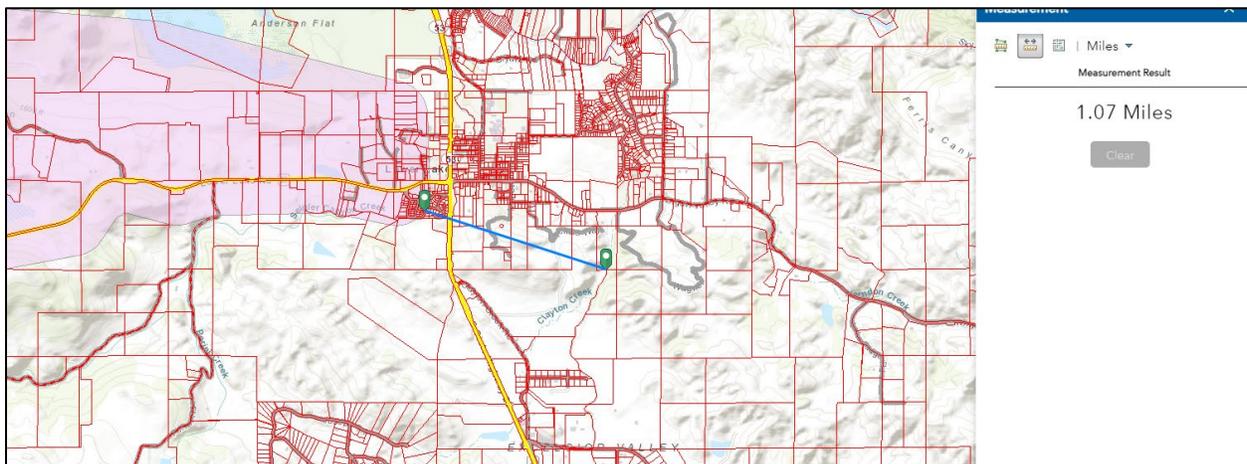
State of CA Farmland Mapping and Monitoring Program identifies soils qualifying for Prime Farmland and Farmland of Statewide Importance. The project location was designated as Farmland of Local Importance. Land of importance to local agricultural economy is determined by the Board of Supervisors. The areas in which the Board determined were Farmland of Local Importance were evaluated as the Farmland Protection Zone, also listed as a commercial cannabis exclusion zone (for outdoor cultivation). In these designated areas, commercial cannabis can only be grown indoors or in permanent greenhouse structures equipped with odor filtration systems. While this site is listed as local importance, it has not been designated as Farmland of Local Importance within Farmland Protection Zone by the County of Lake Board of Supervisors. The site is not located in the Farmland Protection Zone or within 1,000 feet of Farmland Protection Zone. It is also located over a mile from the nearest Farmland Protection Zone.

Figure 6. Farmland of Local Importance



Source: Lake County GIS FMMP

Figure 7. Farmland Protection Zone



Source: Lake County GIS FMMP

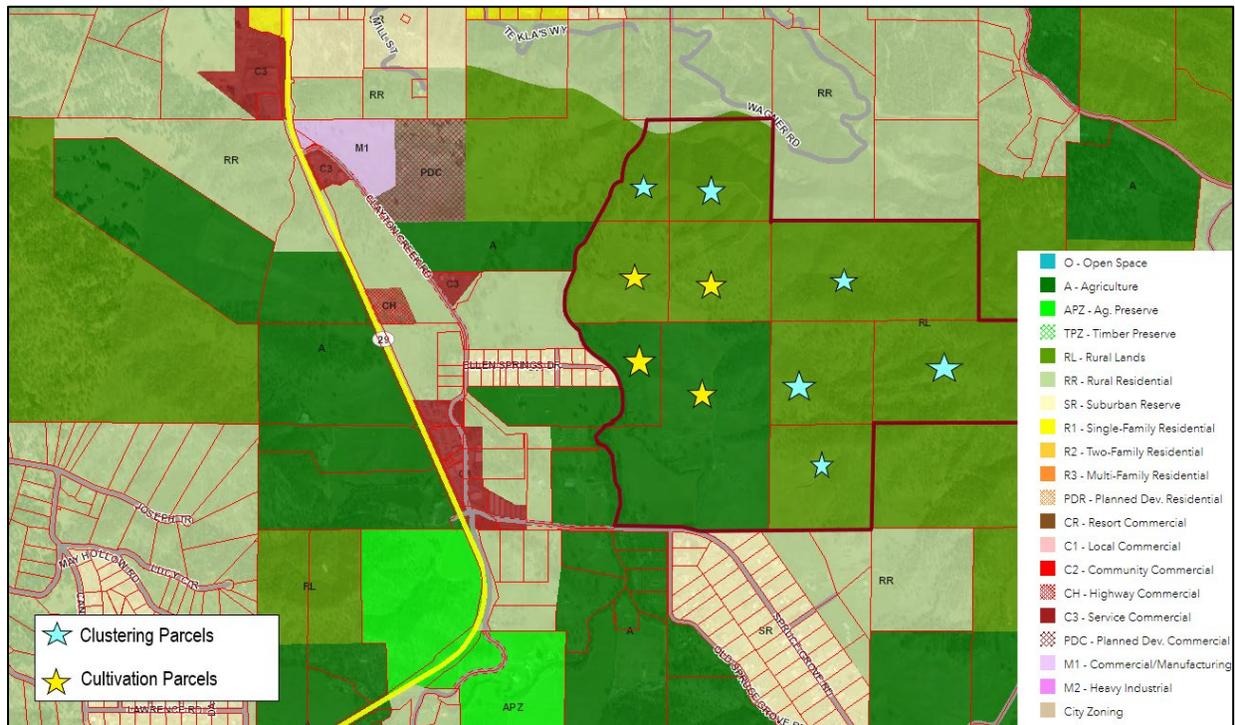
PROJECT SETTING

Surrounding Zoning and Uses

- North: "RR" Rural Residential zoning; parcels vary in size from 5 acres to over 20 acres.

- West: “SR” Suburban Reserve zoning containing numerous small lots with dwellings, particularly on Ellen Springs Court. Land to the west also includes “RR” Rural Residentially zoned land with a dwelling on a larger lot, and “RL” Rural Lands-zoning on a larger lot that also contains a dwelling.
- South: “SR” zoned lots containing dwellings.
- West: Large lots zoned “RL”; contains a dwelling on an 81-acre lot.

Figure 8 - Zoning Map



Source: Lake County GIS

PROJECT ANALYSIS

General Plan Conformity

The General Plan Designation for the subject site is Rural Lands and Agriculture, which allow rural development in areas that are primarily in their natural state and allows agriculture production to occur on these lands including commercial cannabis production subject to review and approval of a major or minor use permit.

Rural Lands allow for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. Typical uses permitted with Minor or Major Use Permits or by right uses 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 is intended to protect the County's valuable agricultural resources and to prevent development that would preclude its future use in agriculture. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities. Wineries and the processing of local agricultural products such as pears and walnuts are encouraged within this designation. These lands also provide important groundwater recharge functions.

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.

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 and “A” Agriculture - zoned land 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.

The approval of this use permit will allow both the agricultural industry and the cannabis industry to strengthen and revitalize the overall community through promoting economic development, employment opportunities, as well as tax and other revenues for the county. According to the applicant, the operation will include between four and eight full-time employees during the regular growing season, and up to 25 employees during peak harvest season. Employees will spend money locally on commodities such as food, gas, rent and other items, which in turn will benefit local area merchants. Cannabis grown on site will 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.

In reference to the Lake County Zoning Ordinance Article 27, Section 27.11 (at), the County requires a minimum 100-foot setback from all property lines of the subject property, a minimum 100-foot setback from the top of bank of any surface water source, and a minimum of 200-foot setback from any off-site residences. The nearest off-site residence is located over 600 feet west of the proposed Project, exceeding the 200-foot setback 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 2,580 feet 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).

The applicant is required to improve the interior driveway to meet Public Resource Code (PRC) 4290 and 4291 commercial driveway standards to allow adequate access for wildfire suppression. The applicant will have fifteen (15) 5,000-gallon water tanks on site for the cannabis cultivation operation and a total of 32,000 gallons of water that will be dedicated for fire suppression. These tanks will be fitted with connectors that will enable emergency responders to utilize them in the event of an on-site fire. The tanks will be made of steel or fiberglass per CAL FIRE suppression tank standards. The applicant will also be required to 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 soil, surface water and groundwater are protected from contamination.

The applicants submitted Property Management Plan, (Attachment 3) has stated that all fertilizers and pesticides used in operations be properly stored and placed within storage sheds with the use of secondary containment as required for all commercial cannabis activities. Lastly, the proposed project also meets the required 150-foot setback from the top of bank of a perineal creek (Class I watercourse), as well as the 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.

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

Hose Connection for fire suppression. The applicant will use a total of 32,000-gallons of water dedicated for fire suppression. These tanks must be fitted with connectors that can be used by the local fire service providers. The applicant will be required to upgrade the interior driveway to meet PRC 4290 and 4291 commercial driveway standards.

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.

The project is situated in an area characterized by large vacant lots and small lots developed with dwellings on Ellen Springs Drive. The nearest dwelling is located about 600 feet to the southwest 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, will be limited to Monday through Saturday, between the hours of 9:00 A.M. to 6:00 P.M. The hours of operation are between 8:00 A.M. and 6:00 P.M. daily, with deliveries and pickups restricted to 9:00 A.M. -7:00 P.M. Monday through Saturday and Sunday from 12:00 P.M. to 5:00 P.M.

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.

A Hydrology Report (Attachment 6) was prepared for this project by Northpoint Consultants and is dated March 7, 2022. The Report evaluates annual water demand for the project; aquifer capacity and recharge rate during drought and non-drought years; evaluates drought management actions needed and provides well data on the on-site well.

There is an existing permitted on-site groundwater well that will be used for irrigation, and which was evaluated in the Report. A well test was performed on January 11, 2022, by JAK Drilling and Pump. The well yielded approximately 70 gallons per minute (gpm) over a six-hour testing period.

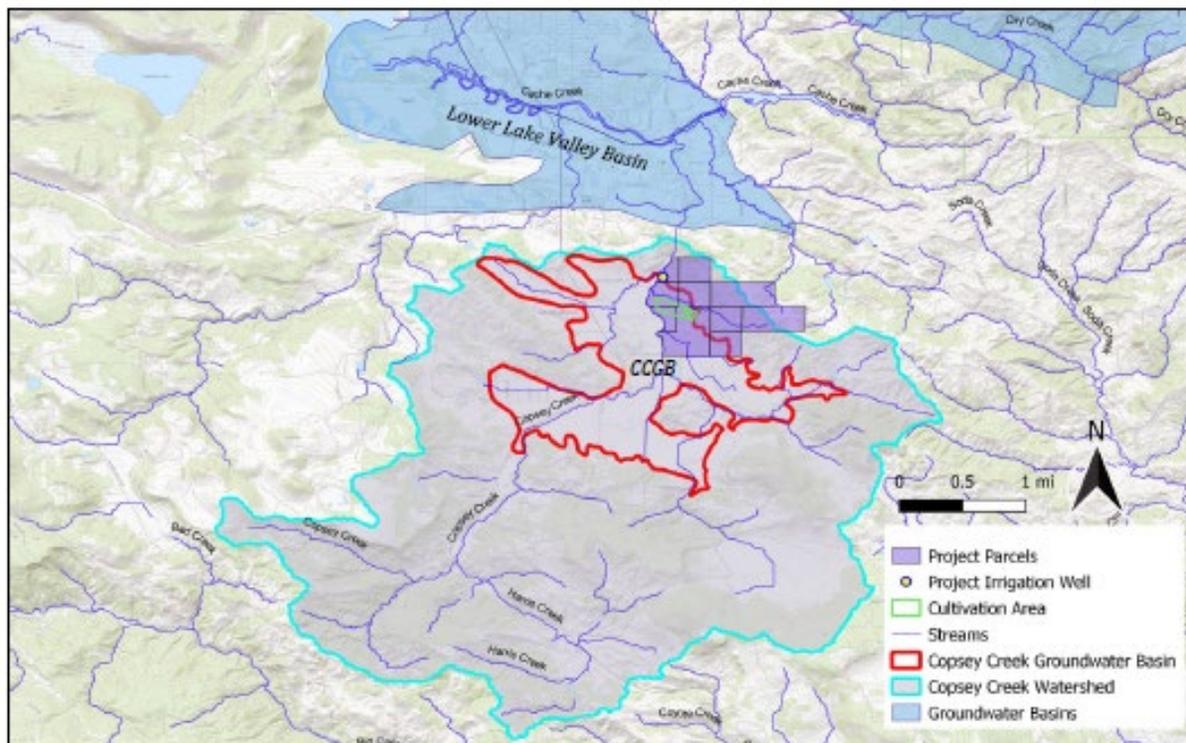
The water level dropped from 43 feet to 101.5 feet during the well test. After a 40-minute shut-down period, the well recovered to a depth of 47 feet.

The Report projects the annual water usage for Stage I as being about 41.4 acre-feet per year, or about 13,457,663.9 gallons. The Report projects the annual water usage for Stage II as being about 34.8 acre-feet per year, or about 11,339,629.6 gallons. This estimate includes domestic water used by the dwelling, and the water usage anticipated for employees. The project will use a drip irrigation system to disperse water to the plants. The plants will be in fabric pots or raised beds; the drip irrigation systems are typically used for cannabis cultivation. The water demand will reduce by about half during Stage II cultivation.

The materials submitted by the applicant show fifteen (15) 5,000-gallon water tanks on site for the cultivation operation. The applicant will be required to provide a total of 32,000 gallons of water dedicated for fire suppression. The materials needed for fire suppression water tanks are steel or fiberglass tanks; this will be added as a condition of approval.

The Report states that the project water source and cultivation area are located at the northern boundary of an alluvial valley within the Copsey Creek Watershed. The Copsey Creek Groundwater Basin (CCGB) basin contains an estimated 2,600 acre-feet of water. Recharge of this basin occurs from precipitation, and from seepage from the Copsey Creeks Watershed.

Figure 9 - Copsey Creek Groundwater Basin



Source: Northpoint Hydrology Study

The total existing water demand on this aquifer is 84 acre-feet per year. The project will add another 41.4 acre-feet of demand in year one and will reduce to 34.8 acre-feet for Stage II beginning in year two and beyond. The total 'worst-case' water demand on this aquifer is 118.8 acre-feet per year. This estimates a total of 300 gallons of water per day per household, which is the daily usage standard accepted by the Environmental Protection Agency. This estimate does not take into consideration crop irrigation.

Crop irrigation water demand on other sites sharing the aquifer is estimated to be 1,025 acre-feet per year, or about 39% of the basin's storage capacity. Total combined annual demand is 1,143.8 acre-feet, or about 43% of the usable capacity of this basin. The total annual recharge is estimated to be 74 acre-feet per year during drought years, and 99 acre-feet per year during non-drought years.

The Report demonstrates that based on all the factors associated with water use and project demand, there is adequate water supply for this project, even during drought years. The Report 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 that are subject to consistency review as follows:

- Objective 5.1a: Orderly growth and development shall be encouraged within the Lower Lake area by focusing higher intensity development within the community of Lower Lake. Low intensity land use patterns are encouraged in the remainder of the planning area.
- 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.

This project represents a low-intensity development. The total disturbed area is just over five acres on a ±502-acre (combined) parcel. The applicant would have up to 25 employees. This will enable money to return to the local economy through cannabis taxes and employee expenditures on local commodities, as well as bolstering the local retail cannabis industry.

- Policy 5.1a-4: Large lots and reduced residential densities should be encouraged in outlying areas of the Lower Lake community development area.

The project is on a ±502-acre (combined) parcel that would remain the same size following approval of this project, thereby meeting the intent of Policy 5.1a-4 above.

This applicant proposes up to 25 employees during peak harvest time. These employees will spend money on local commodities and rent, which will benefit the greater Lower Lake area's economy. Taxes collected on the cannabis canopy area will benefit the County, and sales of retail cannabis will further benefit the local economy.

Zoning Ordinance Conformity

The subject lots are zoned “RL-FF-WW”, Rural Lands – Floodway Fringe – Waterway, and “A-FF-WW”, Agriculture – Floodway Fringe – Waterway. The following Articles potentially apply to this project.

Article 5 – Agriculture Zone (“A”)

The purpose of the “A” Agriculture zoning district is to provide zoning for lands in agriculture and are capable of producing agricultural products. The cultivation of commercial cannabis is permitted in the “A” Agriculture zoning district with the approval of a major use permit for A-Type 3 medium outdoor and A-Type 3B medium mixed-light cultivation licenses pursuant to Article 27, Section 27 [Table B] of the Lake County Zoning Ordinance.

Article 7 - Rural Lands (“RL”)

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 36, Floodway Fringe Combining District.

This Article requires certain design considerations for construction within a flood zone. The properties have some flood zones around the perimeters; however, the cultivation areas are not located within mapped flood plains. This article does not apply to this application.

Article 37, “WW” Waterway Combining District.

The purpose of this combining zone is to protect waterways in Lake County. The proposed cannabis cultivation activity is to occur more than 100 feet from any water channel, stream, creek or pond. This overlay designation has no impact or effect on commercial cannabis cultivation if the 100-foot setback is met as is the case with this application.

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 ±502 acres in combined size. The applicant is requesting twenty-five A-Type 3 licenses for stage 1, and twenty-five A-Type 3B licenses (removing the outdoor canopy) for Stage II. Each license requires 20 acres. A-Type 6 Non-Volatile Processing and 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 600 feet to the southwest 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 sq. ft. for each 20 acres of land): *Complies; The total proposed stage 1 canopy area is 25 acres, and the 12.5 acres of greenhouse canopy proposed for Stage II. The ±502-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 revised 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.

TRIBAL COMMENTS

An AB52 consultation notice was sent to all 12 area Tribes on July 29, 2022. 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.

Among the notified tribes, the Middletown Rancheria actively engaged in the consultation process by requesting a meeting. The applicant met with Middletown Rancheria's Historic Preservation Officer on-site on March 22, 2023. Tribal Consultation concluded on April 04, 2024. There are six Tribal Cultural Resource mitigation measures incorporated into the project for the purpose of educating employees and safeguarding any Tribal Cultural Resources that may be encountered during ground disturbance activities. See Environmental Review Section for more information.

AGENCY COMMENTS

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

1. Lake County Agricultural Commissioner
2. U. S. Army Corps of Engineers
3. Lake County Building Department
4. Department of Cannabis Control
5. Lake County Environmental Health Department

6. Lake County Resource Planner
7. Northwest Information Center
8. PG&E
9. Lake County Special Districts
10. Lake County Surveyor
11. North Coast Regional Water Quality Control Board
12. Lake County Fire Protection District

The following agencies submitted comments for this project that require action on the part of the applicant. These comments have been addressed through project modifications or Conditions of Approval.

- Lake County Agricultural Commissioner – project requires a Private Applicator Certificate and an Operator I.D.
- Lake County Building Department – need confirmation that the existing 4,500 sf barn was permitted or ag-exempt. Solvents for manufacturing would change the occupancy to “H” occupancy and would require new Building Code requirements.
- Lake County Environmental Health – Needs status of septic permit #12329, which was never finalized. A new inspection may be required. Compliance with Onsite Wastewater Treatment System regulations is required. A written declaration of chemical names to be used is required.
- Resource Planner – Grading permit is required.
- The County Surveyor is requiring a deed restriction on the lots that are used for clustering. This is added as a condition of approval.
- Department of Public Works provided comment on April 10, 2023, indicating that Spruce Grove Road was a local street at this location, and that the project did not generate enough vehicle trips to require a Traffic Impact Study.
- Lake County Fire Protection District - I would consider a 22,000 + 50% safety margin 32,000-gallon tank, that meets NFPA 22 standards as acceptable water supply.

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 was prepared for the project and published for public review on April 25, 2023. No adverse comments were received regarding this project from any notified State agency. Public comments received are compiled within Attachment 10. While the current proposed project is relying on the 2023 Initial Study, it has been revised on July 08, 2024, to include minor changes proposed within the current project scope since the time of its publication, and has included information from the 2023 Initial Study, as applicable. These changes do not trigger recirculation of the initial Study because they are minor in nature, are intended to strengthen existing analyses and mitigation, and do not result in new impacts that were not previously analyzed (in accordance with CEQA Guidelines 15073.5).

The following categories were identified as having potential environmental impacts. However, 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).

- Aesthetics
- Air Quality

- Biological Resources
- Cultural Resources
- Geology and Soils
- 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: The applicant shall install a minimum 6' tall screening fence around the cultivation areas. Fabric screening shall not be used; the screening material shall be chain link with slats, or a solid wood or metal fence. This shall occur prior to cultivation occurring on site.

AES-2: Prior to Stage I cultivation, the processing building will have all lighting downcast and not visible from a public road or neighboring lot. A lighting plan showing Stage I and Stage II lighting shall be submitted prior to any cultivation occurring.

AES-3: Prior to any greenhouse cultivation, the applicant shall equip all greenhouses and transparent / translucent buildings with blackout screening. No light shall be visible from outside any structure that contains interior lighting.

AES-4: All indoor lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare.

AES-5: 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 of record upon which they are placed.

Air Quality

AQ-1: Prior to obtaining the necessary permits and/or approvals for any Stage, 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 in order to complete an updated Air Toxic emission Inventory.

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

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

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

AQ-7: All grading shall be done in accordance with the Grading Plan, prepared by Northpoint Consulting Services (Sheet no. C0). Palliatives shall be applied to the soil during all grading activities to minimize dust, and inspections shall occur during certain intervals of the site preparation.

AQ-8: All greenhouses and processing / manufacturing buildings shall be equipped with carbon or similar air filtration systems to minimize odor drift prior to cultivation activities.

Biological Resources

BIO-1: Prior to cultivation, an 'in season' biological survey of the cultivation area and the area surrounding the cultivation area is required. If sensitive species are discovered, they shall be avoided, and the area(s) containing sensitive species shall be fenced off from the cultivation area(s).

- a. A pre-construction survey for special status species shall be performed by a qualified biologist to ensure the special statues species are not present.
- b. If construction activities would occur during the nesting season (typically February through August 31st), a pre-construction survey for the presence of Special-Status bird species or any nesting/ roosting bird species shall be conducted by a qualified biologists within 500 feet of the proposed construction site. If active nests are identified in this area, CDFW and /or USFWS shall be consulted to develop protective measures. 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 a qualified biologists has determined the have fledged and are independent of the nest site.

BIO-2: All culvert upgrades/installations shall be completed in accordance with a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA) for Stage II of development. These activities shall be performed when the streams are dry adhering to requirements within the Lake Streambed Alteration Agreement (LSAA) and other required permits, as necessary.

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

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 interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-4: Prior to cultivation, the applicant shall stake out the archaeologically sensitive site and avoid ground disturbance in this area. Avoidance of this site shall occur over the life of the project.

Geology and Soils

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 in conjunction with a Grading Permit application. 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.

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.

Hydrology and Water Quality

HYD-1: The applicant shall not use the above-ground pond for cannabis irrigation purposes.

Noise

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

Tribal Cultural Resources

TCR-1: All ground disturbing activities shall be monitored by qualified tribal monitor(s). Ground disturbing activities occurring in conjunction with the Project include, but are not limited to, surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work, excavations, and ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area. Qualified tribal monitor(s) are defined as qualified individual(s) who have experience with identification, collection, and treatment of tribal cultural resources of value to the Tribes. Such individuals will include those who:

- a. Possess the desired knowledge, skills, abilities, and experience established by the Native American Heritage Commission (NAHC) through the NAHC's Guidelines for Native American Monitors/Consultants (2005) (Last visited 3/4/2024. Available at <chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://nahc.ca.gov/wp-content/uploads/2019/04/SB-18-Tribal-Consultation-Guidelines.pdf>); OR
- b. Members of culturally affiliated tribe(s) who:
 - i. Are culturally affiliated with the project area, as determined by the NAHC; and
 - ii. Have been vetted by tribal officials of the Culturally Affiliated Tribes as having the desired knowledge, skills, abilities, and experience established by the Culturally Affiliated Tribes.

TCR-2: The duration and timing of TCR monitoring shall begin at the start of ground disturbing activities and end when ground disturbing activities are completed and final, including the treatment and disposition of any discoveries as outlined in MM TCR-6 below.

TCR-3: All ground disturbing activities shall halt within 100 feet of any cultural resource discovery. All Culturally Affiliated Tribes will be notified of discovery of cultural resources and be provided access to the cultural resource site to allow for identification and further evaluation in determining the cultural resource significance and appropriate treatment or disposition.

TCR-4: There must be at least one tribal monitor present for every separate area containing a TCR discovery that is at least 100 feet apart, unless otherwise agreed upon in writing between the Tribes and Permit Holder.

TCR-5: All on-site personnel of the Project shall receive cultural resource sensitivity training prior to initiation of ground disturbance activities of the Project. The training must be according to the standards of the NAHC and/or the Culturally Affiliated Tribes (as described in MM TCR-1 above). Training will cover potential exposure of subsurface resources, procedures upon identifying a potential resource, notification of Culturally Affiliated Tribes, protection of discoveries, relevant laws and regulations, protocols for avoidance, consequences of regulatory violations, procedures

for pause in construction, procedures for construction setbacks, and confidentiality of discoveries. 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-6: The Project applicant must notify all Culturally Affiliated Tribes at least 45 days prior to commencement of any and all ground disturbance activities on the Project Site. All cultural resources unearthed by Project activities shall be evaluated by the Archeologist and monitor(s). The culturally affiliated tribe(s) must be notified and given an opportunity to inspect, determine the nature of the TCR, and determine the best course of action for avoidance, protection, and/or treatment of the resource to the extent permitted by law. If the resource is determined to be a TCR of value to a tribe, that Tribe will coordinate with the Permit Holder to establish measures by which the Tribe may appropriately protect, treat, and dispose of TCR with dignity, which may include preservation and protection in situ or removal from the Project Site. The Permit Holder will allow the Tribes to facilitate treatment and disposition of the TCR to the extent permitted by law. No destructive or intrusive analysis of nor any photographing, video recording, or similar recording of TCRs shall be permitted by the Permit Holder, except as required by law.

Wildfire

WDF-1: The interior roadway improvements shall meet PRC 4290 and 4291 Road Standards for commercial use. A one-way road shall be at least 12 feet wide, include turnarounds every 400 feet or less, and shall be rated for a minimum of 75,000 pounds for emergency vehicles access. A Knox box is required on all gated entrances for emergency services to access the property.

WDF-2: The permittee shall maintain 100' of defensible space around all structures for the life of the project. Clearing these areas shall occur prior to a building permit being issued. Trees do not need to be removed but need to be limbed up to a height of 8' above grade. Brush and grass removal is permitted.

WDF-3: Construction activities will not take place during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Scraping would not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark. Any vegetation removal or manipulation will take place in the early morning hours before relative humidity drops below 30 percent.

WDF-4: A Water tender will be present on-site during earth work to reduce the risk of wildfire and dust.

WDF-5: The applicant shall designate a total of 32,000 gallons of water exclusively for fire protection. The tank shall be made of steel or fiberglass and shall have connectors that can be used by emergency services, and shall be made of a material that meets the specifications of the applicable Fire Code.

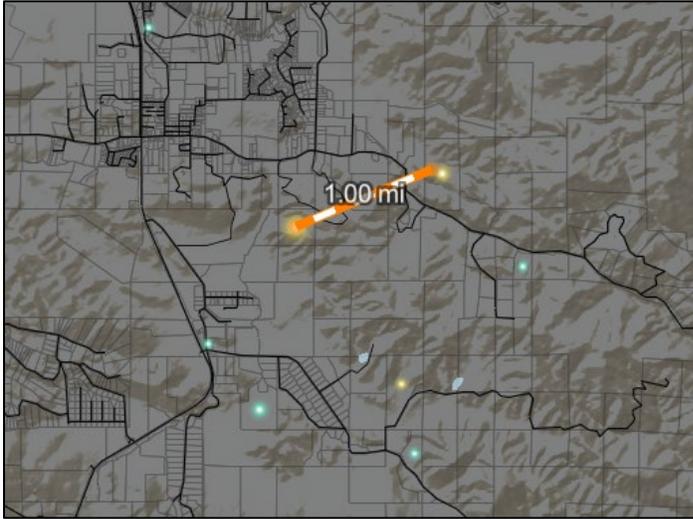
Cumulative Impacts

As shown in Figures 10 and 11, within one mile of the proposed project is one pending project and one approved project. Within three miles of the proposed project are four pending projects and five approved projects (1 of the approved projects is a processing facility not a cultivation project). Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Tribal Cultural Resources, and Wildfire.

These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment.

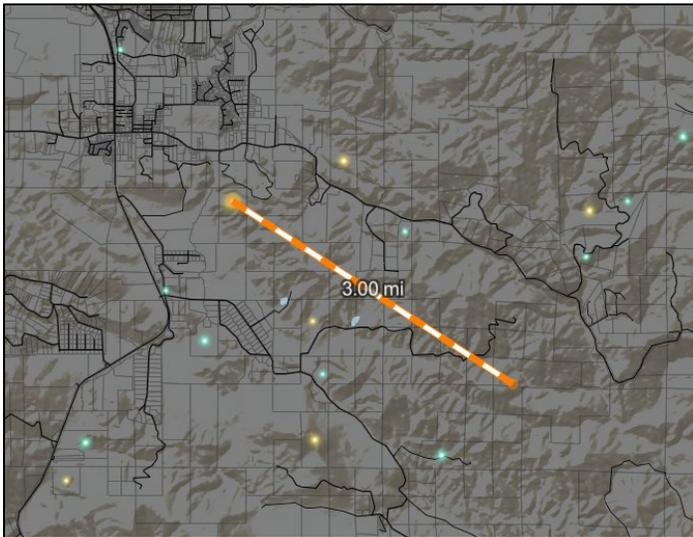
Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively significant environmental impacts.

Figure 10 - Projects within One Mile



Source: Community Development Department ArcGIS

Figure 11 - Projects within Three Miles



Source: Community Development Department ArcGIS

MAJOR USE PERMIT FINDINGS FOR APPROVAL

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

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

The proposed use of commercial cannabis cultivation is a permitted use in the “A” Agriculture zoning district and 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. The cultivation site contains ‘soil of local importance’ but is not within an Exclusion Zone and can sustain cannabis cultivation. 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.*

Stage 1 consists of twenty-five (25) A-Type 3 "medium outdoor" licenses covering a total canopy area of up to 1,089,000 square feet (25 acres). For Stage II, the proposal consists of converting the 25 acres of outdoor cultivation to twenty-five (25) A-Type 3B "mixed light" licenses, with a total greenhouse canopy area of 550,000 square feet (12.6 acres) within a cultivation area of 861,128 square feet. The Lake County Zoning Ordinance allows cultivation operations on “A” Agriculture and “RL” Rural Lands-zoned land if the land meets the requirements within Article 27.13(at). The subject site is ±502 acres in size, large enough to enable the cultivation areas proposed. The site is approximately 400 feet to the east of Ellen Springs Court, which contains eighteen dwellings; however, the prevailing wind direction, which is from the northwest to the southeast, places these dwellings upwind of the cultivation project, which in turn will reduce harvest time odor impacts to the dwellings, particularly during Stage I outdoor cultivation.

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

The site is served by Spruce Grove Road, a County-maintained Road. The site is also served by a private unnamed 20' wide interior gravel driveway. Per Fire Safe Requirements, the project will need to meet the CAL FIRE road standards outlined in Public Resources Codes 4290/4291. The applicant must comply with all building codes prior to construction of any structures. There is no pedestrian access to the Project Site. The project has adequate access to accommodate the specific use and will be required to maintain and improve the access to be compliant with Public Resources Code 4290/4291. Lake County has a Fire Emergency Plan that includes Spruce Grove Road as a designated secondary evacuation route. The Project location is 0.5 miles from CA State Hwy 29. The Project would employ up to (25) people during peak seasonal events, which is unlikely to significantly contribute to a safe evacuation during an emergency on Spruce Grove Road. The proposed Project would is not likely to inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities along the secondary evacuation route.

The project was circulated for public agency review, including but not limited to all local Lake County Fire Districts, Caltrans, 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, there are adequate public utilities and services available to the site. The application was routed to all the affected public and private service providers, including Caltrans, 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, California Highway Patrol (CHP), the California Board of Forestry and Fire Protection, (CAL FIRE), and the 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 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 "A" Agriculture and "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 (IS 22-14) for Major Use Permit (UP 22-15) 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-3.
 2. Potential environmental impacts related to (Air Quality) can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-8.
 3. Potential environmental impacts related to (Biological Resources) can be mitigated to less than significant levels by mitigation measure BIO-1 and BIO-2.
 4. Potential environmental impacts related to (Cultural Resources) can be mitigated to less than significant levels by mitigation measures CUL-1 through CUL-4.
 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 noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
 7. 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-6.
 8. 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 (UP 22-15) 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 Area Plan 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 this project can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration (IS 22-14) for Joel Michaely Grow on property located at 17425 Morgan Valley Road, 10800 Clayton Creek Drive, 10850 Clayton Creek Drive, 17445 Morgan Valley Road, 17475 Morgan Valley Road, 11450 Spruce Grove Road, 11474 Spruce Grove Road, 11480 Spruce Grove Road, 11486 Spruce Grove Road and 11490 Spruce Grove Road, Lower Lake (APNs: 012-045-39, 40, 41, 42, 43; 012-059-10, 11, 12, 13, 14) with the findings listed in the staff report dated October 10, 2024.

Major Use Permit (UP 22-15)

I move that the Planning Commission approve Major Use Permit (UP 22-15) for Joel Michaely Grow on property located at 17425 Morgan Valley Road, 10800 Clayton Creek Drive, 10850 Clayton Creek Drive, 17445 Morgan Valley Road, 17475 Morgan Valley Road, 11450 Spruce Grove Road, 11474 Spruce Grove Road, 11480 Spruce Grove Road, 11486 Spruce Grove Road and 11490 Spruce Grove Road, Lower Lake (APNs: 012-045-39, 40, 41, 42, 43; 012-059-10, 11, 12, 13, 14) subject to the findings and based on the conditions in the Staff Report dated October 10, 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'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.*