



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
255 N. Forbes Street – 3<sup>rd</sup> Floor  
Lakeport, California 95453  
Planning • Building • Code Enforcement  
Phone: (707) 263-2221 • Fax: (707) 263-2225

Item 6d  
9:50 AM  
October 10, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Community Development Department  
Michelle Irace, Principal Planner  
Prepared by Mary Claybon, Associate Planner

**DATE:** October 10, 2024

**SUBJECT:** Consideration of proposed Major Use Permit UP 21-07, Little High Valley / 17870 Little High Valley, LLC and Mitigated Negative Declaration (IS 21-07) for approval of two (2) A-Type 3 “Outdoor” commercial cannabis cultivation licenses and one (1) Type 13 Self-Distribution, transport only license located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03)

### ATTACHMENTS:

1. Site Plans by Realm Engineering (5/15/2024)
2. Draft Conditions of Approval
3. Property Management Plan (1/24/2020)
4. Draft Initial Study/Mitigated Negative Declaration
5. Hydrology Report and Drought Management Plan (2/4/2022)
6. Biological Assessment (12/2020)
7. Agency Comments
8. Tribal Comments
9. Branch Easement

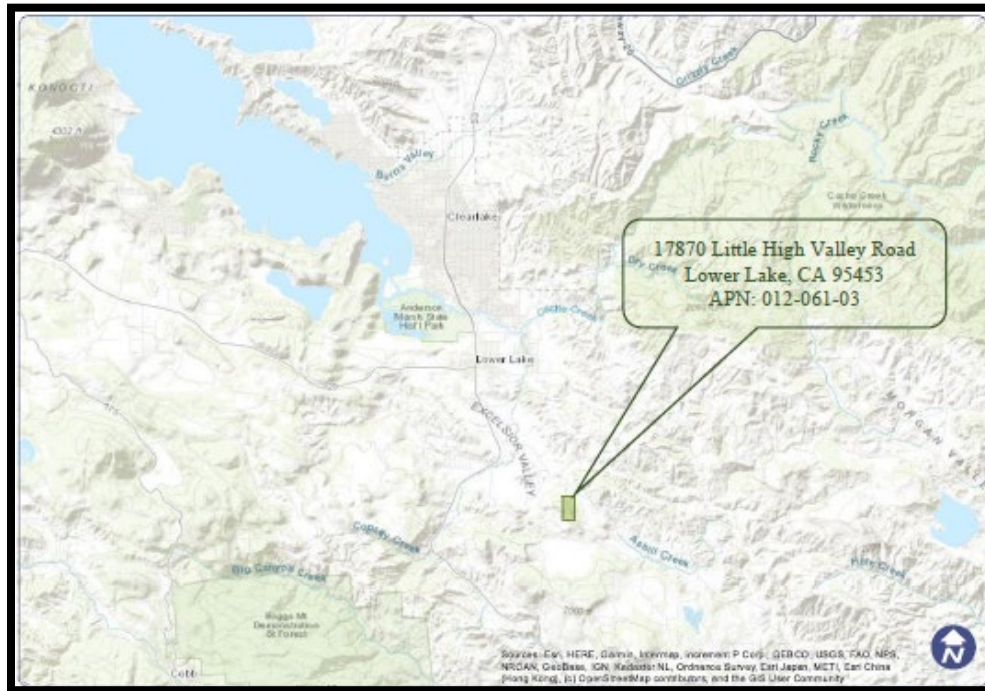
### EXECUTIVE SUMMARY

The applicant, 17870 Little High Valley, LLC/Mark McDonald is requesting discretionary approval from the County of Lake for a Major Use Permit (UP 21-07) Little High Valley for a proposed outdoor commercial cannabis cultivation operation located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03). The subject parcel is zoned “RL” Rural Lands, is approximately 78.38 acres in size, and is accessed via private driveway connecting directly to Little High Valley Road. The Project Parcel is located in a rural area of southwestern Lake County approximately 2.5 miles southeast of the community of Lower Lake and is accessed via a private gravel and native soil surfaced access road from Little High Valley Road. The topography of the parcel is moderately to steeply sloped and is located on a volcanic ridge with elevations ranging between 1,840 and 2,210 feet above sea level. Due to the location of the parcel near the top of a porous volcanic ridge, there are no jurisdictional watercourses onsite.

The operation would include two (2) A – Type 3 “Medium Outdoor” commercial cannabis cultivation license consisting of 87,120 sf of canopy area one within 90,620 sf cultivation area, and one (1) Type 13 “Self-Distribution: Transport Only” license, and a 3,500-sf building (50’x70’x14’) for processing, drying, and storage of cannabis. Historical uses of the site include

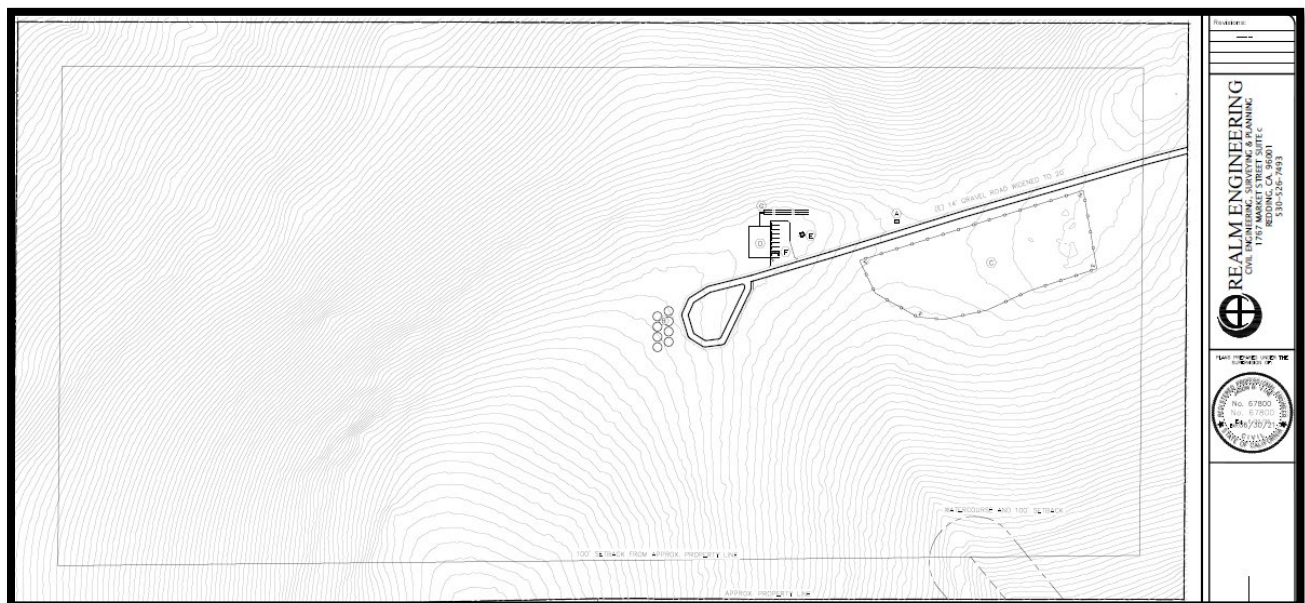
agricultural operations and cattle grazing. The property was burned in the 2015 Clayton Fire which caused the loss of many of the trees and chapparral on site. The site currently contains burned chapparral and oak trees.

**FIGURE 1 – VICINITY MAP**



Source: Lake County Topographic Base Map

**FIGURE 2 – SITE PLAN**



Source: Realm Engineering

## PROJECT DESCRIPTION

<u>Project Title:</u>	Little High Valley
<u>Permit Numbers:</u>	Major Use Permit UP 21-07 Initial Study IS 21-07
<u>Lead Agency:</u>	County of Lake Community Development Department Courthouse, 3rd Floor, 255 North Forbes Street Lakeport, CA 95453
<u>Contact Person:</u>	Mary Claybon, Associate Planner (707) 263-2221
<u>Project Location:</u>	17870 Little High Valley Road, Lower Lake
<u>Applicant Information:</u>	17870 Little High Valley, LLC
<u>Project Sponsor's Name &amp; Address:</u>	Mark McDonald 3350 Fulton Road / P.O. Box 44 Fulton, CA 95439
<u>Parcel Number:</u>	012-061-03
<u>Parcel Size:</u>	±78.38 Acres
<u>General Plan Designation:</u>	Rural Lands
<u>Zoning:</u>	"RL"; Rural Lands
<u>Supervisor District:</u>	District 1
<u>Flood Zone:</u>	"D" Areas of undetermined flood hazard
<u>Water Supply:</u>	Existing onsite permitted groundwater well
<u>Sewage Disposal:</u>	Existing on-site septic system
<u>Fire Protection:</u>	Lake County Fire Protection District
<u>Fire Severity:</u>	State Responsibility Area (CAL FIRE), Very High Fire Risk Area
<u>Earthquake Fault Zone:</u>	None
<u>Dam Failure Inundation Area:</u>	Not located within Dam Failure Inundation Area

### Existing Features:

- Interior Roadway Improvements
- 14' Security gate
- Groundwater well
- Steel water tank

### Proposed Features:

- (1) 6' tall perimeter fence around a 90,620 sf cultivation area
- (1) Proposed canopy area consisting of 87,120 sf of cannabis canopy

- (1) 3,500-sf building (50'x70'x14') for processing, drying, and storage of cannabis
- New PG&E utility connection
- Roof-mount solar panels with battery storage/backup systems
- Security cameras and downcast security lighting for the processing building
- (8) 2,500-gallon water storage tanks for irrigation
- (1) Proposed 5,000-gallon water storage tank dedicated to fire protection
- (8) Proposed parking spaces with one ADA-compliant space
- Backup generator for emergency use
- Knoxbox installation at security gate

## **POINTS OF INTEREST**

### **Water Analysis:**

All water for the proposed cultivation operation would come from the existing onsite groundwater well located near the center of the Project Parcel, and directly adjacent to the proposed cultivation operation. This groundwater well was drilled to a depth of 320 feet below ground surface (bgs) in August of 2020. The well had an estimated yield of +400 gallons per minute (gpm) at the time it was drilled. The growing medium of the proposed outdoor canopy area would be an imported organic soilless growing medium (composed mostly of composted forest material) in aboveground garden beds. Drip irrigation systems would be used to deliver irrigation water to the aboveground fabric pots. Water from the onsite groundwater well would be pumped to eight proposed 2,500-gallon water storage tanks located upslope and north of the proposed outdoor cultivation/canopy areas. Irrigation water would be gravity fed from the water storage tanks to the drip irrigation systems.

According to the Hydrology Report and Drought Management Plan (Attachment 5), the Project would have an estimated annual water use requirement of 4.6 acre-feet annually for cultivation and between 4.2 and 5.8 acre-feet total water use from the cultivation and proposed processing facility. The peak anticipated demand for water of the proposed cultivation operation is approximately 12,333 gallons per day, with an average water demand 5,040 and 7,040 gallons per day during the cultivation season (April through November). The Hydrology Report concluded that based on the well performance test data and the estimated water use requirements of the proposed cultivation operation the aquifer storage and recharge area are sufficient to provide for sustainable annual water use at the site and within the area, and that pumping for the proposed project is unlikely to result in significant declines in groundwater elevations or depletion of groundwater resources over time. The estimated amount of water available to recharge the aquifer of the Project Parcel during a severe drought year (~6.3 acre-feet) is greater than the estimated annual water usage of the proposed cultivation operation (4.2 to 5.8 acre-feet). Water level monitoring is required by the Lake County Zoning Ordinance Article 27 Section 27.11(at) requires the production well to have a water meter and water level monitor.

The Drought Management Plan (Attachment 5) identifies Water Conservation and Use requirements outlined in the State Water Resources Control Board's Cannabis General Order. These water conservation measures will be applied during a declared drought emergency. The following Best Practical Treatment and Control (BPTC) measures to conserve water resources were identified:

- 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 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 area(s)
- Install float valves on all water storage tanks to keep them from overflowing onto the ground
- Install moisture meters to monitor how much water is in the soil at the root level and reduce watering to only what is needed to avoid excess water use
- Irrigate only in the early morning hours or before sunset
- Cover plants with shaded meshes during peak summer heat to reduce plant stress and water needs
- Add a soil amendments/ingredients to growing medium that retains water in a way to conserve water and aid plant growth/health. Soil amendments/ingredients such as peat moss, coco coir, compost, perlite, and vermiculite retain water and provide a good environment for cannabis to grow.

Additionally, to ensure both success and decreased impacts to the surrounding areas, the applicant will reduce their outdoor canopy area and water usage by 10 percent, when a drought emergency has been declared for the region. To reduce the water usage by 10 percent, the applicant will not plant 8,712 sf of their proposed cultivation/canopy area and will notify the County of Lake of the reduced canopy.

#### **Energy Use:**

The project proposes 87,120 sf of outdoor canopy area and will apply for new PG&E service connection to power the proposed processing facility and ancillary equipment such as lighting, dehumidifiers, and fans. The applicant also proposes a roof-mount photovoltaic solar system with battery storage/backup systems for the well pump and security cameras prior to the utility installation for PG&E services.

#### **Access:**

The project property is accessed by a gated private access road identified as the Branch Road Easement connecting to Little High Valley Road, a County-maintained road. A Road Access and Utility Easement and Maintenance Agreement listing the project parcel as dominant tenement (APN 012-061-03) and servient tenement (APN 012-046-01) was recorded in Official Records of County of Lake on 9/24/2021, listed as document # 2021016106 (Attachment 9). The project parcel's interior roadways are required to meet Public Resource Code sections 4290 and 4291 Fire Safety Roadway Standards for development. The applicant proposes a 20' wide, 6" gravel interior roadway approximately 801' in length with a hammerhead turnaround at the terminus 60' and 20' in length. The security gate will be secured with a Knoxbox to allow access for emergency services. The applicant proposes eight (8) parking stalls, one of which is ADA compliant.

#### **Construction**

Proposed construction activities would include vegetation removal to prepare the proposed parking area, building pad, and preparing the cultivation area. Minor grading (less than 500 cubic yards) would be needed to create a level pad on which to construct the proposed processing facility. Six inches of gravel will be applied to the access road and parking areas of the Project Parcel. Construction of the proposed processing facility would involve the delivering of construction materials to the project site, the pouring of a concrete foundation, and the erecting of the metal building.

### **Grading and Erosion Control**

The proposed Project would increase the impervious surface area of the Project Property by approximately 5,000 sq. ft., through the construction/installation of a 3,500 sq. ft. metal building (proposed processing facility), eight 2,500-gallon water storage tanks, and a 5,000-gallon metal water storage tank for fire suppression. The proposed outdoor cultivation area would not increase the impervious surface area of the Project Property and should not increase the volume of runoff from the Project Site. The proposed parking lots will have a permeable gravel surface, and the proposed ADA parking spaces will be constructed of permeable pavers.

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. As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) measures, the applicant had to prepare a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP) within 90 days of enrollment. "The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs" (State Water Board, 2019).

### **PROJECT SETTING**

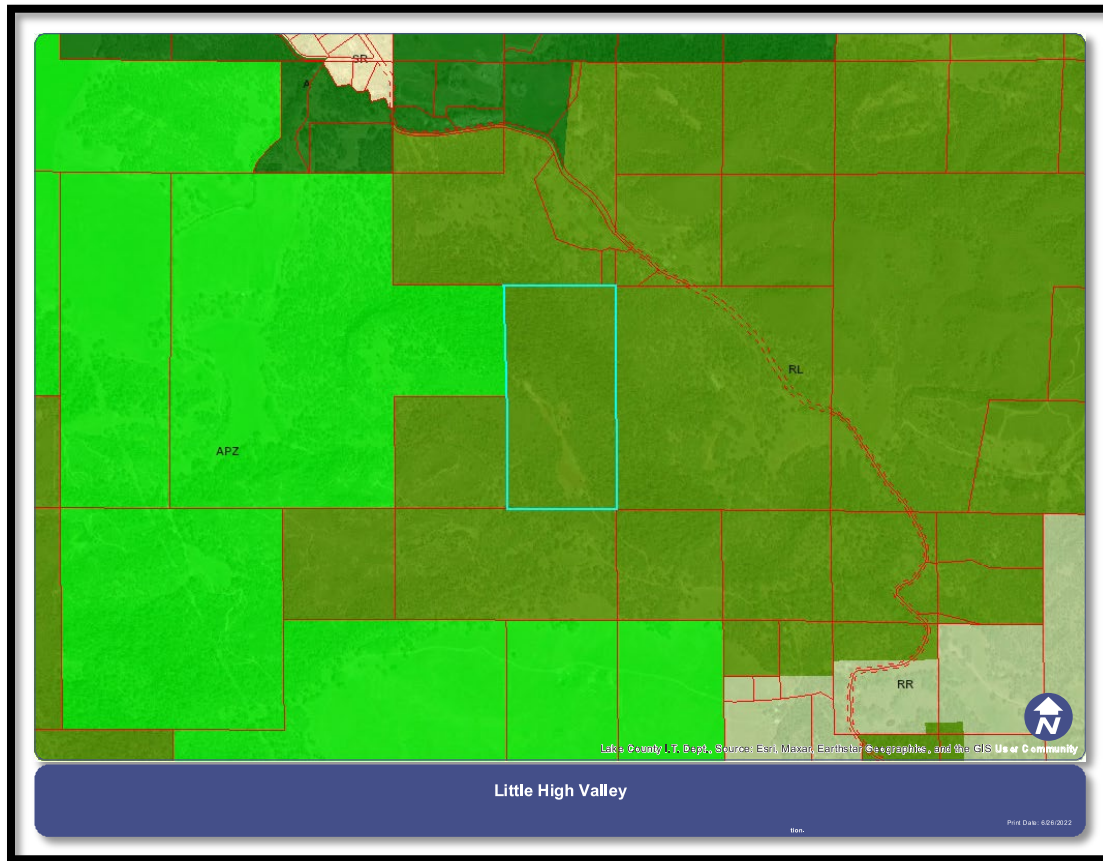
The Project Parcel is located in a rural area of southwestern Lake County approximately 2.5 miles southeast of the community of Lower Lake and is accessed via a private gravel and native soil surfaced access road off of Little High Valley Road. The topography of the parcel is moderately to steeply sloped and is located on a volcanic ridge with elevations ranging between 1,840 and 2,210 feet above sea level. Due to the porous volcanic soils of the Project Parcel, there are no watercourses or wetlands on or near the Project Site. No culverts or other water crossings are required to reach the proposed cultivation area. An unnamed ephemeral Class III watercourse forms in the southwest corner of the Project Parcel, and flows from northeast to southwest into an unnamed tributary of Copsey Creek. The setback from the cultivation area to the Class III ephemeral stream is over 600' away, exceeding the 100' setback requirement. There are also no locations onsite that appear to qualify as jurisdictional wetlands

### **SURROUNDING ZONING AND USES**

North:	12199, 12343, 12495, & 12589 Spruce Grove Road; Parcel Numbers 012-060-05, 12, & 13; Zoned Rural Lands; Mostly vacant land with some developed rural residential estates
East:	12589, 12671 & 12999 Spruce Grove Road; Parcel Number 012-067-32, 35, & 42; Zoned Rural Lands; Vacant Land
West:	12053 Old Spruce Grove Road and 17760 Little High Valley Road; Parcel Numbers 012-061-01 & 02; Zoned Rural Lands and Agricultural Preserve, Vacant Land
South:	17750 & 17910 Little High Valley Road; Parcel Numbers 012-046-01 & 012-056-12; Zoned Rural Lands, Vacant Land



**FIGURE 3 – ZONING MAP**



Source: Lake County Parcel Viewer

## **PROJECT ANALYSIS**

### **General Plan Conformity**

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 provide for rural development in areas that are primarily in their natural state, although agricultural production is permitted on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access.

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

### **Chapter 3 Land Use**

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

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

Pursuant to the Lake County Zoning Ordinance, the cultivation of cannabis is an allowable use within the “RL” Rural Lands Designation upon securing a Conditional Use Permit and 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. Furthermore, the project

location is set in a remote enough location so as not to cause any incompatibility within the immediate proximity of the project.

### **Chapter 7 – Health and Safety**

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

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

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

### **Chapter 11 Water Resources**

Goal WR-1: 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, in order 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.

Policy WR-2.1: Protect Surface and Ground Water Quality. All proposed land use and

The project application includes a water-use analysis, a Hydrological Study, and Drought Management Plan (Attachment 5), as required for commercial cannabis cultivation projects. Pursuant to Ordinance 3106, the applicant submitted A Hydrology Report (“Report”) for this project by Realm Engineering dated February 4, 2022, (Attachment 5). The Report details project water demand, water availability, aquifer / groundwater recharge, impacts to area wells, and provides a Drought Management Plan with Best Practical Treatment and Control (BPTC) measures.

### **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.



Objective 5.3: Balanced development shall be encouraged which coordinates improvements in public service capabilities to maximize community and economic development within Lower Lake.

Objective 5.5: Comprehensive economic development efforts to the benefit of the community of Lower Lake shall be encouraged. Such efforts should involve a high level of community participation and input.

The vicinity of the project location is rural with large lots; the project would not increase housing density in an area that has large lots and sparse development. The project proposes to provide employment for up to eight employees. Construction activities would contract with local contractors/developers and employees. These contractors/developers and employees will spend money on local commodities such as food, fuel, and rents, which will benefit the greater Lower Lake area's economy. Neighbors within 725' of the project parcel's boundaries have received the Notice of Intent to Adopt a Mitigated Negative Declaration and the legal notice for this hearing today with the option to participate and provide public comment.

### **Zoning Ordinance Conformity**

#### 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, Table B of the Lake County Zoning Ordinance.

#### Article 27 - Use Permits

Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance allows for commercial cannabis cultivation in the "RL" zoning district subject to the issuance of a minor or major use permit, and subject to any required building, grading and/or health permits. The following standards and criteria apply to commercial cannabis cultivation per Article 27, Section 11. This application meets the Development Standards, General Requirements, and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance. These include:

- Minimum Lot Size (20 acres required for each A-Type 3 license): *Complies; The lot is ±78.38 acres in size, and 40 acres are required for the permits requested.*
- 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 more than 500 feet to the south of the cultivation area.*
- Minimum and maximum fence height of six (6) to eight (8) feet: *Complies; the proposed fence is six (6) feet tall.*
- Maximum canopy area (43,560 sf for each 20 acres of land for each A-Type 3 license): *Complies; The total proposed outdoor canopy area is 87,120 sf. The ±78.38 acre lot size supports 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), as well as in Article 51, subsection 4, Major Use Permit Findings for Approval.

The applicant has submitted a Property Management Plan outlining compliance with all regulations pertaining to cannabis operations including air quality, biological resources, cultural and tribal resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security and annual compliance monitoring. The property management plan, the site plans, and the various studies submitted for this project demonstrate compliance with the various Plans, Ordinances and Regulations that are required for this type of cannabis project.

### **Agency Review**

Agency comments (Attachment 6) were received from the following agencies that require action by the Applicant. These comments have been addressed by staff verification and within the project's Conditions of Approval.

- Lake County Agricultural Commissioner – operator needs a Pesticide Applicator license (Addressed within the project's Conditions of Approval)  
CAL FIRE – standard comments; PRC 4290 compliance needed (Addressed within the project's Conditions of Approval)
- Lake County Surveyor – record survey on file. Make sure parcel and access are legal access and utility easements have been verified. (Attachment 6)

### **Tribal Consultation**

Notification of the project and offering consultation under AB-52 (Attachment 7) was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on May 7, 2021, by the County of Lake. The Middletown Rancheria Tribe sent an email to the County indicating that the project was located in their Area of Concern (AOC) and requested further information however, tribal consultation was not requested. On October 23, 2023, the Middletown Tribal Historic Preservation Officer sent an additional email stating he had conducted a site visit and surveyed the Project area. Middletown Rancheria had no further commentary.

### **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Mitigated Negative Declaration (Attachment 4) was prepared and circulated for public review in compliance with CEQA from August 25, 2023, to September 22, 2023. No adverse comments were received regarding this project from any notified State agency. No public comments were received.

While the current proposed project is relying on the 2023 Initial Study, it has been revised on June 24, 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 and do not result in new impacts that were not previously analyzed (in accordance with CEQA Guidelines 15073.5).

- The Initial Study found that the project could cause potentially significant impacts:
  - Aesthetics
  - Air Quality
  - Biological Resources
  - Cultural Resources

- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire

The following mitigation measures have been identified to reduce all impacts to a less than significant level:

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

AES-1: All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of [www.darksky.org](http://www.darksky.org) and provisions of Section 21.48 of the Zoning Ordinance.

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

AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District (LCAQMD) and obtain an Authority to Construct (A/C) permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions.

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 diesel 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 Lake County Air Quality Management District 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. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

**Biological Resources** Impacts relating to Biological Resources (BIO) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure BIO-1 through BIO-6:

BIO-1: All work shall incorporate erosion control measures consistent with the 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) and Appendix F of Biological Assessment conducted by Pinecrest Environmental Consulting, dated December 2020.

BIO-2: The applicant shall maintain a minimum of a 100-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool. Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not within 100 feet of a well head.

BIO-3: The applicant shall ensure to use only previously disturbed areas for staging/storage of materials and/or equipment that is used to maintain the ongoing use. No areas shall be newly developed for the purpose of staging.

BIO-4: Prior to any ground disturbance and/or vegetation removal, the applicant shall have a pre-construction survey conducted by a qualified biologist for special-status plant and animal species to ensure that special-status species are not present. If any listed species are detected, construction shall be halted, and the appropriate resource agency (CDFW and/or USFWS) shall be consulted with to identify appropriate avoidance measures.

BIO-5: If construction activities occur during the nesting season (February 15 through September 30), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

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

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100' of the find(s). A professional Archaeologist certified by the Registry of Professional Archaeologists (RPA) shall be notified 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(s), and a qualified Archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: 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.

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

HAZ-1: All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. All equipment will be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment will occur on an impermeable surface. In an event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

HAZ-2: With the storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, a Hazardous Materials Inventory Disclosure Statement and Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

HAZ-3: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.

HAZ-4: All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

HAZ-5: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.

HAZ-6: Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.

HAZ-7: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.

HAZ-8: The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.

**Hydrology and Water Quality** Impacts relating to Hydrology and Water Quality (HYD) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure Measures BIO-1 through BIO-3, HAZ-1 through HAZ-8, and HYD-1 through HYD-2:

HYD-1: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring

program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begin at least three months before the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or upon made upon request.

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

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

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

TCR-1: All on-site personnel of the project shall receive Tribal Cultural Resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or the culturally affiliated Tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated Tribes, protection, treatment, care and handling of Tribal Cultural Resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any Tribal monitoring activities for the project.

TCR-2: If previously unidentified Tribal Cultural Resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated Tribe(s) shall be contacted to evaluate the resource and prepare a Tribal Cultural Resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

**Wildfire** Impacts relating to Wildfire (WDF) have been reduced to Less than Significant with mitigation incorporated as described by Mitigation Measure Measures WDF-1 through WDF-5:

WDF-1: Construction activities are prohibited 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. Grading will not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.



WDF-2: Prior to cultivation, the applicant shall provide 100' of defensible space around all buildings. This does not require tree removal, but it does require removal of grasses and brush, and limbing trees up to a height of 8'.

WDF-3: Prior to cultivation, the applicant shall place at least 5,000 gallons of water on site that is designated specifically for fire suppression. The tank shall be made of fiberglass or steel and shall have connectors that fit the fire hoses of the emergency service providers. All water tanks shall have connectors that are able to be used by Fire Protection Districts.

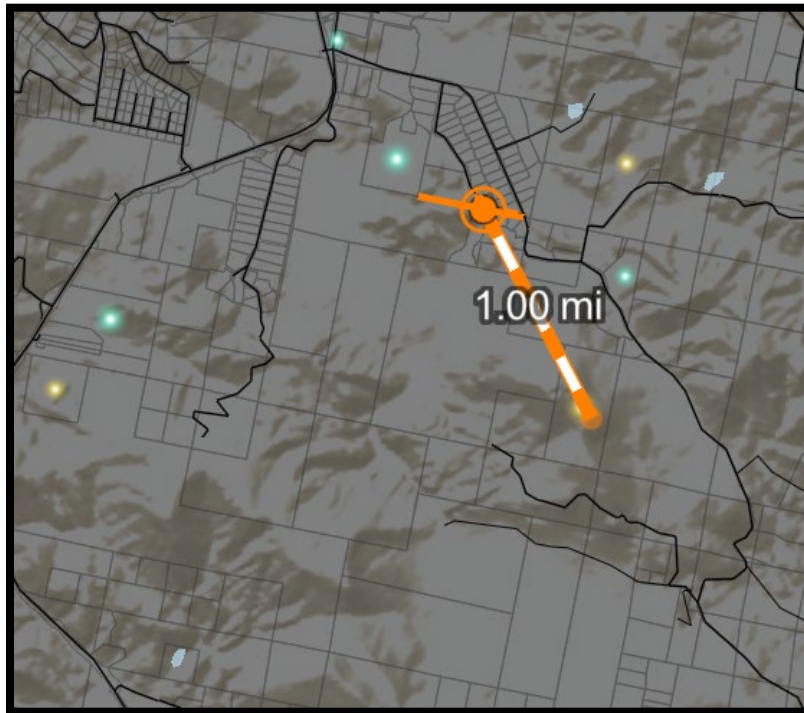
WDF-4: The applicant shall retrofit all water tanks specifically as for use of fire suppression. Water tanks shall have FDC connectors that are able to be used by Fire Protection Districts and shall be made of steel or fiberglass per CAL FIRE standards.

WDF-5: The applicant shall re-install the erosion and sediment control measures identified in the engineered Erosion and Sediment Control Plan for the project, as soon as possible if a wildfire emergency affects the Project Parcel.

### **Cumulative Impacts**

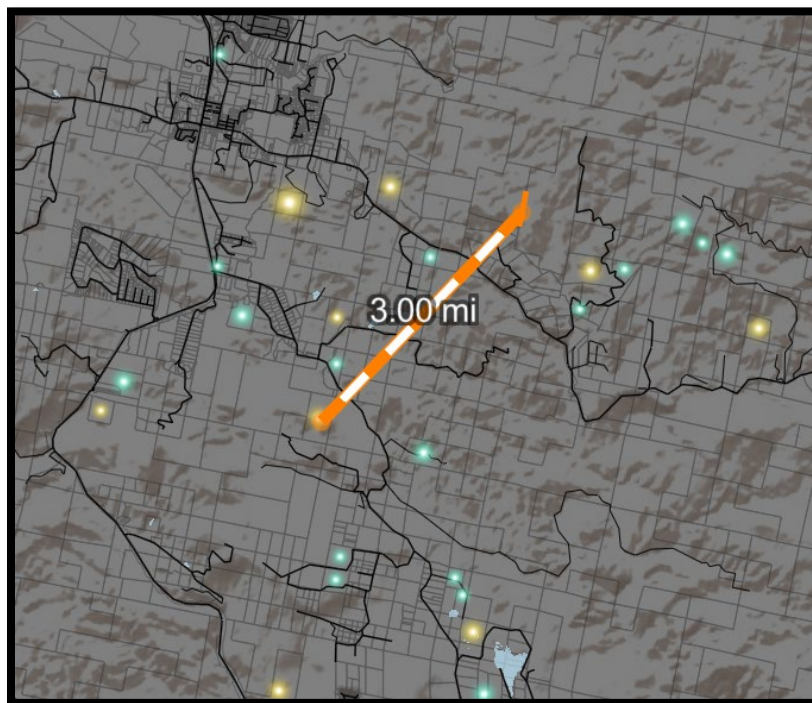
Within one mile of the proposed project are one (1) approved, zero pending projects. Within three miles of the proposed project are twelve (12) approved and six (6) pending projects.

**FIGURE 4 – CUMULATIVE IMPACTS MAP; 1-MILE RADIUS**



Source: Lake County ArcGIS

**FIGURE 5 – CUMULATIVE IMPACTS MAP; 3-MILE RADIUS**



*Source: Lake County ArcGIS*

### **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, Hazards & Hazardous Materials, Hydrology, Noise, and Wildfire. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment. Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively significant environmental impacts.

### **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 – Findings for Approval) 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 27.11 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 any type of construction the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the Community Development Department requires annual compliance monitoring reports and will conduct annual inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval. To date, no adverse comments have been received from neighboring property owners.

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 Lake County Zoning Ordinance allows cultivation operations on “RL” Rural Lands-zoned land if the land meets the requirements within Article 27.13(at) and Article 51.4. The proposal consists of 87,120 sf of outdoor cannabis canopy for two A-Type 3 “Medium Outdoor” licenses requiring 20 acres for each license type. The subject site is ±78.38 acres in size, large enough to allow the cultivation areas proposed. Therefore, this project would accommodate the type and use, and level of development proposed.

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

The site is accessed via interior driveway that connects with Little High Valley Road, a gravel County road at this location. The project was circulated for public agency review, including Lake County Fire District, CAL FIRE, and the Lake County Department of Public Works and no adverse comments were received. The interior driveway needs to meet PRC 4290 and 4291 driveway standards for a commercial use prior to the construction of the proposed processing facility.

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.*

There are adequate public utilities and services available to the site. The Lake County Fire Protection District and CAL FIRE provide fire-related emergency services to the site. The Lake County Sheriff’s Department provides police protection. The site is served by PG&E on-grid power, and the site will use a private permitted groundwater well, and septic is required for the processing facility’s ADA compliant restroom facility.

The application was routed to all of the affected public and private service providers, including Public Works, Environmental Health, Specials Districts, Water Resources and PG&E. All agency comments are attached (Attachment 7). 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 27.11 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan and the Lower Lake Area Plan have provisions for economic development, water resources, and rural 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 documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject properties.

*Further, Article 27.13(at) has three findings that must be met for commercial cannabis:*

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 and Mitigated Negative Declaration (IS 21-07) for Major Use Permit (UP 21-07) with the following findings:
1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels by mitigation measure AES-1.

2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-6.
  3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels by mitigation measures BIO-1 through BIO-5.
  4. Potential environmental impacts related to Cultural Resources can be mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
  5. Potential environmental impacts related to Hazards and Hazardous Materials can be mitigated to less than significant levels by mitigation measures HAZ-1 through HAZ-8.
  6. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to less than significant levels by mitigation measures HYD-1 and HYD-2.
  7. Potential environmental impacts related to noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
  8. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels by mitigation measures CUL-1, CUL-2, TCR-1, and TCR-2
  9. Potential wildfire impacts can be reduced to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-5.
  10. This project is consistent with land uses in the vicinity.
  11. This project is consistent with the Lake County General Plan, Lower Lake Area Plan and Lake County Zoning Ordinance.
- B. Approve Major Use Permit (UP 21-07) 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 (IS 21-07)**

I move that the Planning Commission find that potential impacts associated with this project can be mitigated to 'less than significant' through the implementation of the Mitigated Negative Declaration (IS 21-07) submitted by Little High Valley / 17870 Little High Valley, LLC for the property located at 17870 Little High Valley Road, Lower Lake (APN 012-061-03) will not have a significant effect on the environment, and that the Planning Commission adopt Initial Study (IS 21-07) with the findings listed in the staff report dated October 10, 2024.

**Major Use Permit (UP 21-07)**

I move that that the Planning Commission find that the Major Use Permit (UP 21-07) for 17870 Little High Valley / 17870 Little High Valley, LLC for the property located at 17870 Little High Valley Road, Lower Lake (APN 012-061-03) does meet the requirements of Section 51.4 and Article 27 of the Lake County Zoning Ordinance and that the Major Use Permit be granted based on the findings and subject to the conditions included in the staff report dated 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.*