



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

**Item #2
9:10 AM
July 28, 2022**

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director

Prepared by: LACO Associates

Assigned Planner: Andrew Amelung, Cannabis Program Manager

DATE: July 28, 2022

RE: Akwabaa Farms/Akwaaba LLC

- Major Use Permit (UP 21-06)
- Initial Study (IS 21-06)

District 2 Supervisor *Bruno Sabatier*

District 2 Planning Commissioner *Everardo Chavez Perez*

ATTACHMENTS: 1. Property Management Plan

2. Proposed Site Plans

3. Conditions of Approval

4. Initial Study

5. Hydrology Report

6. Biological Assessment

7. Mitigation Monitoring Reporting Program

8. Agency and Public Comments

I. EXECUTIVE SUMMARY

The applicant is seeking discretionary approval from the County of Lake for a Major Use Permit, UP 21-06, for a commercial cannabis cultivation operation at 11795 North Drive, Clearlake Park, CA on Lake County APN 010-019-15. The proposed cultivation operation would be composed of two (2) A-Type 3 "Medium Outdoor" licenses with a total combined outdoor canopy area of 73,560 ft², and an A-Type 2B "Small Mixed-Light" license with a total combined mixed-light canopy area of 9,720 ft². The existing onsite 1,800 ft² Metal Barn would be used for drying and harvest storage, and a 160 ft² metal shipping/storage

container would be used for pesticide & agricultural chemicals storage. The proposed cultivation operation will be developed in two phases as follows: Phase 1 43,560 sq. ft. of outdoor canopy area and eighteen (18) 540 sq. ft. mixed-light canopy areas. The applicant proposes to use an existing 1,800 sq. ft. metal barn for drying and storage of cannabis grown onsite. Phase 2 30,000 sq. ft. of additional outdoor canopy area. The total proposed cultivation area, including the proposed canopy areas, drying & harvest storage area, and pesticide & agricultural chemicals storage area, is 85,240 ft² .

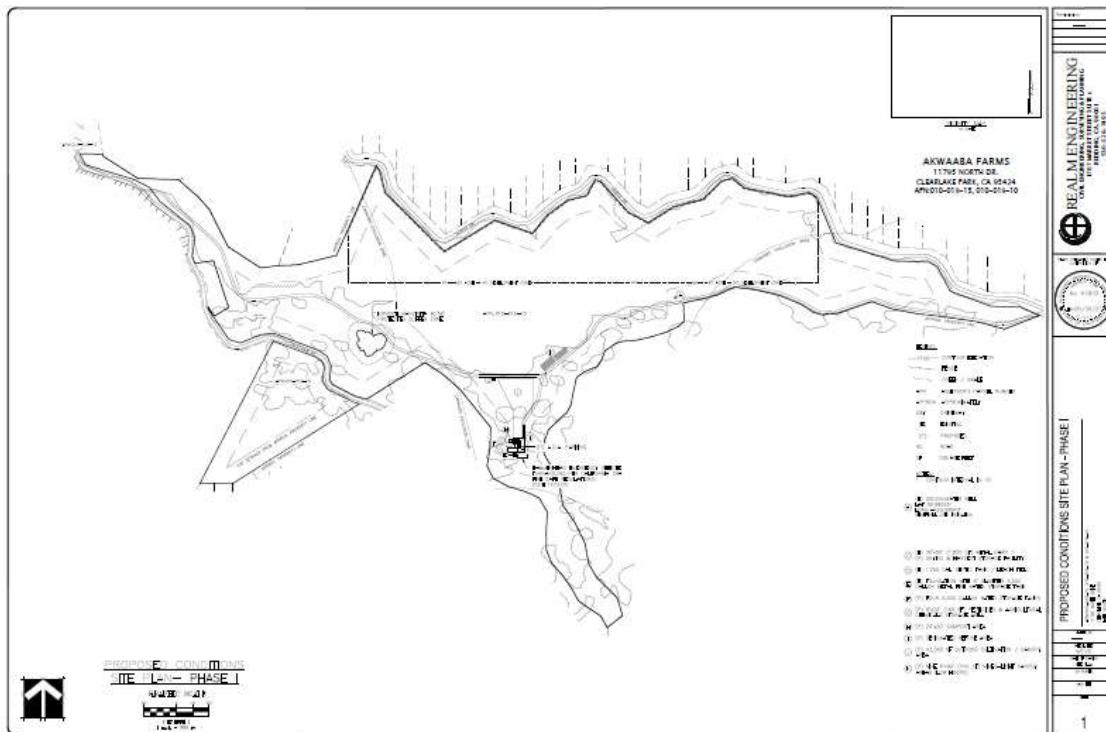


Figure 1. Akwaaba Farms Proposed Conditions Site Plan

II. PROJECT DESCRIPTION

<u>Applicant:</u>	Akwaaba Farms
<u>Owner:</u>	Akwaaba LLC
<u>Location:</u>	11795, North Dr. CA 95423
<u>A.P.N.:</u>	010-019-15
<u>Parcel Size:</u>	<u>+88.66</u> Acres
<u>General Plan:</u>	Rural Lands
<u>Zoning:</u>	"RL" - "SC": Rural Lands – Scenic Combining District
<u>Flood Zone:</u>	Not located within a known flood zone.

Farmland Designation: Other Land

SCH Number: 2022030660

The applicant is seeking discretionary approval from the County of Lake for a Major Use Permit, UP 21-06, for a commercial cannabis cultivation operation at 11795 North Drive, Clearlake Park, CA on Lake County APN 010-019-15. The proposed cultivation operation would be composed of two (2) A-Type 3 "Medium Outdoor" licenses with a total combined outdoor canopy area of 73,560 ft² , and an A-Type 2B "Small Mixed-Light" license with a total combined mixed-light canopy area of 9,720 ft² . The existing onsite 1,800 ft² Metal Barn would be used for drying and harvest storage, and a 160 ft² metal shipping/storage container would be used for pesticide & agricultural chemicals storage. The proposed cultivation operation will be developed in two phases as follows: Phase 1 43,560 sq. ft. of outdoor canopy area and eighteen (18) 540 sq. ft. mixed-light canopy areas. The applicant proposes to use an existing 1,800 sq. ft. metal barn for drying and storage of cannabis grown onsite. Phase 2 30,000 sq. ft. of additional outdoor canopy area. The total proposed cultivation area, including the proposed canopy areas, drying & harvest storage area, and pesticide & agricultural chemicals storage area, is 85,240 ft² . All cultivation area's will be enclosed and secured with six-foot tall galvanized woven wire fences, covered with privacy screen/mesh where necessary to screen the cultivation/canopy areas from public view. Cannabis will be grown in an imported organic growing medium 4 of 35 (potting soil) aboveground fabric pots. The operation will use drip and micro-spray irrigation systems to deliver irrigation water to the above ground fabric pots, and to conserve water resource. All water for the cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.99555° and Longitude: -122.68973°. The cultivation operation will be accessed via a private gravel access road that winds through the Project Parcel, connecting to North Drive on its east end and Crestview Drive on its west end. Metal gates control the access to the private gravel access road and the gates will be closed and locked during non-operational hours and/or when authorized personnel is not present. The address of the proposed cultivation operation will be displayed on each end of the access road. All gates will be closed and locked during non-operational hours and/or when authorized personnel are not present. The operation is anticipated to have between four (4) and twelve (12) employees, dependent on weather and harvesting. Operation will occur from 8:00 AM to 6:00 PM, Monday through Saturday. The operation is anticipated to have a maximum of 1 delivery and 1 pick-up per day. The Lake County Zoning Ordinance restricts deliveries and pickups to 9 am – 7 pm Monday through Saturday, and from 12 pm to 5 pm on Sundays. Electricity for the Drying & Harvest Storage Facility (existing metal barn) will be provided by on-grid power through PG&E. Power for security cameras and security lights will be powered using small, localized photovoltaic solar panels connected to 12-volt batteries located within secure locking heavy-duty plastic containers. A Biological Resources Assessment (dated December 27, 2020) and Botanical Survey Report (dated June 12, 2021) were prepared by Natural Investigations Company for the proposed cultivation operation. Four Konocti manzanita (special-status plant species) were identified on the Project Parcel during these surveys/assessments. The proposed cultivation operation has been designed to avoid impacting the Konocti manzanita and the applicant will mark and maintain a 50-foot buffer (minimum) around the Konocti manzanita during project development and operation. No other special-status species or habitats

were detected on the Project Parcel during the surveys/assessments. The Project Parcel has been enrolled for coverage under the State Water Resources Control Board's Cannabis General Order (WQ-2019-0001-DWQ) since October 30th, 2020. The site was assigned WDID No. 5S17CC428962. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify the Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. The Central Valley Regional Water Quality Control Board has received an SMP and an NMP for the proposed cultivation operation. Established vegetation within and around the proposed cultivation operation will be maintained/protected to the extent possible, as a permanent erosion and sediment control measure. The proposed cultivation areas will be surrounded with straw wattles and silt fences per the engineered Erosion and Sediment Control Plans (dated 6/01/2021), to stop and filter sediment, nutrients, and/or pesticides mobilized by stormwater runoff, and prevent those pollutants from reaching nearby surface water bodies. Additionally, a native grass seed mixture and certified weed-free straw mulch will be applied at a rate of two tons per acre to all areas of the exposed soil prior to November 15th of each year, until permanent stabilization has been achieved. All structures and cultivation areas will be located more than 100 feet from the nearest surface water bodies, and stormwater runoff from the structures and cultivation areas 5 of 35 will be discharged to the well-vegetated buffers surrounding the proposed cultivation operation.

Staff is recommending approval of Major Use Permit UP 21-06 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study IS 21-06) with the incorporated Mitigation Measures and Conditions of Approval.

III. PROJECT SETTING

Project Location

The Project Parcel is located approximately 1,500 feet west of the City of Clearlake at 11795 North Drive, Clearlake Park, CA, and is accessed via North Drive and Crestview Drive. The Project Site is located along the spine of Sulphur Bank Ridge, near the base of a large peninsula that extends out into Clear Lake. There are no watercourses or other surface water bodies (including wetlands and vernal pools) on the Project Parcel. Stormwater runoff from the Project Parcel flows north, south, and east, into ephemeral drainages that discharge into Clear Lake (north and south) or Borax Lake (east). The Project Parcel has been improved with an 1,800 ft² metal barn and a groundwater well. A private gravel and native soil surfaced access road winds through the Project Parcel, connecting North Drive (east) to Crestview Drive (west). Surrounding properties contain rural residential estates, open space, ranches, grazing land, vineyards, and cannabis cultivation operations. The vegetation of the Project Parcel is characterized as Blue Oak Woodland. The climate of the site is characterized by a Mediterranean-type climate, with distinct seasons of hot, dry summers and wet, moderately cold winters. The wet season is typically October through May.



Figure 2. Vicinity Map

Surrounding Uses and Zoning

The parcels to the North and South are zoned "SR" Suburban Reserve and "RR" Single-Family Residential and are greater than 0.15 acres in size. These parcels are either undeveloped or developed with residential dwelling/accessory structures. The parcels to the East are "RL" Rural Lands and are greater than twenty (20) acres in size. These parcels are either undeveloped or developed with residential dwelling/accessory structures. The parcels to the West are zoned "RR" Rural Residential, "SR" Suburban Reserve and "R1" Single-family Residential and are greater than 0.20 acres in size. These parcels are either undeveloped or developed with residential dwelling/accessory structures. The nearest residential dwelling is greater than 1,000 feet away and the operation is approximately 1,500 feet away from the City of Clearlake Boundaries. Figure 4. Zoning of Project Parcel and Surrounding Properties



Figure 3. Vicinity Zoning Map

Access

The cultivation operation will be accessed via a private gravel access road that winds through the Project Parcel, connecting to North Drive on its east end and Crestview Drive on its west end.

Security

The proposed outdoor cultivation areas will be enclosed with 6-foot tall galvanized woven wire fences, covered with privacy screen/mesh where necessary to screen the cultivation/canopy areas from public view. Locking metal gates will control access to the proposed cultivation/canopy areas, and the metal gates will be locked whenever Akwaaba's cultivation personnel are not present. Akwaaba will adhere to the inventory tracking and recording requirements of the California Cannabis Track-and-Trace (CCTT) system. All staff will be trained in the requirements of the CCTT system, and a member of Akwaaba's managerial staff will be the designated track-and-trace system administrator. The designated track-and-trace system administrator will complete an initial training provided by the California Department of Food and Agriculture and will participate in ongoing training as required. All cannabis transfers/movement will be reported through the CCTT system, and a track-and-trace system administrator will supervise all tasks with high potential for diversion/theft.

Operations

The operation is anticipated to have between four (4) and twelve (12) employees, dependent on weather and harvesting. Operation will occur from 8:00 AM to 6:00 PM, Monday through Saturday. The operation is anticipated to have a maximum of 1 delivery and 1 pick-up per day. The Lake County Zoning Ordinance restricts deliveries and pickups to 9 am – 7 pm Monday through Saturday, and from 12 pm to 5 pm on Sundays. Electricity for the Drying & Harvest Storage Facility (existing metal barn) will be provided by on-grid power through PG&E. Power for security cameras and security lights will be powered using small, localized photovoltaic solar panels connected to 12-volt batteries located within secure locking heavy-duty plastic containers.

A community liaison/emergency contact will be made available to Lake County Officials/ Staff and the Lake County Sheriff's Office at all times to address any needs or issues that may arise, will be responsible for responding to odor complaints 24 hours a day/ seven days a week, including holidays, and when an odor compliant is received, the community liaison/ emergency contact will immediately take action to determine the source of the odor.

Hydrology and Water Use

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.99555° and Longitude: -122.68973°. This groundwater well was drilled in November of 2020, through shale, chert, and sand stone, to a depth of 660 feet below ground surface. This well had an estimated yield of 80 gallons per minute at the time it was drilled. Water will be pumped from the existing onsite groundwater well to four 5,000-gallon heavy-duty plastic water storage tanks. The water storage tanks will be equipped with float valves to shut off the flow water from the well and prevent the overflow and runoff of irrigation water when full. Water will be pumped from the water storage tanks to the irrigation systems of the proposed cultivation areas via HDPE water supply lines. The irrigation systems of the proposed cultivation areas will be composed of PVC piping, black poly tubing, and drip tapes/lines. A positive displacement mechanical brass totalizing meter and a Well Watch 670 sonic water level meter equipped with data logging capabilities, have been installed on the groundwater well to monitor the amount of water pumped from the well and the water level in the well. The projected annual water usage is approximately 2.4 acre-feet (795,000 gallons) for the first phase of site/project development, and approximately 4 acre-feet (~1,297,000 gallons) after the second and final phase of site/project development. The cultivation season for the proposed cultivation operation will begin in April and end in November of each year. The peak anticipated daily demand for water of the proposed cultivation operation is approximately 9,776 gallons per day. A well performance test was conducted by Will Peterson Well Drilling (License No. 1009053) of the onsite groundwater well in May of 2021, and a Hydrology Study was prepared by Realm Engineering (License No. 67800), dated August 2, 2021. According to the Hydrology Study, data from the well performance test indicate that the onsite groundwater well would be able to produce sufficient water for the proposed cultivation operation without causing overdraft conditions. Additionally, it appears that the aquifer storage and recharge area are sufficient to provide for sustainable

annual water use at the site and on the Project Parcel, based on the estimated average annual recharge of approximately 8 acre-feet/year to the aquifer of/under the Project Parcel

Due to the existing exceptional drought conditions, on July 27, 2021, the Lake County Board of Supervisors passed Ordinance 3106, requiring land use applicants to provide enhanced water analysis during a declared drought emergency. Ordinance 3106 requires that all project that require a CEQA analysis of water use include the following items in a Hydrology Report prepared by a licensed professional experienced in water resources:

- Approximate amount of water available for the project's identified water source,
- Approximate recharge rate for the project's identified water source, and
- Cumulative impact of water use to surrounding areas due to the project

The Project has adopted a Drought Management Plan (DMP) as part of the requirements of Lake County Ordinance 3106, passed by the Board of Supervisors on July 27, 2021, which depicts how the applicant proposes to reduce water use during a declared drought emergency and ensures both the success and decreased impacts to surrounding areas (Attachment 6).

Fertilizer and Chemical Usage

Materials associated with the operation, such as gasoline, diesel, carbon monoxide, pesticides, fertilizers and the equipment emissions may be considered hazardous if released into the environment. All hazards and hazardous materials will be stored in accordance to all Federal, State and local agency requirements. All routine construction materials and all materials associated with the proposed cultivation of commercial cannabis shall be transported and disposed of properly in accordance with all applicable Federal, State and local regulations. According to the Property Management Plan, all pesticides and fertilizers would be stored in their original package in their designated structures, and would only be used in strict accordance with the product label requirements/directions. No fertilizers or pesticides will be used within 100 feet of any spring, stream, lake, vernal pool or wetland. If a spill occurs, the staff member shall immediately clean up the spill in accordance to all Federal, State and local agency requirements and notify managerial staff.

Cannabis and Solid Waste

The types of solid waste that will be generated from the proposed cultivation operation include gardening materials and wastes (such as used fertilizer/pesticide containers) and general litter from staff/personnel. All solid waste will be stored in bins with secure fitting lids, located directly adjacent to the proposed cultivation/canopy areas. At no time will the bins be filled to a point that their lids cannot fit securely. Solid waste from the bins will be deposited into a trailer ("dump trailer") and hauled away to a Lake County Integrated Waste Management facility, at least every seven (7) days/weekly. The closest Lake County Integrated Waste Management facility to the proposed cultivation operation is the Eastlake

Landfill. Most, if not all, of the solid waste and recyclables generated by proposed commercial cannabis cultivation operation can and will be deposited there.

IV. Project Analysis

General Plan Conformance

The General Plan designation for the subject site is Rural Lands. In reference to the Lake County General Plan (2008), Chapter 3 – *Land Use*, rural lands provides for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands (Figure 3). This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields.

The applicant is proposing commercial cannabis cultivation which applies to agricultural/crop production with the Lake County General Plan (2008) for Rural Lands. The proposed project is consistent with the general plan in the following ways, (1) crop production within the Rural Lands and, (2) reducing odors by implementing measures to reduce air contaminants and odors for the outdoor cultivation are, which includes wetting soils and, delaying ground disturbance activities until site conditions are not wind. Additionally, the Property Management Plan (Attachment 1) has identified an odor response program for when odor complaints are received.

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

Water Resource

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

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

Under Chapter 21, Article 27.11, the requirements for cannabis cultivation projects submittal include a Water Use Management Plan to be reviewed and approved by the County. The proposed project plans to utilize a drip irrigation system and practices, use the five existing groundwater wells, and store water in the 20-acrefoot off-stream reservoir. Prior to cultivation, inline meters compliant with California Code of Regulations, Title 23, Division 3, Chapter 2.7 will be installed on the main irrigation water supply lines running between the off stream water storage reservoir and the proposed cultivation areas. Water level meters equipped with data logging capabilities, will be installed to the five existing wells for monitoring and reporting water use to the County and State.

On July 27, 2021, the Lake County Board of Supervisors declared a local emergency due to the drought conditions and required land-use applicants to provide enhanced water analysis under Ordinance 3106. The local emergency ordinance reinforces the policies under this plan to manage and evaluate the most vital resources in Lake County. The applicant submitted a hydrology report (Water availability) that was prepared by a certified hydrogeologist with REALM Engineering. The report consisted of evaluating the following: the approximate amount water available for the project's identified water source, the approximate recharge rate of the water source, and the cumulative impact of water use to the surrounding area. The hydrology report identified that the approximate amount of water produced by the five wells was 155 gallons per minute. The report concluded that the amount of water available would be sufficient for the required water per year. Additionally, the report identified that no impacts would result to the surrounding area due to the distance between the project well and neighboring off-site wells. (Attachment 6)

Land Use

Goal LU-1: is 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 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 Designation upon securing a Minor/Major Use Permit. The applicant has submitted a Major Use Permit application to the Community Development Department (CDD) for processing. 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.

Goal LU-2: is 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 type of operation and chemicals used for spraying.

In reference to the Lake County Zoning Ordinance Article 27,(at), 1.i.the County requires a minimum 100 foot setback from all property lines of the subject property, and a minimum of 200 foot setback from any off-site residences. There are currently no off-site residences within 1,000 feet from the cultivation site. Additionally, Article 27, Sec. 21-27.10,(at),3.iii.v. prohibits Commercial Cannabis Cultivation within a 1,000 feet of Community Growth Boundaries, licensed child care facilities, churches, or youth-oriented facilities

Shoreline Communities Area Plan

The subject site is within the Shoreline Communities Area Plan boundary. The Plan contains several policies that are subject to consistency review as follows:

- **4.2.1d:** Proposed developments shall mitigate off-site, downstream drainage impacts that would result from the development. Engineered drainage plans and erosion control plans shall be required where appropriate.
- **4.3.1c:** Require that locked gates on private roads be accessible to emergency personnel.
- **4.4.1c:** Promote alternatives to open burning and disposal of vegetative waste, including chipping, mulching and composting.

Zoning Ordinance Conformance

Article 7 – Rural Lands (RL)

In reference to Article 7 of the Lake County Zoning Ordinance, this designation is to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves, and fisheries.

Under Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, commercial cannabis cultivation is allowable use within the Rural Lands zoning district.

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 permits, minor or major use permits in addition to any required building, grading and/or health permits.

The Cultivation of Commercial Cannabis is permitted in the “RL” Rural Lands Zoning Districts upon issuance of a Minor/Major Use Permit pursuant to Article 27, Section 27.11 [Table B] of the Lake County Zoning Ordinance. The applicant has submitted an application for a Major Use Permit, UP 20-06 for the Cultivation of Commercial Cannabis to the CDD.

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

Development Standards

- Minimum Lot Size (20 acres per A-Type 3): Complies, the lot is +86 acres in size.
- Setback from Property Line (100 feet): Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.
- Setback from Off-Site Residence (200 feet): Complies; the nearest dwelling is over 1,000 feet away from the cultivation area.
- Minimum Fence Height of Six (6) Feet: Complies; the proposed security fence will be 6 ft. tall.
- Maximum Canopy Area (43,560 sq.ft. maximum for an A – Type 3 “Outdoor”): Complies; the proposed canopy area would be approximately 73,560 sq.ft. of outdoor canopy area for two (2) A – Type 3 licenses.

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 has also submitted a Property Management Plan (Attachment 1), outlining compliance with all regulations pertaining to cannabis operations including the following: air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security, compliance monitoring, etc. In addition, the applicant complies with the restrictions pertaining to the prohibited activities listed in Article 27.,

V. 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 3) was prepared and circulated for public review in compliance with CEQA from 03/24/2022 to 4/22/2022.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Hydrology/Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire

However, with the incorporation of the mitigation measures in Attachment 7, all impacts can be reduced to a less than significant level.

Aesthetics

The proposed cannabis operation will not have a substantial adverse effect on the scenic vista as the project site and development is not located in a within an identified scenic area. The proposed project has the potential to create additional light and/or glare through the use of exterior security lighting, processing and drying building, and greenhouses. Any lighting associated with the proposed project would comply with the recommendations of “darksky.org” and local ordinances. Impacts relating to Aesthetics have been reduced to less than significant with the incorporated mitigation measures below:

AES-1: All greenhouses shall incorporate blackout screening so that no light is visible from outside each greenhouse.

AES-2: All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state and local agency requirements, including all requirements in darksky.org.

Air Quality

The proposed project has the potential to create short-term construction and long-term operational impacts on air quality. During construction and site preparation, potential short-term impacts might include fugitive dust from earthmoving activities, and fume emissions from heavy equipment and generators, however, these are short-term impacts. Long-term operational activities often include terpene odors from cannabis activities during the harvest season. No significant odor impacts are anticipated from the proposed cultivation operation, due to the proposed odor control equipment and practices, and the generous setbacks provided from public roads, property lines, and neighboring residences/outdoor activity areas. All potential Air Quality impacts have been reduced to less than significant with the incorporated mitigation measures below:

AQ-1: Prior to cultivation, the applicant shall submit an Odor Control Plan to the Lake County Community Development Department for review and acceptance or revision at the discretion of the Department Director. The applicant shall adhere to all operations and procedures within the Odor Control Plan.

AQ-2: All Mobile diesel equipment used for construction and/or maintenance shall be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as Lake County Noise Emission Standards.

AQ-3: Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by use of water or other acceptable dust palliatives to mitigate dust generation during and after site development.

AQ-4: 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 to the Lake County Air Quality Management District.

AQ-5: 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-6: 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-7: All areas subject to infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

AQ-8: The ventilation system of the Drying & Harvest Storage Facility shall be equipped with carbon filters/air scrubbers. The carbon filters/air scrubbers shall be replaced quarterly

Biological Resources

Biological/Botanical Resource Assessments and surveys were conducted and prepared by Natural Investigations Company, Inc. This Biological and Botanical Resources Assessments were prepared to assist in compliance with the California Environmental Quality Act and the state and federal Endangered Species Acts. The BA refers to the Project parcel as the Study Area. All development would occur over 100 feet from any surface waters. The proposed operation does not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. All vegetation will be routinely maintained in accordance with all Federal, State, and local agency requirements, including Chapter 13 of the Lake County Code. All potential biological impacts have been reduced to less than significant with the incorporated mitigation measures below:

BIO-1: Prior to ground disturbance and/or site development, the applicant shall establish and maintain a 50-foot buffer around the Konocti Manzanita of the Project Parcel.

BIO-2: If construction activities occur during the nesting season (usually March through September), 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. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

BIO-3: 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-4: Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not located within 100 feet of a well head and all watercourses.

BIO-5: The applicant shall maintain a minimum of a one-hundred-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool.

Cultural Resources

An Archeological Research Study/Report was prepared by Wolf Creek Archaeological Research dated December 6, 2020. According to the report, it was completed in accordance with the California Environmental Quality Act (CEQA) and all other applicable laws. Background Research: Prior to the field inspection, a record search was conducted at the Sonoma State University office of the California Historical Resource Information System. This record search indicated that nine (9) cultural sites had been recorded within 1/4 mile of the project area. In addition, On November 15th, 2020, a request for information was sent to the California Native American Heritage Commission (NAHC) for their review of the Sacred lands file. The NAHC review indicated that sacred sites had been recorded in the general area. Field Work: During the field inspection, two isolated Borax Lake obsidian flakes (stone tool manufacturing remains) were discovered within the project area. Although isolated prehistoric cultural items do provide some information about past land uses in the area, these are not considered "significant" historic resources as defined in the Public Resources Code. A small recent trash pile was also discovered at the southern edge of the project area. The cultural material in this trash deposit was too new to be considered historically significant. According to the report, there were no significant historic resources discovered during the field inspection. Therefore, it has been determined that no historic resources exist within the project area and the project should be approved as proposed. It is unlikely that undiscovered cultural sites will be encountered

during project development. However, it is recommended that work in the immediate vicinity of a find be suspended and a Registered Professional Archaeologist called to evaluate the find according to California Environmental Quality Act (CEQA) Guidelines.

- **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 interment 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.
- **CUL-3:** All staging or storage of materials to develop the commercial cannabis cultivation, shall be located in previous disturbed area only. CULT-4: If ground disturbance occurs outside any previously disturbed area, a qualified Archaeologist shall conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources.

Geology & Soils

The operation will not result in substantial soils erosion or the loss of top soils as the operation will be developed in a previous disturbed area that has been continuously used for agricultural uses. Additionally, the development of the operation may require minimal grading, including routine maintenance but will be less than 500 cubic yards of soil. The allowable amount upon issuance of a building permit. According to the soil survey of Lake County, prepared by the U.S.D.A, the soil within the project area will include the following:

- Maymen-Hopland-Mayacama Association (Soil unit 174) 50-75 % slope: This soils classification is shallow to moderately deep and well drained. The typical elevation is 1,200 to 5500 feet with an annual precipitation of approximately 30 to 50 inches. The permeability is moderate slow with a water capacity of approximately 3 to 7 inches. The surface run-off is rapid with the severe erosion hazard. - Maymen-Millsholm-Bressa Complex (Soil unit 175) 30-50 % slope: This soils classification is shallow and well drained. The typical elevation is 1,400 to 3,000 feet with an annual precipitation of approximately 30 to 40 inches. The permeability is moderately slow with a water capacity of approximately 1 to 7.5 inches. The surface run-off is rapid with the severe erosion hazard. Impacts would be Less than Significant with Mitigation Measures GEO-1 through GEO-4 incorporated.

GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to 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 Chapters 29 and 30 of the Lake County Code.

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. All BMP's shall be maintained for life of the project.

GEO-2: Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with Chapters 29 and 30 of the Lake County Code.

GEO-3: 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 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-4: The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repaired when necessary.

Hazards and Hazardous Materials

According to the Property Management Plan, all pesticides and fertilizers would be stored in their original package in their designated structures, and would only be used in strict accordance with the product label requirements/directions. No fertilizers or pesticides will be used within 100 feet of any spring, stream, lake, vernal pool or wetland. If a spill occurs, the staff member shall immediately clean up the spill in accordance to all Federal, State and local agency requirements and notify managerial staff. Impacts would be Less than Significant with Mitigation Measures HAZ-1 through HAZ-7 incorporated.

HAZ-1: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

HAZ-2: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak into the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.

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: The storage of hazardous materials equals to or greater than fifty-five (55)gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/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-5: The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.

HAZ - 6: The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

HAZ - 7: All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.

Hydrology and Water Quality

This Water Use Management Plan (WUMP) is designed to conserve and protect Lake County's Water Resources and to ensure that the proposed cultivation operation's water use practices are in compliance with applicable County, State, and Federal regulations at all times. This WUMP focuses on designing a water efficient delivery system and irrigation practices, and the appropriate and accurate monitoring and reporting of water use practices. Also included in this WUMP is a description of the Water Resources of the Project Property, and a Water Availability Analysis.

Water Conservation Per the Water Conservation and Use requirements outlined in the SWRCB's Cannabis General Order, the following Best Practical Treatment and Control

(BPTC) measures will be implemented to conserve water resources: - Regularly inspect the entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks. - Apply weed-free mulch in cultivation areas that do not have ground cover to conserve soil moisture and minimize evaporative loss. - Implement water conserving irrigation methods (drip or trickle and micro-spray irrigation). - Maintain daily records of all water used for irrigation of cannabis. Daily records will be calculated by using a measuring device (inline water meter) installed on the main irrigation supply line between the water storage area and cultivation areas. - Install float valves on all water storage tanks to keep them from overflowing onto the ground. The operation will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

HYD-1: The project design shall incorporate the sediment and erosion control measures outlined on the project's Erosion and Sediment Control Site Plan, to prevent or reduce discharge of all construction or postconstruction pollutants and hazardous materials offsite or all surface water.

HYD-2: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

Noise

Potential impact to Noise related to the proposed project can occur either during construction or as the result of machinery related to post-construction equipment such as well pumps or emergency backup generators during emergency power outages. However, the proposed use shall adhere to all Federal, State, and local agency noise standards and requirements. All potential Noise has been reduced to less than significant with the incorporated mitigation measures below:

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm 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 sound levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM 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.

NOI-3: The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within

residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

Mandatory Findings of Significance

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

Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazardous Materials, Hydrology, and Noise. 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 considerable environmental impacts.

VI. 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. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the CDD would conduct annual compliance monitoring inspections during the cultivation season to ensure compliance with the County’s ordinances, the approved Property Management Plan, mitigation measures, and conditions of approval.

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

The proposed canopy area would be approximately 85,240 sq.ft. of outdoor canopy area for two (2) A – Type 3 licenses. The location and size of the project site comply with the local ordinance requirements for use and setbacks. The Lake County Zoning Ordinance allows type 1, 2, 3, and 4 cultivation operations on Rural Lands-zoned land, and the subject site is +86 acres in size, large enough to enable the cultivation area proposed.

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

The site is served by a private driveway which is accessed from North Drive. Per the Public Resources Code (PRA) 4290/4291 Fire Safe Requirements, the project will need to meet the CALFIRE road standards outlined in Public Resources Code 4290/4291. The applicant must comply with all building codes prior to construction of any structures. Therefore, the project has adequate access to accommodate the specific use and will be required to maintain and improve the access to be compliant with Public Resources Code 4290/4291.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The project site will utilize onsite groundwater wells and water storage tanks. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff's Office, California Highway Patrol (CHP), and the California Board of Forestry and Fire Protection, (CALFIRE). The applicant is required to adhere to all applicable local, state, and federal regulations, mitigation measures, and conditions of approval intended to ensure adequate services and maintain safety at the site. This application was routed to all of the affected public and private service providers (including 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. No adverse comments were received.

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 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan does not have any provisions specifically for commercial cannabis, but both the General Plan and the Shoreline Communities Area Plan have provisions for economic development, water resources, and agricultural resources land use compatibility. Additionally, the subject property complies with the minimum setbacks and development standards.

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

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

In addition to the findings required above for a Use Permit, the following findings are required for approval of a cannabis-specific Major Use Permit:

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i. as outlined in this staff report
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g). as outlined in this staff report
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i). as outlined in this staff report

Responses to Article 27, Subsection (at) findings:

1. This application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance
 - Minimum Lot Size (20 acres per A-Type 3): *Complies, the lot is +86 acres in size. The applicant needs 40 acres for two (2) A – Type 3 license.*
 - Setback from Property Line (100 feet): *Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.*
 - Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is over 1,000 feet away from the cultivation area.*
 - Minimum Fence Height of Six (6) Feet: *Complies; the proposed fence will be 6 foot tall.*
 - Maximum Canopy Area (43,560 for one (1) A – Type 3 “Outdoor”): *Complies; the proposed canopy area would be approximately 85,240 sq.ft. of outdoor canopy area for twenty-two (2) A – Type 3 licenses.*

VII. RECOMMENDATION

Staff recommends the Planning Commission take the following actions.

A. Adopt Mitigated Negative Declaration (IS 21-06) for Major Use Permit (UP 21-06) 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, and AES-2.
2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7 and AQ-8.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measure BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5.
4. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, CUL-3 and CUL-4.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, GEO-3, and GEO-4.
6. Potential hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-7.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-3 through BIO-5, GEO-1 through GEO-4, HAZ-1 through HAZ-7, and HYD-1, and HYD-2.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Lakeshore Communities Area Plan, and Zoning Ordinance.
11. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 21-06 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, Shoreline Communities 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 the **Major Use Permit (UP 21-06)** applied for by **Akwaaba Farms, LLC** on property located at **11795 North Drive, Clearlake Park**, further described as **APN: 010-019-015** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **June 23, 2022**.

Major Use Permit (UP 21-14)

I move that the Planning Commission find that the **Major Use Permit (UP 21-06)** applied for by **Akwaaba Farms, LLC** on property located at **11795 North Drive, Clearlake Park**, further described as **APN: 010-019-015** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be

granted subject to the conditions and with the findings listed in the staff report dated **June 23, 2022.**

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 calendar day following the Commission's final determination.