



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 4
9:20 AM
May 26, 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: May 26, 2022

RE: ***Mombacho Mountain Organics, LLC***

- **Major Use Permit (UP 19-19)**
- **Initial Study (IS 19-34)**

District 5 Supervisor *Jessica Pyska*
District 5 Planning Commissioner *Maile Field*

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Project Site Plans
4. Proposed Conditions of Approval
5. Initial Study/Mitigated Negative Declaration
6. Mitigation Monitoring Reporting Program (MMRP)
7. Hydrological Analysis/Drought Management Plan
8. Tribal and Agency Comments Received
9. Public Comments Received

I. EXECUTIVE SUMMARY

The applicant, Mombacho Mountain Organics, LLC (MMO) is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation located at 9205 Mombacho Road and 9261 Wildcat Road, Kelseyville, CA further described as assessor parcel numbers (APNs): 011-044-17 and 011-044-18. The combined project area is approximately 20 acres and is zoned "RR-B5" for Rural Residential – Special Lot Size/Density. The applicant's proposal includes the clustering of parcels as allowed by the County of Lake Zoning Ordinance, Article 27, Section 27.13(at).1.ii.(j). In total, MMO requests a total

cultivation area of 48,004 square feet (sf) and a total cannabis canopy of 43,200 sf. The proposal includes the following (please see Proposed Site Plans attachment):

- One (1) A – Type 3 “Outdoor” license consisting of 43,200 sf. of canopy and 48,004 sf of cultivation area
- One (1) A-Type 13 “Self-Distribution” license
- One (1) 24’ X 96’ steel frame greenhouse with six (6) – mil polyethylene/polycarbonate film covering (Item “H” on the Site Plans) to house immature cannabis plants
- One (1) 50’ X 50’ (2,500 sf) processing building
- One (1) 20’ X 20’ (400 sf) Pesticides & Agricultural Chemical Storage Area
- Two (2) 5,000-gallon heavy-duty plastic water storage tanks or four (4) – 2,500-gallon heavy-duty plastic water storage tanks
- One (1) 5,000-gallon, metal emergency fire water storage tank on a concrete slab, connected to a two-foot-high hydrant/fire valve equipped with 2.5-inch National Hose Male threaded and cap. The hydrant/fire valve will be located approximately six (6) feet to the north of the existing driveway and will be identified with a three inch or greater reflectorized blue marker mounted to a four (4) – foot tall metal post.
- One (1) ADA accessible parking space and three (3) employee parking spaces. If additional parking is needed, the applicant proposes to install additional parking spaces.
- Composting area
- Refuse/trash area

The subject parcels are located north of Mount Hannah, within the Cole Creek Watershed (HUC 12), and approximately six (6) miles southeast of Kelseyville, CA. The subject parcels are accessible via a private gravel access road/driveway that runs from east to west through the project parcels and connects to Wildcat Road (east) and Mombacho Road (west). The access is secured with the use of locking metal gates, which authorized personnel will have access to. The operation will not be open to the general public.

According to the Property Management Plan, the water storage tanks will be equipped with float valves to shut off the flow of water from the well and prevent the overflow and runoff of irrigation water when full. HDPE water supply lines will gravity feed irrigation water from the water storage tanks to the irrigation systems of the cultivation area(s). Additionally, the cannabis operation will utilize unmarked utility van and/or enclosed trailer to transport cannabis from their cultivation operation to a licensed cannabis processing, distribution, and manufacturing facilities within the State of California.



Access

The project parcel is located in a rural area that is accessed by Mombacho Road that intersects Wildcat Road, approximately a half-mile south of the intersection of State Highway 175 and Wildcat Road

Hydrology and Water Usage

The project parcels are located within the Kelsey Creek-Clear Lake Watershed (HUC10) and the Cole Creek Sub-watershed (HUC12). An unnamed intermittent Class II watercourse and tributary to Cole Creek (NHD/DFG Water ID: 116953978), flows from the southwest to northeast through the southeastern corner of the Project Property, then along the eastern boundary of the property.

The unnamed intermittent Class II watercourse flows into Cole Creek approximately 0.25 miles northeast of the proposed cultivation operation. Additionally, there is an ephemeral Class III watercourse that also flows from south to north along the eastern property line of the Project Property, before crossing under Wildcat Road and entering the previously mentioned intermittent Class II watercourse. The proposed cultivation operation will be located over 150 feet from any surface water bodies and top of bank of any creeks. Additionally, the applicant proposes Best Management Practices in accordance with Chapter 29 and 30 of the Lake County Code to protect all surrounding waterways.

The subject site contains a permitted groundwater well that will be used as the primary water source for this project. According to a Water Well Drillers Report performed by the State of California Department of Water Resources, the onsite groundwater well was drilled in 1977 to a depth of 99 feet (screened between 75 and 99 feet) and has an estimated yield of 20 gallons per minute (well located at Latitude 38.90131° and Longitude -122.75927°).

However, according to a well test report conducted on July 25, 2019, the report identified an average pump rate of 4.6-gallons per minute but had a recharge rate of 99.7% following a 2-hour shut-down period. According to the report, the difference in both the pumping and static levels recorded showed minimal change which suggests that there is little drawdown while the pump is in operation. The well which has been identified to produce 4.6-gallons

per minute translates to approximately 2,419,366 gallons per year. According to the applicant, the cultivation season for the proposed cultivation operation will begin in April and end in November each year. The applicant proposes that the cultivation operation will require approximately 710,355-gallons per year (*Please Note: Water usage may vary depending on weather conditions*). Considering the applicant proposes to use 710,355-gallons per year, this translates to approximately 29% of the existing well's full capacity. All water supply lines will be equipped with safety valves, capable of shutting off the flow of water so that waste of water and runoff is prevented/minimized when leaks occur and the system needs repair, and inline water meters compliant with California Code of Regulations, Title 23, Division 3, Chapter 2.7. The applicant proposes to maintain daily water meter readings records for a minimum of five years, and will make those records available to Water Boards, CDFW, and Lake County staff upon request. The irrigation system of the existing/proposed cultivation area(s) are/will be composed of buried PVC piping, black poly tubing, with drip tapes/lines.

Cumulative Water Analysis. The applicant has submitted a Hydrology Report, prepared by Realm Engineering and dated November 18, 2021. The Report estimates average daily water usage to be 6 gallons per plant; this is consistent with multiple reports that have been received and reviewed by Lake County. The report estimates total usage of between 3 and 4 acre-feet per year (approximately 1,000,000 gallons), or about 7,000 gallons per day.

	Apr	May	June	July	Aug	Sept	Oct	Nov
Low (25" per year)	30,000	60,000	90,000	150,000	150,000	150,000	60,000	30,000
High (35" per year)	40,000	80,000	120,000	210,000	210,000	210,000	80,000	40,000

Groundwater Recharge. The Hydrology Report states that groundwater recharge is the replenishment of an aquifer with water from the land surface. It is usually expressed as an average rate of inches of water per year, similar to precipitation. Thus, the volume of recharge is the rate multiplied by the land area under consideration with the time period and is usually expressed in acre-ft per year. In addition to precipitation, other sources of recharge to an aquifer are stream and lake or pond seepage, irrigation return flow (both from canals and fields), inter-aquifer flows, and urban recharge (from water mains, septic tanks, sewers, and drainage ditches).

For this site, the volcanic aquifer is considered to be unconfined. Drainage features that intersect and boarder the site have likely eroded through some of the overlying layers and are contributing to the recharge of the site's aquifer through the stream bottom. However, it is also likely that a portion of the rainwater falling directly on the site infiltrates the ground surface and migrates downward through the soil matrix until it recharges the aquifer. In addition, flow in the intermittent watercourses to the east and north of the Project Property may contribute to recharge of the aquifer near the site.

To estimate the groundwater recharge at the site, we first must assume that the recharge to the aquifer is primarily through rainfall across the 20-acre Project Property (Lake County APNs 011-044-17 & 18). Therefore, the annual precipitation available for recharge onsite can initially be estimated using the following data and equation:

20 acres x 2.8 feet (Average Annual Precipitation for Lakeport, CA6)
= 56 acre-feet

Estimated Annual Precipitation Onsite = 56 acre-feet/year

However, this estimate does not account for surface run-off, stream underflow, and evapotranspiration that occurs in all watersheds. According to the USGS, the long-term average precipitation that recharges groundwater in the northern California region is approximately 15 percent. Since the Project Property is covered in well-drained very gravelly loam soils and vegetation, we estimate that the long-term average precipitation that recharges groundwater within the entire site is near the regional average of 15%. With this data and the precipitation data presented above, we can estimate the groundwater recharge of the Project Property by using the following equation.

56 acre-feet/year (annual precipitation onsite) x 0.15 (long term average recharge) = 8.4 acre-feet/year Estimated Groundwater Recharge

Based on the estimated average annual recharge to the aquifer of the Project Property (approximately 8.4 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (2.2 to 3.0 acre-feet/year), it appears that the MMO will have enough water to meet their demands without causing overdraft conditions.

Impacts on Neighboring Wells.

The Report states that the 'pumping influence area' is a 400-foot circular area with the well located at the center of this circle. This Area was determined following the November 4, 2021, pump test that was run on the well, and on the general relationships that exist between the on-site well and the neighboring wells in terms of usage, distance and so forth. The Report states that Lake County Environmental Health Department, who oversees wells within Lake County, has no evidence of wells on adjacent parcels and within the 400-foot diameter. The Report mentions an unnamed Class II seasonal drainage channel, and states that the unnamed intermittent Class II watercourse does not support aquatic habitat year-round and is typically dry by May/June of each year, when pumping of the onsite groundwater well for the proposed cultivation operation would reach potentially significant levels. Therefore, the potential for stream depletion as a result of the proposed onsite groundwater usage is not considered a concern to this assessment.

Conclusions regarding Water.

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.90131° and Longitude: -122.75927°. The onsite groundwater well was drilled to a depth of 99 feet below ground surface (bgs) in April of 1977. A recent pump test performed in November of 2021, indicates that the onsite groundwater well can sustainably produce at least 9.8 gallons per minute. From the pump test data we can calculate a Specific Capacity of approximately 0.51 gpm/foot for the onsite groundwater well. The total estimated annual water use requirement for the proposed cultivation operation is between 720,000 and 990,000 gallons per year.

Based on data from the recent pump test and the estimated water use requirement(s) for the proposed cultivation operation, it appears that the onsite groundwater well is a

sufficient water source for the proposed cultivation operation. Based on the estimated average annual recharge to the aquifer of the Project Property (approximately 8.4 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (2.2 to 3.0 acre-feet/year), 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 Property.

The calculated zone of pumping influence for the proposed cultivation operation extends approximately 400 feet from the onsite groundwater well. It does not appear that pumping for the proposed cultivation operation will impact neighboring wells, given the horizontal and vertical separations between the onsite groundwater well and neighboring wells. An unnamed intermittent Class II watercourse flows within 400 feet of the onsite groundwater well. However, the unnamed intermittent Class II watercourse does not support aquatic habitat year-round and is typically dry by May/June of each year, when pumping of the onsite groundwater well for the proposed cultivation operation would reach potentially significant levels. Therefore, the potential for stream depletion the proposed onsite groundwater usage is not considered a concern.

Pesticides/Fertilizers & Hazardous Materials.

According to the Property Management Plan, all chemicals will be stored and used for the cultivation operation which includes fertilizers/nutrients, pesticides, and petroleum products and chemical sanitation products necessary to maintain a sterile work environment inside the proposed processing facility. All fertilizers/nutrients and pesticides, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and at least 100 feet from surface water bodies inside the proposed Pesticides and Agricultural Chemicals Storage Area. Petroleum products will be stored under cover, in the State of California-approved containers with secondary containment and separate from pesticides and fertilizers within the existing onsite wooden garage. Sanitation products will be stored in their manufacturer's original containers/packaging within a secure cabinet inside the proposed Processing Facility. Spill containment and cleanup equipment will be maintained within the proposed Pesticides and Agricultural Chemicals Storage Area and the processing facility. No effluent is expected to be produced by the proposed cultivation operation.

Hours of Operation.

According to the Property Management Plan, cultivation related activities will occur from 8:00 AM to 6:00 PM. All gates will be locked and secured outside of core operating/business hours and when operation personnel are not present.

Solid Waste Management.

The types of solid waste that will be generated from the proposed cultivation operation include but are not limited to gardening materials and wastes (*such as used plastic seedling pots and spent plastic fertilizer/pesticide bags and bottles*) and general litter from staff/personnel. All solid waste will be stored in bins with secure fitting lids, located directly adjacent to the proposed outdoor cultivation/canopy area and Processing Facility. 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 by project staff to a Lake County Integrated Waste Management facility, at least every seven (7) days/weekly.

Additionally, all vegetative cannabis waste will be composted onsite. Composted cannabis waste will be used as an organic soil amendment within the cultivation operation.

Site Maintenance & Run-off Control Measures.

When not in use, all equipment will be stored in its proper designated area upon completion of the task for which the equipment was needed. Any refuse created during the workday will be placed in the proper waste disposal receptacle at the end of each shift, or at a minimum upon completion of the task assigned. Any refuse which poses a risk for contamination or personal injury will be disposed of immediately.

All cultivation areas are/will be located at least 100 feet from the top of bank of any known perennial and/or season waterway. To control runoff, the operations will install runoff control features/Best Management Practices in accordance with Chapters 29 and 30 of the Lake County Code around the cultivation areas and roads and will be maintained for life of the project. Additionally, a minimum buffer of 100 feet of defensible space will be established and maintained around the proposed cultivation operation for fire protection and to ensure safe and sanitary working conditions. Areas of defensible space will be mowed and trimmed regularly around the cultivation operation to provide for visibility and security monitoring. The existing access roads and parking areas are/will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved throughout the entire site to filter and infiltrate storm water runoff from the access roads, parking areas, and the proposed cultivation operation. Portable restroom facilities will be regularly serviced and made available for use whenever staff is onsite.

Construction.

The development of the project will consist of disturbing less than 500 cubic yards of soil (ground disturbance), which is allowed upon issuance of a building permit(s).

All construction activities, including engine warm-up, will occur from 6:00am to 6:00pm Monday through Saturday and shall adhere to all noise requirement in the Lake County Code. Additionally, all equipment will be maintained and operated to all federal, state and local agency requirements 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. Water from the approved onsite well will be used to mitigate the generation of dust during development, including operations. The overall construction of the project is anticipated to take three (3) to five (5) weeks to complete (weather dependent).

Staff is recommending approval of Major Use Permit, UP 19-19 and the adoption of a Mitigated Negative Determination based on the environmental analysis (Initial Study, IS 19-34) with the adoption of the incorporated Mitigation Measures, Mitigation Monitoring Reporting Program (MMRP), and Conditions of Approval.

II. PROJECT DESCRIPTION

Applicant:
Owner:

Mombacho Mountain Organics, LLC
Daniel Westphal and Kathy McGuire

<u>Location:</u>	9205 Mombacho Road and 9261 Wildcat Road, Kelseyville, CA
<u>APNs.:</u>	011-044-17 and 011-044-18
<u>Parcel Sizes:</u>	+/-20 acres combined
<u>General Plan:</u>	Rural Residential
<u>Planning Area:</u>	Kelseyville Planning Area
<u>Zoning:</u>	“RR-B5” Rural Residential 2.5 AC minimum
<u>Flood Zone:</u>	“X” – Low-risk flood zone
<u>Submittal Date:</u>	2/28/2022
<u>Farmland:</u>	The site is designated Other Land and Grazing Land, and therefore is not Farmland of State or Local Importance
<u>SCH Number:</u>	2022020597

III. PROJECT SETTING

The subject parcels are located north of Mount Hannah, within the Cole Creek Watershed (HUC 12), and approximately six (6) miles southeast of Kelseyville, CA. The subject parcels are accessible via a private gravel access road/driveway that runs from east to west through the project parcels and connects to Wildcat Road (east) and Mombacho Road (west). The access is secured with the use of locking metal gates, which authorized personnel will have access to. The operation will not be open to the general public.

The parcels to the **North and South** are zoned “RR” Rural Residential and are greater than ten (10) acres in size and most of these parcels are vacant. All parcels are either vacant or developed with single-family residential dwellings and accessory structures. The parcels to the **East** are zoned “RR” Rural Residential and “TPZ” Timber Preserve Zone and are greater than ten (10) acres in size. The majority of these parcels are vacant, and a small portion are developed with an existing agricultural use. The parcels to the **West** are zoned “RR” Rural Residential and “SR” Suburban Reserve and are greater than ten (10) acres in size. The majority of these parcels are vacant, and a small portion are developed with single-family residential dwellings and accessory structures.

The nearest off-site residential dwelling is over 700 feet away from the cultivation area.

The proposed project will involve the construction of structures and facilities as described below:

- One (1) A – Type 3 “Outdoor” license consisting of 43,200 sq. ft. of canopy and 48,004 sq. ft. of cultivation area
- One (1) A-Type 13 “Self-Distribution” license

- One (1) 24' X 96' steel frame greenhouse with six (6) – mil polyethylene/polycarbonate film covering (Item “H” on the Site Plans) to house immature cannabis plants
- One (1) 50' X 50' (2,500 sq. ft.) processing building
- One (1) 20' X 20' (400 sq. ft.) Pesticides & Agricultural Chemical Storage Area
- Two (2) 5,000-gallon heavy-duty plastic water storage tanks or four (4) – 2,500-gallon heavy-duty plastic water storage tanks
- One (1) 5,000-gallon, metal emergency fire water storage tank on a concrete slab, connected to a two-foot-high hydrant/fire valve equipped with 2.5-inch National Hose Male threaded and cap. The hydrant/fire valve will be located approximately six (6) feet to the north of the existing driveway, and will be identified with a three inch or greater reflectorized blue marker mounted to a four (4) – foot tall metal post.
- One (1) ADA accessible parking space and three (3) employee parking spaces. If additional parking is needed, the applicant proposes to install additional parking spaces.
- Composting area
- Refuse/trash area

Surrounding Uses and Zoning

The parcels to the **North and South** are zoned “RR” Rural Residential and are greater than ten (10) acres in size and most of these parcels are vacant. All parcels are either vacant or developed with single-family residential dwellings and accessory structures. The parcels to the **East** are zoned “RR” Rural Residential and “TPZ” Timber Preserve Zone and are greater than ten (10) acres in size. The majority of these parcels are vacant, and a small portion are developed with an existing agricultural use. The parcels to the **West** are zoned “RR” Rural Residential and “SR” Suburban Reserve and are greater than ten (10) acres in size. The majority of these parcels are vacant, and a small portion are developed with single-family residential dwellings and accessory structures.

Topography: The area is relatively flat and historically used for grazing and animal husbandry.

Soils: Bottlerock – Glenview-Arrowhead complex (117): This map unit is on volcanic hills and the vegetation is mainly brush with scattered conifers. This unit is very gravelly loam and 15% Arrowhead extremely gravelly sandy loam. This soil classification is very deep and well drained, with a slow permeability. The water capacity is approximately 1.5 to 6.0 inches, and the hazard of erosion is moderate.

Water Supply: Existing permitted well

Sewage Disposal: On-site septic system

Fire Protection: Kelseyville Fire Protection District

Vegetation: Mixed Oak / Conifer Forest: The oak forest consists of a canopy of canyon live oak (*Quercus chrysolepis*) with Douglas-fir

(*Pseudotsuga menziesii*), interior live oak (*Quercus wislizeni*), California black oak (*Quercus kelloggii*), ponderosa pine (*Pinus ponderosa*) and an understory of small canyon live oak, Konocti manzanita (*Arctostaphylos manzanita* ssp. *elegans*) and mountain mahogany (*Cercocarpus betuloides*) can be classified as “71.080.01 Canyon Live Oak Forest (Allen et al. 1991)” or as the Holland Type “Canyon Live Oak Forest”.

Water Courses: The Project Property is located within the Kelsey Creek-Clear Lake Watershed (HUC10) and the Cole Creek Sub-watershed (HUC 12). An unnamed intermittent Class II watercourse and tributary to Cole Creek (NHD/DFG Water ID: 116953978), flows from southwest to northeast through the southeastern corner of the Project Property, then north along the eastern boundary of the Project Property. The unnamed intermittent Class II watercourse flows into Cole Creek approximately 0.25 miles northeast of MMO’s proposed cultivation operation.

IV. PROJECT ANALYSIS

General Plan Conformance

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

This land use category is designed to provide single-family residential development in a semi-rural setting. Large lot residential development with small-scale agricultural activities is appropriate. These areas are intended to act as a buffer area between the urban residential development and the agricultural areas of the County. Building intensity should be greater where public services such as major roads, community water systems, or public sewerage are available. However, most of the lands designated for this land use category would have wells and septic systems. These lands provide important ground water 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 to the management of the natural infrastructure of the watersheds.

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

Land Use

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

- **Policy LU 1.3:** “The County shall prevent the intrusion of new incompatible land uses into an existing community area.

The property is relatively flat and surrounded by agricultural and rural residences. The proposed project plans to cultivate cannabis and build associate structures on the

property is consistent with similar existing structures in the vicinity of the project. The purposed project would therefore be compatible with its surrounding land uses in the community.

Kelseyville Area Plan Conformance

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

- 3.8f: Appropriate visual screening and roadway setbacks shall be required for industrial and service commercial uses. The use of drought resistant and locally indigenous vegetation shall be promoted.
- 5.35d: New commercial uses should be required to provide private security measures.

The proposed project will not affect the scenic corridor since the project will utilize screened fences and follows the required setbacks of at least 100 ft from the property line. Additionally, while the project site is zoned as Agriculture and a portion of the site is designated as "Farmland of Local Importance", the project will not affect prime agriculture soils in the community development area since no construction or cultivation is proposed in that area. Lastly, the project will also be required to install security systems and measures in compliance with Article 27, Sec. 21-27.10, Subsection (at)3.iii.

Zoning Ordinance Conformance

Article 8- Rural Residential District

To provide for single-family residential development in a semi-rural setting along with limited agriculture.

The cultivation of cannabis is an agricultural use and would continue to take place on the property. The construction of a greenhouse for ancillary propagation would support the agricultural use and thus are not considered a conversion.

Under Article 27.13(at), commercial cannabis cultivation is allowable upon obtaining a major use permit under zoning designation for Rural Residential. The applicant meets all development standards under Article 5 with further restrictions under Article 27.13(at) regarding minimum setback requirements.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit; in addition to any required building, grading, and/or health permits.

Pursuant to Article 27 of the Lake County Zoning Ordinance, outdoor commercial cannabis cultivation is permitted in the Rural Residential zoning district with the issuance of a Major Use Permit. To qualify for a Major Use Permit the project must demonstrate

that all regulations within Articles 8 and 27 are met and any adverse environmental impacts are adequately mitigated.

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, combined the parcels are 20- 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 700 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed enclosure is a 6 feet tall fence for screening.*
- Maximum Canopy Area 43,560 ft² maximum for a A-Type 3 *Complies; the proposed canopy area would be 43,200 sq. ft.*

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, 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.

The applicant has submitted a Property Management Plan, outlining compliance with all regulations regarding cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, stormwater management, security, compliance monitoring, etc. The applicant complies with the restrictions regarding the prohibited activities listed in Article 27, subsection 13(at), as the project does not propose any tree removal and will utilize a private well. The project will also be setback from the property line and is located over 700 feet away from an off-site resident to minimize odor through passive means.

Tribal Consultation (AB 52):

Notification of the project was sent to local tribes. Middletown Rancheria sent a letter to the Community Development Department (CDD) dated January 03, 2020, identifying that they had concerns with the project. CDD worked closely with Middletown Rancheria, and on

February 19, 2020, Middletown Rancheria sent written documentation determining they no longer had concerns with the project moving forward.

Public Comments & Concern

Staff received one initial comment concerning the proposed project (Attachment 9). Specifically, the concerned citizen is objecting to the proposed use of water for the project.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and *the type of CEQA determination* (IS 19-34; Attachment 5) was prepared and circulated for public review in compliance with CEQA from 2/28/2022 to 4/4/2022.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation
- Mandatory Findings of Significance

However, with the incorporation of the mitigation measures in Attachments 5 & 6, all impacts can be reduced to a less than significant level.

Aesthetics

Potential impact to aesthetics involves the canopy and cultivation area, storage barns, cannabis waste compost area, waste enclosure, break area, and parking. The applicant is required to prepare an Outdoor Lighting Plan that complies with the International Dark Sky Association recommendations.

- AES-1: An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and acceptance, or review and revision prior to cultivation.
- 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 of darkskies.org.

Air Quality

The project has some potential to result in short and long-term air quality impacts. Odors generated by the plants, particularly during harvest season, will be mitigated through passive means and active means. Those potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures below:

- AQ-1: Prior to cultivation, the applicant shall plant fragrant flowering and herb plants, such as Lavender, Rosemary, Thyme, and Daphne Odora around the southern

and eastern sides of the cultivation area. Plants shall be planted at intervals of 5' or less; shall be irrigated, and shall be maintained in a healthy state for the life of the project.

- AQ-2: All Mobile diesel equipment used for construction and/or maintenance shall be 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 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.
- AQ-8: Prior to cultivation, all greenhouses and buildings proposed for cannabis processing shall be equipped with filtration systems that prevents the movement of odors, pesticides, and other air borne contaminates out of or into the structure.

Biological Resources

A Biological/Botanical Resource Assessment (Dated December 3, 2019) was prepared by Natural Investigations Company for the project parcels located at 9205 Mombacho Road and 9261 Wildcat Road Kelseyville, CA, further described as APNs: 011-044-17 and 011-044-18.

The Biological Resource Assessment provides information about the biological resources within the Study Area, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The proposed project would not affect any wetlands, ephemeral drainages, or other sensitive habitats protected by the Lake County Zoning Ordinance. Those potential

environmental impacts have been reduced to less than significant with the incorporated mitigation measures below (please see the Biological Assessment report attachment for further information):

- BIO-1 (Special Plant Species): Prior to any future ground clearance, including vegetation removal, a “Botanical Survey” shall be performed by a qualified biologist. Additionally, if special-status plant species are detected, it is recommended that these plants be avoided. If they cannot be avoided, transplantations to a protected area should be considered.
- BIO 2 (Nesting Birds): Prior to the commencement of vegetation clearing and/or tree falling during the Nesting Bird Breeding season(s), a survey for nesting birds shall be conducted by a qualified biologist.
- *If active nests are present in the Study Area during construction of the project, CDFW shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include but are not limited to the 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 (Blue Elderberry): Prior to operation, the applicant shall establish a no disturbance buffer of at least 75 feet around each elderberry shrub.
- BIO - 4 (Waterways): Any project activities that would result in the fill of any waters mapped in Figure W-2 of the biological assessment, may be required to obtain the following permits.
 - US Army Corps of Engineers Nationwide Permit
 - Regional Water Control Board – 401 Water Quality Certification
 - California Department of Fish and Wildlife 1601 Stream Bed Alternation Agreement.
- BIO-5 (Erosion Control): All work in or near any waterways shall incorporate extensive Erosion and Sediment Control Plans/Measure consistent with all Federal, State and local agency requirements to avoid erosion and the potential for transport of sediment into the waterways. Additionally, coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharge associated with a Construction Activity (General Permit) and a Storm Water Pollution Plan (SWPP may be required).
- BIO-6 (Creek Buffer): The applicant shall maintain a minimum of a one hundred (100) foot setbacks from the top of bank of any creek (perennial and intermittent), edge of lake, delineated wetland and/or vernal pool on the lot of record of land.
- BIO-7 (Staging Area): 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-8:** The applicant shall preserve and/or avoid existing vegetation not otherwise specified for removal, including native tree species.
- **BIO-9:** If the total area of ground disturbance from project implementation is greater than 1 acre, the cultivator shall enroll for coverage under the General Permit for Discharges for Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ)

Cultural Resources

A Cultural Resource Assessment was prepared on May 31, 2019 by Natural Investigations Co. According to the Cultural Resource Assessment, the assessment included literature and Sacred Lands File searches, and intensive-level pedestrian survey of the project area. The study was completed in compliance with the California Environmental Quality Act.

A literature search was completed by the Northwest Information Center on May 21, 2019. The Native American Heritage Commission indicated by letter that their Sacred Lands File search failed to indicate the presence of Native American sacred lands within the immediate project vicinity. Natural Investigations conducted an intensive-level pedestrian survey of the project area on May 2, 2019.

Two prior studies have been conducted within the project area, while an additional seven reports are on file at the Information Center (Sonoma State) within a 0.25-mile search radius.

No cultural resources have been previously recorded within the project area, while approximately four resources (3-prehistoric and 1-multicomponent,) have been recorded within a 0.25-mile search radius.

No prehistoric or historic-era archaeological sites or ethnographic sites were identified during the survey

An intensive-level pedestrian survey within the acre project area was conducted by Natural Investigations archaeologist, Phil Hanes on May 2, 2019. Within the 27-acre project area, 19-acres were surveyed intensively using transects spaced no greater than 15 meters apart, and the remaining 8-acres was not surveyed due to vegetative cover.

The 8-acres that were not surveyed are the portion of the property that is not currently involved in the cultivation operation and was inaccessible at the time of survey due to extremely dense vegetation.

During the pedestrian survey, all visible ground surface within the project area was carefully examined for cultural material (e.g., flaked stone tools, tool-making debris, stone milling tools, or fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions and features indicative of the former presence of structures or buildings (e.g., postholes, foundations), or historic-era debris (e.g., metal, glass, ceramics). Ground disturbances (e.g., animal burrows, embankment, dirt roads, etc.) were visually inspected.

Potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures below:

- CUL-1: Boundaries of archaeological sites shall be identified and fenced off to assure the site will not be impacted during ground disturbance.
- CUL-2: Ground disturbing development activities within the immediate vicinity of the archaeological sites shall be monitored by a Native American observer and archaeologist.
- CUL-3: Should any cultural, archaeological, or paleontological materials be discovered during any ground disturbing activities, all activity shall be halted within one hundred (100) feet of the find(s) until further evaluation can be made by the Tribal Cultural Advisor in determining their significance and appropriate treatment or disposition. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Should the find be deemed significant, as defined by CEQA or other applicable law, a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Tribal Cultural Advisor, and all subsequent finds shall be subject to this Plan unless otherwise mutually agreed upon in writing between the applicant and the Tribe. No work shall commence within the buffered area until the Monitoring and Treatment Plan, if necessary, has been adopted by the applicant in accordance with applicable law.
- CUL-4: The applicant shall halt all work and immediately contact the Lake County Sheriff's Department, Middletown Rancheria, and the Community Development Department if any human remains are encountered.
- CUL-5: Prior to initial ground disturbance, the applicant and the Tribe shall coordinate and jointly select a Tribal Cultural Advisor designated by the Tribe to facilitate mitigation measures related to tribal cultural resources of the Project in coordination with the applicant.
- CUL-6: All ground disturbing activities occurring in conjunction with the project or within the Project Area shall be monitored by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined with the Tribal Cultural Advisor. If the project Tribal Cultural Advisor advises that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot- checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries as detailed in CUL-3.
- CUL-7: All on-site personnel of the project shall receive resource sensitivity training as advised by the project Tribal Cultural Advisor prior to initiation of ground

disturbance activities on the project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified.

- **CUL-8:** The Project applicant-must meet and confer with the Tribe, at least twenty (20) days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project.

Geology/Soils

According to the soil survey of Lake County, prepared by the U.S.D.A., the soil within the project parcel is as follows:

Bottlerock – Glenview-Arrowhead complex (117): This map unit is on volcanic hills and the vegetation is mainly brush with scattered conifers. The typical elevation is 1,500 to 3,000 feet with an annual precipitation of approximately 30 to 50 inches. This unit is very gravelly loam and 15% Arrowhead extremely gravelly sandy loam. This soil classification is very deep and well drained, with a slow permeability. The water capacity is approximately 1.5 to 6.0 inches and the hazard of erosion is moderate. To reduce impacts to less than significant, implement Mitigation Measures:

- **GEO-1:** Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- **GEO-2:** The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

Hazards & Hazardous Materials

Hazardous materials pose significant present or potential hazard to human health and safety or the environment if released according to the California Environmental Protection Agency (EPA) and the DTSC.

With the low level of hazardous materials to be used during cannabis operations, there is a potential for a hazard during the transport, use, or disposal of hazardous materials. To reduce this impact to less than significant, implement Mitigation Measures HAZ-1 through HAZ-4.

- **HAZ-1:** The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well or feature. These materials shall not be allowed to leak onto the ground or contaminate surface waters or nearby creeks. 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-2: 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- 3: 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, 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-4: 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/Water Quality

The project parcels are located within the Kelsey Creek-Clear Lake Watershed (HUC10) and the Cole Creek Sub-watershed (HUC12). An unnamed intermittent Class II watercourse and tributary to Cole Creek (NHD/DFG Water ID: 116953978), flows from southwest to northeast through the southeastern corner of the Project Property, then along the eastern boundary of the Project Property. The unnamed intermittent Class II watercourse flows into Cole Creek approximately 0.25 miles northeast of the proposed cultivation operation. Additionally, there is an ephemeral Class III watercourse that also flows from south to north along the eastern property line of the property before crossing under Wildcat Road and entering the previously mentioned intermittent Class II watercourse. The proposed cultivation operation will be located over 150 feet from these surface water bodies. All cultivation activities will be a minimum of 100 feet away from the top of bank and Best Management Practices in accordance with Chapter 29 and 30 of the Lake County Code will be implemented to protect all surrounding waterways. The ensure impacts related to the hydrology and water quality are minimized, following mitigation measures have been implemented.

- HYD-1: 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 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

There are no current noise level readings within the project site. Given the distance of the project site from the nearest major roadway (2,000 feet from SR 175), and its location in a rural area, it is expected that the principle man-made sources of noise are residential and agricultural activities (including agricultural activities on the project site itself), which tend to be intermittent. The only sensitive receptors in the Study Area are neighboring residences. Therefore, current background noise levels are expected to be relatively low.

The construction of the proposed project would entail the use of construction equipment intermittently for approximately one year, which would result in temporary or periodic short-term increases in ambient noise levels. Although the site is currently actively managed as a vineyard, which includes noise-generating agricultural activities, the construction-related noise impact would be considered significant. However, those potential environmental impacts have 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 7:00 a.m. and 7:00 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 7:00 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.

NOI-3: The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

Transportation

A two-lane dead-end access road will be established off of the existing driveway/proposed one-lane access road to access from the existing driveway/proposed one-lane access road and Mombacho Road. According to the applicant, the proposed two-lane access road will be at least twenty (20) feet in width, with less than 16 percent grade, and will have an aggregate surface capable of supporting fire apparatus weighing at least 75,000 pounds. A hammerhead/T, at least 60 feet in length at the top of the "T", will be used as the turnaround at the end of the two-lane dead-end access road.

To ensure impacts related to the transportation and road standards are minimized, the following mitigation measures will be implemented.

- TRANS-1: Prior to this use permit having any force or effect, the applicant shall comply with Public Resources Code 4290 and 4291 Fire Safe Requirements.
- TRANS-2: Facilities constructed or utilized for new development shall comply with County standards in order to minimize initial and subsequent maintenance costs.

Mandatory Findings of Significance

With the incorporation of the identified mitigation measures as listed above and in the MMRP, the identified impacts to environmental resources can be mitigated to a less than significant. Therefore, the staff is recommending a Mitigated Negative Declaration be adopted for this project.

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 "RR" Rural Residential 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 proposal includes 43,200 sq. ft. of outdoor canopy area located within 48,004 sq. ft. of cultivation area. 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 Residential-zoned land, and the subject site is 20 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 Mombacho Road or Wildcat Road; both are 2-lane minor rural collector roads. Additionally, 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 as well as the requirements from Caltrans.

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 an onsite groundwater well. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff's Office, California Highway Patrol (CHP), and the Kelseyville Fire Protection District. The applicant is required to adhere to all applicable local, state, and federal regulations, mitigation measures, and conditions of approval intended to ensure adequate 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 Residential 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 Kelseyville 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 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 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 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 19-34) for Major Use Permit (UP 19-19) 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-8.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-9.
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-8.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-2.
6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-4.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through 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. Potential transportation impacts can be mitigated to less than significant levels with the inclusion of mitigation measures TRANS-1 through TRANS-2.
10. This project is consistent with land uses in the vicinity.
11. This project is consistent with the Lake County General Plan, Kelseyville Area Plan, and Zoning Ordinance.
12. 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.
13. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 19-19 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, *Kelseyville* 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:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Mitigated Negative Declaration (IS 19-34) prepared** for ***Mombacho Mountain Organics, LLC*** for the property located at **9205 *Mombacho Road* and 9261 *Wildcat Road*, *Kelseyville***, further described as **APNs: 011-044-17 and 011-044-18** will not have a significant effect on the environment and therefore a determination of a Mitigated Negative Declaration with the accompanying **Mitigation Monitoring and Reporting Program (MMRP)** shall be approved with the findings listed in the staff report dated **May 26, 2022**.

Major Use Permit (UP 19-19)

I move that the Planning Commission find that **Major Use Permit (UP 19-19)** applied for by ***Mombacho Mountain Organics, LLC*** for the property located at **9205 *Mombacho Road* and 9261 *Wildcat Road*, *Kelseyville***, further described as **APNs: 011-044-17 and 011-044-18** 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 with the amended site plan and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **May 26, 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.*