



**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 #1**  
**9:05 AM**  
**MAY 12, 2022**

## **STAFF REPORT**

**TO:** Planning Commission

**FROM:** **Mary Darby, Community Development Director**  
Prepared by: LACO Associates  
Planner: Andrew Amelung, Cannabis Program Manager

**DATE OF REPORT PROVIDED TO CDD:** May 6, 2022

**RE:** **Auto Canna, LLC**

- **Major Use Permit (UP 19-44)**
- **Early Activation (EA 19-69 and EA 21-69)**
- **Complex Grading Permit (GR 20-13)**
- **Initial Study (IS 19-63)**

District Supervisor *Moke Simon*  
Planning Commissioner *John Hess*

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan
3. Site Plans
4. Conditions of Approval
5. Agency/Public Comments
6. Initial Study and Mitigation Monitoring Reporting Program (MMRP)
7. Site Visit Photos
8. Hydrology Report and Drought Management Plan
9. Biological Assessment
10. Oak Tree Removal and Replacement Plan with Arborist Report
11. Geotechnical Report
12. Code Section 30-22 – Complex Grading
13. Grading Plans

### **I. EXECUTIVE SUMMARY**

Auto Canna, LLC is requesting approval of a Major Use Permit and a Complex Grading Permit for Commercial Cannabis Cultivation (*the cultivation of commercial cannabis includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those*

*activities, including processing*) at 21258 Morgan Valley Road, Lower Lake, CA on Lake County APN 012-069-57. The applicant's proposal includes four (4) A-Type 3 "Outdoor" License, outdoor cultivation for adult-use cannabis without the use of light deprivation and/or artificial lighting in the 153,560 square feet canopy area within a 158,800 square feet cultivation area, and include the following proposed ancillary facilities:

- 5,000 square feet processing facility
- 120 square feet security building
- 120 square feet storage sheds for agriculture chemicals; fertilizers, pesticides, and petroleum products
- (7) 5,000 gallons water tanks for storage, irrigation, and emergency fire suppressant.
- Grading for road maintenance to meet California Fire and Forestry commercial road standards and for the placement of ancillary facility where necessary (as shown on site plans map)

The project site location is currently improved with existing groundwater well to be pumped into an existing 5,000 gallons water tank and the seven additional water tanks for storage, an existing septic system for a single-family dwelling. An additional septic system is proposed for for the processing facility which will include the restroom.

Originally, Auto Canna's proposed project included 158,800 sq. ft. of outdoor canopy, and required the disturbance of approximately 8 acres and the movement of approximately 20,000 cubic yards of earthen material. The project scope has since been reduced to a total proposed outdoor canopy area to 93,560 sq. ft. and reduced the area to be disturbed to approximately 4 acres with less than 1,000 cubic yards of earthen material needing to be graded. The complex grading permit will allow adequate emergency access and compliance with regulatory road standards, the construction of the proposed ancillary facilities on the project site, including the removal of 66 blue oak trees (27 healthy trees).

Early Activation permits were issued for this property in 2019 and 2021.

**Staff is recommending approval of Major Use Permit, UP 19-44, and the adoption of a CEQA determination of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-63) with the incorporated Mitigation Measures and Conditions of Approval.**

**The Mitigated Negative Declaration determining includes and addresses Complex Grading Permit (GR 20-13).**

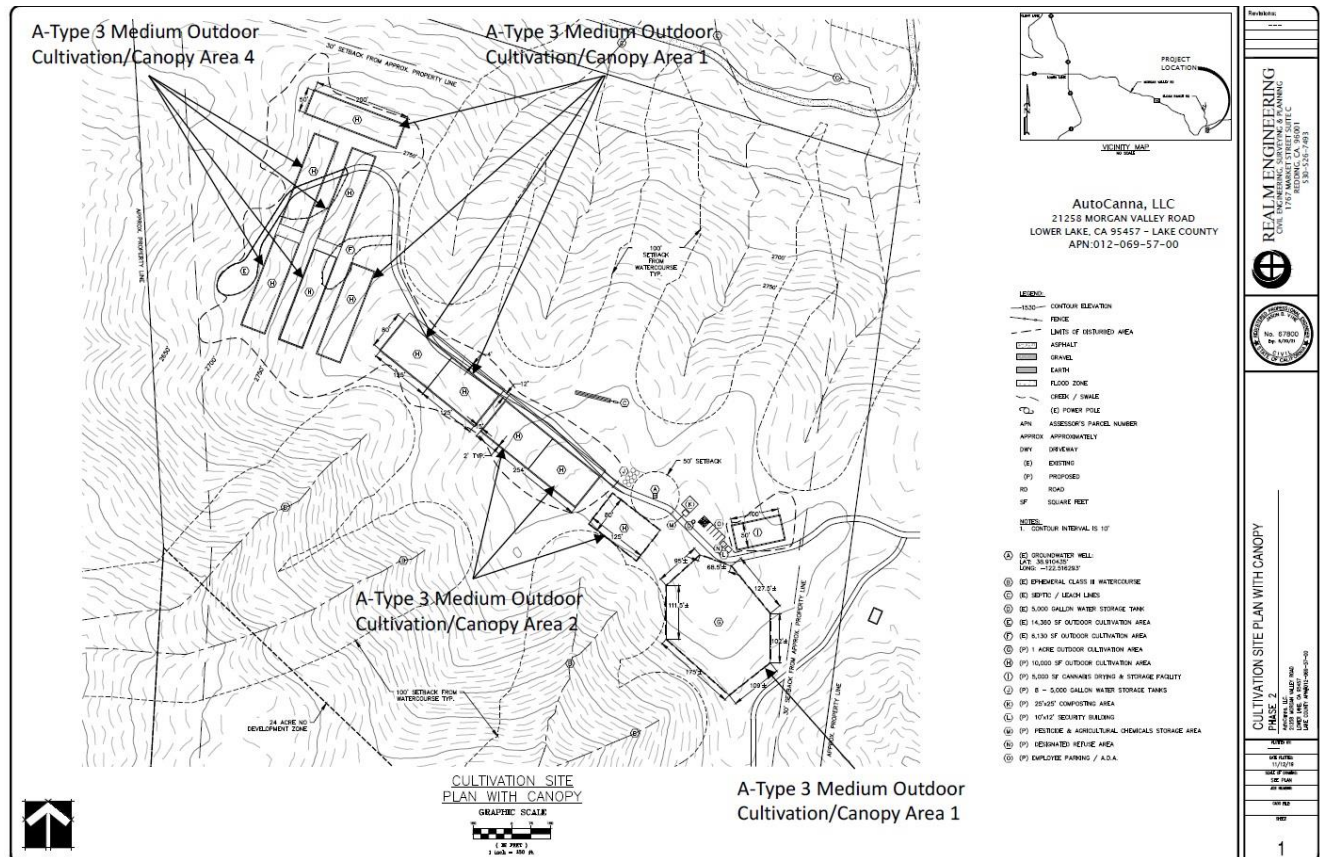


Figure 1. Proposed Site Plans and Cultivation Area

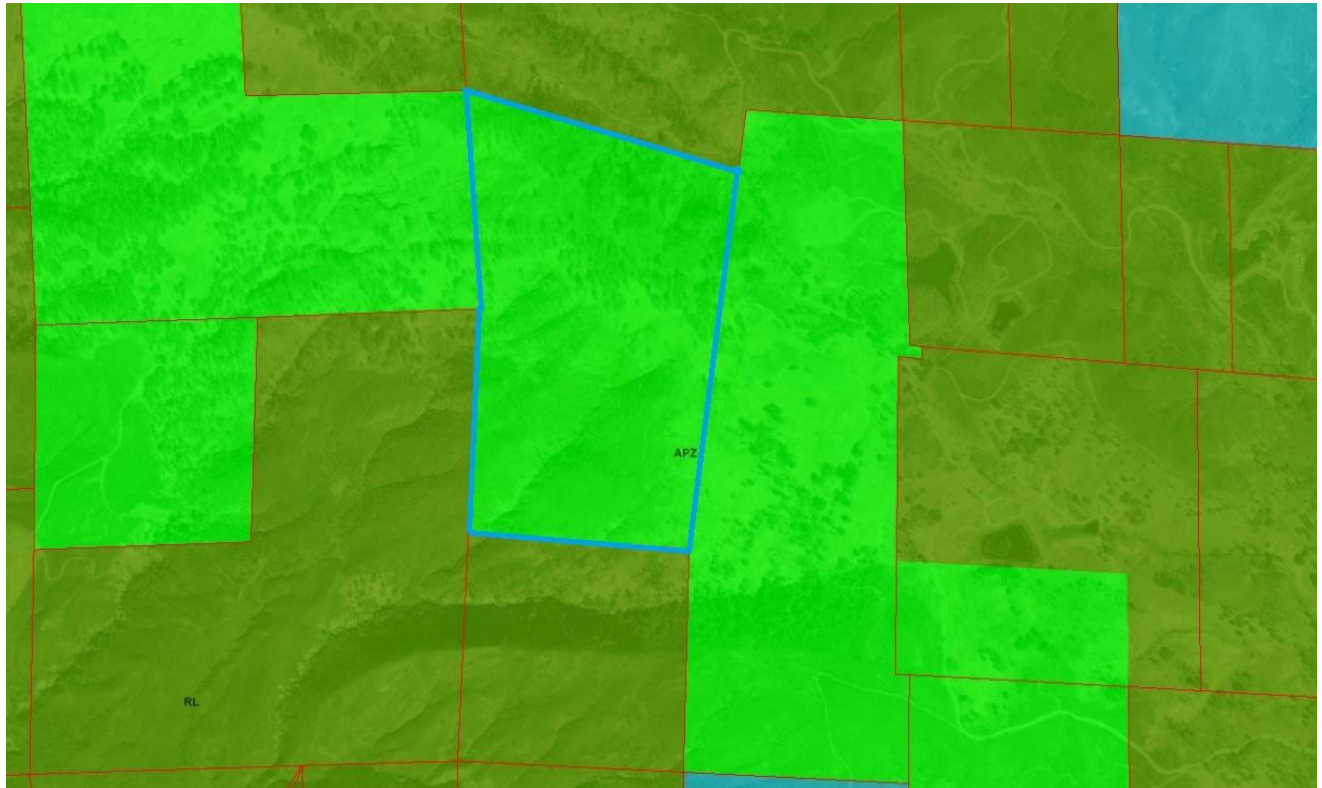
## II. PROJECT DESCRIPTION

<u>Applicant:</u>	Kyle Williams
<u>Owner:</u>	Leah Bradle, Trustee (Woods Trust)
<u>Location:</u>	21258 Morgan Valley Road, Lower Lake, CA
<u>A.P.N.:</u>	012-069-57
<u>Parcel Size:</u>	80.14 acres
<u>General Plan:</u>	Rural Land
<u>Zoning:</u>	Agricultural Preserve
<u>Flood Zone:</u>	D; Areas of undetermined, but possible, flood hazard
<u>Submittal Date:</u>	November 13, 2019
<u>Farmland of Local Importance:</u>	Not located within the farmland protection zone and is designated as 'Other Lands'

The project site location previously experienced the Rocky fire that burned through in 2015. As proposed, the project will disturb areas effected by the fire. Although many oak trees were burnt and did not survive the effect of the fire, many did survive. The applicant has worked closely with

a certified Arborist to evaluate and mitigate the removal and disturbance of the remaining living oak trees. Overall 314 living oak trees were inventoried on the property and a total of 161 trees (including three grey pine and five black oaks) were found to be diseased, structurally defective, fire damaged or hazardous. For the project, the applicant proposes to remove 66 blue oak trees in total which includes 27 healthy trees. (See attachments 7 and 10)

To mitigate the loss of oak trees, the applicant is proposed to plant and Protect 198 blude oak for three years (594 in total) and establish a 12-acre Oak Habitat Conservation area.



*Figure 2. Zoning Map of Site and Vicinity*

### **III. PROJECT SETTING**

Existing improvements at the project site associated with the proposed project include:

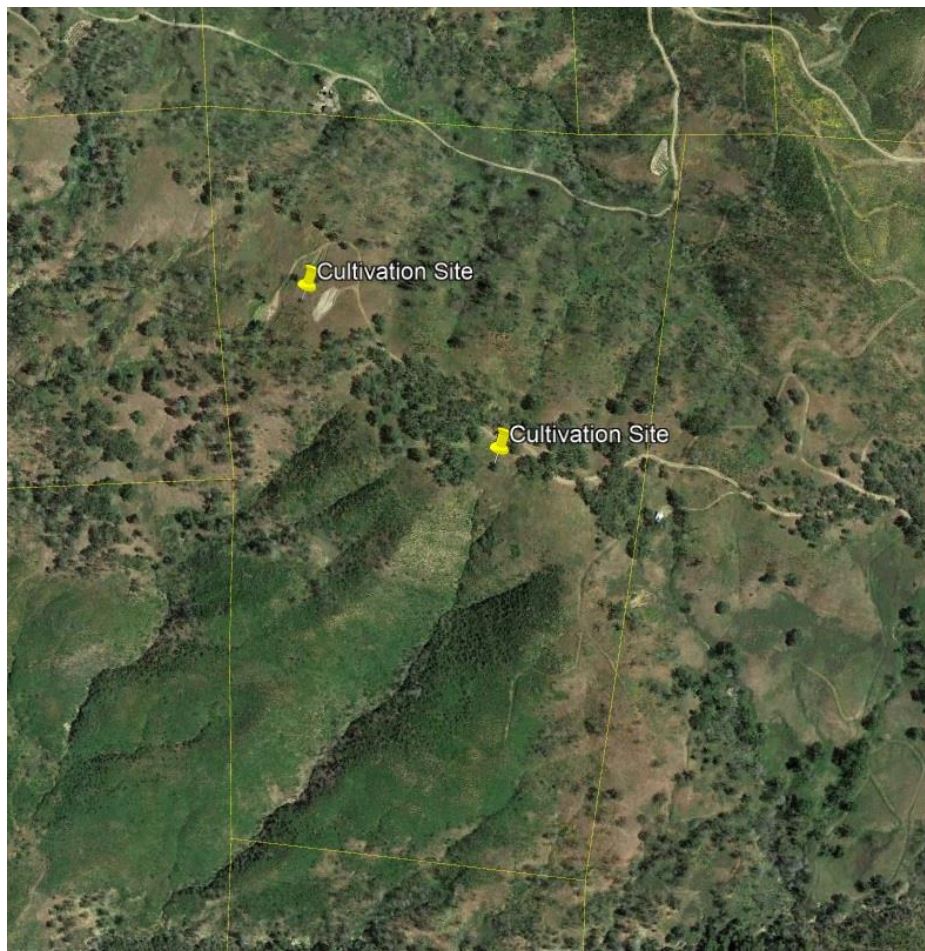
- Four 5,000-gallon Heavy-Duty Plastic Water Storage Tanks
- Groundwater well with solar-powered pump
- 120 SF Security Center/Shed (wooden)
- Five 320 SF Metal Shipping/Storage Containers (to be removed once project site can be developed in accordance with the approved use permit)

#### ***Surrounding Uses and Zoning***

Land Use: The project site is surrounded by zoning designation Rural Land and Agricultural Preserve. Surrounding uses include grazing, ranching, cannabis cultivation, rural residential uses and open space.

Topography: The parcel property has a 47.66% average cross slope, however, some areas are fairly flat. The project sites are located on the ridge of the hill and would require intensive grading that would cut along the natural contours of the landscape to prepare for the cultivation area. The site also has several drainages and a Geotechnical and Hydrological Report was prepared for the grading aspect of the project.

Soils: The project site is located in soil type Skyhigh-Millsholm loams (209). Skyhigh soil is moderately deep and well-drained. Surface runoff is rapid, and the hazard of erosion is severe. The shrink-swell potential is high in the subsoil. Extensive cutting and filling generally are required. Deep cuts made during construction can expose bedrock or the clayey subsoil. Cut slopes are susceptible to excessive erosion, and intensive runoff control measures are needed on them. The risk of erosion is increased if the soil surface is left exposed during site development. The high shrink-swell potential and low load-bearing capacity of the Skyhigh soil should be considered when designing and constructing foundations, concrete structures, and roads. The applicant is required to provide engineered plans for all proposed construction and road maintenance. The CEQA Initial Study and the draft Mitigated Negative Declaration address these activities which are included in the Grading Permit.



*Figure 3. Aerial Photo of Subject Site*

- Water Supply: The project will be utilizing an existing permitted well which is operated using an existing solar pump system. A well performance test report was performed by Jak Drilling & Pump at the total depth of 220-feet. The four-hour pump test was conducted on February 17, 2020, using the existing 3-GPM well pump and per industry standards. The well pump system remained inactive for at least 24-hours before the measurement of the static water level within the well. Once the performance test began, the depth-to-water or pumping level was measured in the well every five minutes during the first half-hour of the test and then every 10-minutes for the next hour of the test. The measurement interval was then increased to every 30-minutes for the remainder of the four-hour test.
- Sewage Disposal: A onsite septic system exists on the project site to accommodate a single-family dwelling, however, there is no existing home on the property. A second system is proposed that would serve restrooms located in the proposed processing building.
- Fire Protection: The project site is located within the Lake County Fire Protection District and the California Department of Forestry and Fire Protection. The parcel is located with a moderate to very high fire severity hazard and was part of the 2015 Rocky Fire.
- Vegetation: The property was severely burned during the Rocky Fire in 2015 and many trees were burnt near the ridge top, however chaparral shrubs on the south slopes are mostly resprouting. Overall, the parcel consists of approximately 90% mixed oak savannah, and 10% developed area.
- Water Courses: Numerous steep Class III watercourses run through the site that flows off the sides of the ridge top and these were surveyed remotely due to the extreme steepness of the terrain and thickness of the chaparral.
- Complex Grading: The project will require the issuance of a Complex Grading Permit which requires an environmental determination in accordance with the Environmental Quality Act (CEQA). Grading activities were identified in the Initial Study/Draft Mitigated Negative Declaration. (Attachment #)

#### **IV. PROJECT ANALYSIS**

##### ***General Plan Conformance***

The General Plan designation for the subject site is Rural Lands. The following General Plan policies related to site development in the context of this proposal:

*Rural Lands* are to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for remote areas 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. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive of the management of the natural infrastructure of the watersheds and are located outside of Community Growth Boundaries.

*The project proposal meets the general plan requirements for rural lands and their use in agricultural production/crop production. The proposed project for 4-acres outdoor cannabis cultivation will utilize traditional farming techniques and tilling.*

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

### ***Land Use***

Goal LU-5: “To designate adequate land for, and promote the development of, industrial uses to meet the present and future needs of Lake County residents for jobs and to maintain economic vitality.

- Policy LU 5.1: “The County shall encourage a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base.”

*Cannabis cultivation operations are fairly new, however, this project does fit the goals and policy for land use as described in the general plan. This project promotes economic development by providing employment opportunities and contributing to the tax base for the county. Commercial cannabis also helps diversify the economy by adding additional retail support services which also provide additional employment opportunities.*



*Figure 4. Proposed Cultivation Area*

### ***Lower Lake Area Plan Conformance***

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

"4.11: Implementation of recommendations by the California Department of Forestry (CDF) and either the Lower Lake or South Lake County Fire Protection Districts shall be carefully considered when evaluating development proposals in the Lower Lake planning area."

"4.42: In relationship to traffic circulation and land use, air pollution impacts shall be considered."

"5.1a-1: The Lower Lake land use plan should recognize existing development patterns and logically provide for future development in the area."

*The project is consistent with existing development patterns in the project area as provided for in the Lower Lake Area Plan. The applicant is in agreement to implement the recommendations and regulatory requirements of by the California Department of Fire and Forestry individually and cooperatively to meet all commercial road standards for emergency ingress and egress and to provide resources for emergency personnel during wildfire by providing water storage tanks solely for fire suppressant.*

### ***Zoning Ordinance Conformance***

#### Article 4- Agricultural Preserve Zoning District

To provide zoning for lands in agriculture preserve and for the conservation and protection of land capable of producing agricultural products. The uses specified in this section have been determined to be compatible uses consistent with the California Land Conservation Act of 1965.

*The project parcel is contracted under the Williamson Act which enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural use. The proposed project permitted use as crop farming and is therefore an allowed use on the parcel under the Williamson Act.*

#### Article 27 - Use Permits

The purpose of Article 27 is to allow specific uses consisting of unique and special form in designated locations upon the issuance of a zoning permit.

### ***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.

- Minimum lot size (acres) and maximum canopy area (square feet) per total parcel size (acres):

*The project scope needs an increment of 20 acres for every one-acre (43,560 square feet) cannabis canopy proposed, the project parcel size is approximately 81 acres. The proposed project is for cultivation of a total of 4 acres (174,240 square feet) of commercial cannabis canopy which meets the development standards within the 80-acre parcel. Therefore, the project scope complies with the development standards.*

- Regulatory Setbacks:

*Commercial cannabis cultivation is prohibited and is excluded within 1,000 feet of a Community Growth Boundary (as described in the Lake County General Plan), SOS combining district, public lands, public/private schools, public parks containing playground equipment, drug or alcohol rehabilitation facility, childcare facility or nursery school, and any church or youth-oriented facility. The proposed project is not located within 1,000 feet of the areas listed. The proposed project meets the regulatory setbacks from the property line and off-site residences. The project is setback 100 feet from all watercourses, more specifically, Class III watercourses that drain alongside the ridge. Therefore, the proposed project meets all boundary setback requirements.*

**General Requirements.** There are several 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, completing background checks, applicable ownership documents, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, etc.

*The applicant meets the General Requirements outlined in Section 27.13(at) of the Zoning Ordinance from the previous and the amended Ordinance (3101). If the requirements have not yet been met, a condition has been added to ensure compliance with the local zoning ordinance.*

*Based on the minimum requirement for the permitting process for the commercial cannabis cultivation use permit, the applicant shall provide a written description, project management plan, and site plan maps. The applicant submitted these documents and additional technical documents associated with the project scope which include an archeological report, hydrology report, geotechnical report, well performance report, an arborist report, and biological report. In addition, the applicant has been issued cultivation license from the Department of Cannabis Control (formerly (CalCannabis), a determination from the Department of Fish and Wildlife that a Streambed Alteration Agreement (LSA) is not required and enrolled with Regional Water Quality Control Board on June 9, 2019.*



Figure 5. View from project site due west

## V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study (IS 19-63; Attachment 5) and Mitigated Negative Declaration were prepared and circulated for public review and comment in compliance with CEQA from **01/06/2021 to 02/10/2021 (State Clearinghouse Number 2021010046)**. The applicant submitted these documents and additional technical documents associated with the project scope which include an archeological report (June 5, 2019), hydrology report (June 29, 2020), geotechnical report (June 24, 2020), soil erosion report (January 18, 2021), well performance report, an arborist report (May 24, 2021), and biological report with wildlife and botanical survey (May 25, 2019).

The Initial Study found that the project could cause potentially significant impacts. However, with the incorporation of the following mitigation measures, more specifically described in Attachment 5, all impacts can be reduced to a less than significant level.

1. *Aesthetics*: There will be potential impacts to aesthetics which involve impacts to light with the addition of light sources and impacts to trees with the removal of oak trees.

The project will include the addition of a light source from the proposed structures such as security and processing facility. Outdoor lighting will create light pollution to the neighboring areas.

The project will involve the removal of 86 oak trees. The applicant provided an arborist report and a mitigation plan to the Community Development Department. In the report, 313 trees were recorded and classified for their condition, health, and age. Of the trees identified, 161 trees were found to be diseased, structurally defective, fire damaged and/or dying, while the remaining trees were identified as healthy stands. The arborist report recommends 86 trees be removed as the part of the implementation of the proposed project which includes 54 unhealthy trees identified as being recommended for removal and 32 healthy blue oak trees which are located within the proposed cultivation areas. In compliance with the California Oak Woodlands Conservation Act, the applicant is proposing to plant and protect 258 blue oak trees each year for three years, which would lead to a total of 774 trees planted. As a mitigation measure, the applicant shall comply with the mitigation plans in both the Arborist report dated May 24, 2021 and the 12-acres area as a “Oak Habitat Conservation Area” site plan maps provided to the Community Development Department.

2. *Air Quality*: The potential impact to air quality identified involves temporary short- and long-term impacts from the development and life of project implementation. Temporary, short-term impacts include those during construction and site preparation of the proposed project through dust and fumes from grading and tillage. The dust and fumes mitigation extends outside the project area to comply with roadway construction standards and emergency ingress and egress to the cultivation site.

Long-term, seasonal impacts from the project include the release of odor from the high concentration of terpenes in cannabis. The applicant is proposing odor control filtration and ventilation systems within the processing facility. Additionally, the applicant shall obtain any applicable permit from the Lake County Air Quality Management District prior to any

construction and incorporate measures to minimize fugitive dust through various means into the Conditions of Approval

3. *Biological Resources:* The project has potential impacts to biological resources involving the removal of oak trees and several water drainages along the ridges of the property. Migratory Birds are federally protected under the Migratory Bird Treaty Act.

Migratory birds can live and nest in the trees. In accordance with the Project's Property Management Plan, prior to construction (within 7 days), a qualified biologist (or biologists) to perform pre-construction special-status species, migratory bird, and tree cavity surveys in the proposed project area.

The proposed cultivation area is setback from the Class III water drainages by more than 100 feet which is in compliance for outdoor cultivation, including any topsoil, pesticide or fertilizer that shall not be located within 100 feet from seasonal streams to minimize potential environmental impacts. Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of the project work and before the beginning of the rainy season.

4. *Cultural Resources/Tribal Cultural Resource:* Potential impact to cultural resources include the the inadvertent discoverie of historic remains through excavation and any ground disturbance activities.

The Tribal Consultation AB52 notice was sent out to all local tribes in November 2019. A Cultural Resource representative reached out from the Middletown Rancheria and the Scotts Valley Band of Pomo Indian Tribe requesting consultation with the County for the project. Consultation occurred on January 24, 2020 with the Scotts Valley Band of Pomo Indian Tribe and correspondence was received from the Middletown Rancheria. Additional mitigation measures are incorporated into the conditions of approval to ensure protection of cultural resources and compliance with the PUC §5097.98 and California Health and Safety Code section 7050.5. A separate cultural resources monitoinr and treatment agreement between the Middleton Rancheria and the applicant was entered into in February 2020.

Mitigation Meassures for Cultural Resources include the following:

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 Middletown Rancheria Tribe(s) shall be notified, and a qualified archaeologist retained 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, they shall be treated in accordance with Public Resources Code Section 5097.98 and with California Health and Safety Code section 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 Middletown Rancheria Tribe(s) shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

CUL-3: In the event of an unanticipated discovery of cultural resource during implementation of the project, all work must be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified so that its potential significance can be assessed.

5. *Geology/Soil:* There were identified potential impacts to geology/soils a result of complex grading on the cannabis cultivation project site and improve the roadway access with is an unpaved dirt road. To understand and address the issues related to geology and soil impacts, to meet Public Resource Code 4290/4291 emergency road access requirements, and mitigate runoff, the applicant provided a hydrology report, geotechnical report, stormwater management plan, as well as a sediment and erosion plan which detailed the impacts and the proposed mitigations. These measure will reduce sedimentation and the loss of topsoil.

The soil type for the project location is Skyhigh-Millsholm loam which pose a risk of severe erosion. Several identified concerns involve large amounts of soils being excavated on the ridge of the property with a severe erosion hazard. To mitigate this impact, the applicant proposes installing erosion control best management practices, and retention measures. The project will grade along the natural contours of the topography to minimize or avoid soil erosion. For additional erosion control, an onsite stormwater detention basin will be constructed to detain potential contaminants or runoff such that post-development discharge rates do not exceed the pre-development discharge rates. The basins will be properly size to be self-sustaining and and convey no increase of storwater flow off the site. Several measures will be incorporated as a conditions of approval to ensure regulatory compliance and minimize potential environmental impact which includes grading within the county's grading season and incorporating several Best Management Practices (BMPs) during pre-construction.

6. *Hydrology and Water Quality:* The potential impacts to hydrology and water quality involve the pre-construction of the project, extensive grading, and the increase in impervious surfaces that may impact the hydrological features of the project area. Potential impacts include the possibility of contamination, sedimentation, and altering drainage patterns from the topographical features of the project site location on the ridge. However, the applicant complies with all the regulatory setbacks from watercourses and best management practices are incorporated into the project scope which will alleviate the environmental impact. In addition, this is also an outdoor cultivation area and the increase of the impervious surface will be roughly 0.1% of the total parcel area. The applicants proposes best management practices and increase in vegetation through habitat conservation that will remediate the impacts on the area through infiltration of precipitation to the groundwater basin. To ensure mitigation measures are implemented, the conditions of approval incorporate maintaining regulatory compliance for the life of the project through water monitoring and management.
7. *Noise:* There was identified a potential impact to noise which involves the short-term increase in ambient noise levels from construction and site preparation. Though, mitigation measures are incorporated to focus on nearby residences and there no are nearby residence within 300 feet from the project site. Likewise, noise pollution has the potential for adverse impact on sensitive receptors such as wildlife. As mitigation measures, construction and non-construction activities are restricted to the level of dBA and times of the day as described in Section 21-41 of the County Ordinance.

## **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 project site is located in a remote location which would not result in potential detrimental impact to a large population. However, the project site is a commercial use where an increase number of persons will commute to the location. The site location is in a very high fire zone and experienced the 2015 Rocky Fire. Road improvements and emergency access are addressed through improvements that meet the ingress and egress requirements of Lake County Code and state law.*

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 project meets the adequate size, shape, location, and physical characteristics to accommodate the type of use proposed. Cultivation of 4-acres of cannabis requires a total of 80 acres while this project location is approximately 81-acres. The shape and location of the parcel and the location of the project site meet all the regulatory setbacks set forth by the local ordinance. However, the physical characteristics will need some grading to accommodate the type of use..*

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

*Through the repaving, widening, and addition of turnouts of the access road, it will be brought into compliance with the Department of California Forestry and Fire road standard for emergency access. The widening of the road to the project site will provide safe accommodations for both emergency personnel and individual commuters to and from the project site.*

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 is located within the very high fire severity hazard area. If approved, the project will include adequate resources for fire protection that meet the Department of California Forestry and Fire road standard for emergency access regarding compaction, turnouts and width,. Also, the project will include elements which provide water resources including designating a water tank to be reserved for fire suppression.*

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 project is in conformance with the applicable provisions and policies of the zoning ordinance for uses under Chapter 21, Article 27, Section 11 regarding the requirements to operate a commercial cannabis cultivation.*

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 public health, safety or general welfare basis.

*The property does not have any existing violations under Chapter 5-Building Regulations, Chapter 17 Subdivision Regulations, Chapter 21-Zoning Ordinance, Chapter 23-Clear Lake Shoreline, or Chapter 26-Clear Lake Integrated Aquatic Plant Management Program Ordinance of the Lake County Code. This was verified through site visit(s) on January 14, 2020 and April 28, 2022.*

In addition to the findings required above for a Use Permit, the following findings are required for approval of a cannabis-specific Use Permit as specified in the previous section of the staff report:

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii as outlined in this staff report and Attachments 1 through 6.

## **VII. RECOMMENDATION**

**Staff recommends that the Planning Commission take the following actions:**

- A. **Adopt Mitigated Negative Declaration (IS 19-63) for Major Use Permit (UP 19-44) with the following findings found in Attachment 5:**
  1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-2.
  2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-7.
  3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-8.
  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 and CUL-3.
  5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-7.

6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-4.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
8. This project is consistent with land uses in the vicinity.
9. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Zoning Ordinance.
10. 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.
11. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

**B. Approve Major Use Permit UP 19-44 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. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to apply for the permit described in Chapter 21, Article 27, Section 1.ii.(g)(h).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

**Sample Motions:**

**Environmental Determination**

I move that the Planning Commission makes a determination in accordance with the California environmental Quality Act (CEQA) for a Mitigated Negative Declaration with findings for **Major Use Permit (UP 19-44) and Complex Grading Permit (GR 20-13)** applied for by **Auto Canna, LLC** for the property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APN 012-069-57**, will not have a significant effect on the environment as recommended in this staff report and therefore a mitigated negative declaration along with the accompanying Mitigation Monitoring Reporting Program (MMRP) shall be approved with the findings listed in the staff report dated **May 12, 2022**.

**Major Use Permit (UP 19-44)**

I move that the Planning Commission find that the amended **Major Use Permit (UP 19-44)** applied for by **Auto Canna, LLC** on property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APNs: 21258 Morgan Valley Road, Lower Lake, CA** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **May 12, 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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*