COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Lakeport, California 95453
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Item #2
9:10 AM
June 23, 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: June 23, 2022

RE: ***Emerald Mountain Farms, Inc.***

- **Major Use Permit (*UP 20-47*)**
- **Initial Study (*IS 20-59*)**

District 2 Supervisor *Bruno Sabatier*
District 2 Planning Commissioner *Everardo Chavez Perez*

ATTACHMENTS:

1 Property Management Plan
2 Project Site Plans
3 Proposed Conditions of Approval
4 Initial Study/Mitigated Negative Declaration
5 Hydrology Report prepared by REALM Engineering dated September 21, 2021
6 Biological Resources Assessment
7 CVRWQCB Cannabis NOV
8 Tribal and Agency Comments Received

I. EXECUTIVE SUMMARY

The applicant, Emerald Mountain Farms, Inc. (EMF), is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation located at 1850 Ogulin Canyon Road*, Clear Lake,* further described as Assessor's Parcel Numbers (APNs): 010-053-03 *and 010-011-01*. The combined project area is approximately 117 acres and is zoned "RL-WW" for Rural Lands – Waterway. 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, EMF requests a total cultivation area of 1.23 acres (or 53,562 SF). The proposal includes the following (please see Proposed Site Plans attachment):

- Two (2) A – Type 3 "Outdoor" license consisting of 53,562 SF of canopy area consisting of the following:
    - 34,316 SF outdoor canopy area;
    - 10,000 SF outdoor canopy area;
    - 6,862 SF outdoor canopy area; and
    - 2,384 SF outdoor canopy area.
- One (1) A-Type 13 "Self-Distribution" license
- 120 sq. ft. wooden shed
- Nine 5,000-gallon water storage tanks
- 6-foot-tall screening fencing

Existing development on the subject parcel, includes the following:

- Permitted groundwater well
- 120 sq. ft. wooden shed
- Man-made off stream pond/water storage reservoir
- Residence
- Shop (metal building)

The subject parcels are located east of Clear Lake, on a low ridge that divides Burns-Valley Frontal Clear Lake Watershed (HUC12) from the Grizzley-Creek/North Fork Cache Creek Watershed (HUC12), approximately 3 miles east of Clear Lake, 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 Ugulin Road (south). 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 run water from the water storage tanks to the irrigation systems of the cultivation area(s). Additionally, the cannabis operation will utilize unmarked 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 Ogulin Canyon Road that intersects Old Highway 53 (CA-53 N) approximately 1 mile south of it's intersection.

Hydrology and Water Usage
According to EMF's Property Management Plan, they expect a total annual water use requirement of 5.6 acre-feet or 1,825,000 gallons for irrigation purposes, with the greatest daily water usage during the months of July, August, and September (approximately 10,862 gallons per day). EMF's maximum total proposed cannabis canopy area is 117,120 ft2. Using the water use requirements outlined in Hammon et al. 20153, we estimate that the proposed cultivation operation would have an annual water use requirement between 5.6 and 7.8 acre-feet. The following table presents the expected water use of the proposed cultivation operation in gallons by month during the cultivation season (April through November), using water usage information provided in EMF's Property Management Plan.

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV
Low (25" per year)	65,170	195,510	260,680	325,850	325,850	325,850	260,680	65,170
High (35" per year)	91,240	273,710	364,950	456,190	456,190	456,190	364,950	91,240

Based on the water use estimates above, we estimate that the proposed cultivation operation would have a maximum daily water use requirement of approximately 15,206 gallons per day.

All water for the project will come from an existing onsite groundwater well located near the southern boundary of the Project Parcel. The onsite groundwater well was drilled in March

of 2018 to a depth of 260 feet below ground surface and had an estimated yield of 50 gallons per minute at the time it was drilled. The project is expected to have an annual water use requirement of approximately 4.7-acre-feet, with a maximum daily water use requirement of approximately 9,800 gallons, and an average water demand of approximately 7,300 gallons per day during the cultivation season (April through November).

A well performance test was conducted by Cramer Enterprises (License No. 98176) of the onsite groundwater well in January of 2021, and a Hydrology Study was prepared Realm Engineering (License No. 67800) in March of 2022. According to the Hydrology Study, data from the well performance test indicate that the onsite groundwater well would be able to produce sufficient water for the proposed cultivation operation without causing overdraft conditions. 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, based on the estimated average annual recharge of approximately 21.5 acre-feet/year to the aquifer of/under the Project Parcel.

The applicant plans to reduce their outdoor cultivation/canopy area and water usage by 10 percent or more, when a drought emergency has been declared for their region. To reduce their water usage by 10 percent or more, the applicant will not plant 6,856 ft2 or more of their proposed cultivation/canopy area. The cultivation/canopy area(s) to be left fallow will depend on when a drought emergency is declared and the phase of site/project development. Additionally, the applicant will prioritize the preferred canopy areas over less desirable canopy areas (based on cultivation experience) when determining which canopy areas to maintain and which to leave fallow.

The Project Parcel consists of a series of hills bisected by Blackeye Canyon, with elevations ranging from 1,556 to 1,790 feet above mean sea level, and 10 and 40 percent slopes. The proposed cultivation operation will be located on a low ridge that divides the Burns Valley-Frontal Clear Lake watershed (HUC12) from the Grizzly Creek-North Fork Cache Creek watershed (HUC12). An unnamed intermittent Class II watercourse at the bottom of Blackeye Canyon flows from south to west through western half of the Project Parcel. Multiple ephemeral Class III watercourses form on the Project Property, and either flow south into Blackeye Canyon or north into Phipps Creek (offsite). There are two existing culverted ephemeral Class III watercourse crossings in the western half of the Project Parcel on Ogulin Canyon Road. All proposed project disturbance would occur more than 100 feet from all natural surface water bodies.

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.980376° and Longitude: -122.577846°, near the southern boundary of the Project Property. This groundwater well was drilled to a depth of 260 feet below ground surface (bgs) in March of 2018, through brown gravelly clay (0-40 feet bgs), shale and sandstone (40-200 feet bgs), greenstone (200-210 feet bgs), and Franciscan gravels (210-260 feet bgs). This well had an estimated yield of 50 gallons per minute (gpm) at the time it was drilled.

The well yield test data suggests that the onsite groundwater well can produce approximately 2.6 gpm for every foot of drawdown in the well. Additionally, EMF performed water level measurements during July and August of 2021, and the static water level in the

onsite groundwater well was found to be between 113 and 116 feet bgs. The peak anticipated daily demand for water of the proposed cultivation operation is ~15,206 gallons per day, which equates to a need for the onsite groundwater well to produce at least 21.2 gpm over a 12-hour pumping period (or 10.6 gpm over a 24-hour period). Additionally, EMF proposes to establish at least 24,000 gallons of water storage capacity on the property. The well recovery observations of the well yield test and the recent water level measurements indicate that the onsite groundwater well would be able to produce sufficient water for the proposed cultivation operation without causing overdraft conditions.

Cumulative Water Analysis.
The applicant has submitted a Hydrology Report, prepared by Realm Engineering and dated September 21, 2021. The Report estimates average water usage to be 25-35 inches per year similar to those of other agricultural crops, such as corn and hops. The report estimates that the proposed cultivation operation would have an annual water use requirement between 5.6 and 7.8 acre-feet. The following table presents the expected water use of the proposed cultivation operation in gallons by month during the cultivation season (April through November), using water usage information provided in EMF's Property Management Plan.

	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

Aquafer/Groundwater Recharge.
According to the Hydrology Report prepared by Realm Engineering dated September 21, 2021 (see Attachment 7), 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 times the land area under consideration times the time period, and is usually expressed as 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).

To estimate the groundwater recharge at the site, we first must assume that the recharge to the aquifer is primarily through rainfall across the 78-acre Project Parcel (Lake County APNs 010-053-03). Therefore, the annual precipitation available for recharge onsite can initially be estimated using the following data and equation:

> 78 acres x 2.75 feet (Average Annual Precipitation for Clearlake, CA) = 214.5 acre-feet
> Estimated Annual Precipitation Onsite = 214.5 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 soils of and geology under the Project Property are typical for the northern California region, we estimate that the long-term average

precipitation that recharges groundwater within the entire site to be approximately 15 percent. With this data and the precipitation data presented above, we can estimate the groundwater recharge of the Project Property by using the following equation:

> 214.5 acre-feet/year (annual precipitation onsite) x 0.15 (long term average recharge) =
> Estimated Groundwater Recharge = 32.2 acre-feet/year

Based on the estimated average annual recharge to the aquifer under the Project Property (~32 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (5.6 to 77.8 acre-feet/year), it appears that EMF will have enough water to meet their demands without causing overdraft conditions.

Impacts on Neighboring Wells.

The Report states that the 'a zone of pumping influence extending approximately 1,000 feet from the onsite groundwater well. The nearest known neighboring well, located at 2002 Ogulin Canyon Road (Lake County APN 010-055-43), is located approximately 1,400 feet north of the onsite groundwater well. The second nearest known neighboring well, located at 2122 Ogulin Canyon Road (Lake County APN 010-053-02), is located over 2,300 feet east of the onsite groundwater well. Given the horizontal and vertical separations between the onsite groundwater well and neighboring wells, it does not appear that pumping for the proposed cultivation operation will result in well interference.

Drought Management Plan

The Urgency Ordinance approved by the Lake County Board of Supervisors on July 27th, 2021 (Ordinance No. 3106) requires applicants to provide a plan depicting how the applicants plan to reduce water use during a declared drought emergency. EMF's proposed cannabis cultivation operation would have total combined estimated annual water use requirement between 5.6 and 7.8 acre-feet (1,825,000 to 2,542,000 gallons). EMF intends to plant the proposed canopy areas on or around May 1st of each year (depending on climatic conditions). Per the Water Conservation and Use requirements outlined in the State Water Resources Control Board's Cannabis General Order, EMF shall implement the following Best Practical Treatment and Control (BPTC) measures to conserve water resources:

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

A With the Water Conservation and Use requirements outlined above, EMF's proposed cultivation operation would efficiently use water resources at all times. To ensure both success and decreased impacts to the surrounding areas, EMF plans to reduce their outdoor cultivation/canopy area and water usage by 10 percent, when a drought

emergency has been declared for their region. To reduce their water usage by 10 percent, EMF will not plant 11,712 ft2 or more of their proposed canopy area. The canopy area(s) to be left fallow will depend on when a drought emergency is declared (before or after the proposed canopy areas have been planted) and the phase of site/project development. Additionally, EMF will prioritize the preferred canopy areas over less desirable canopy areas (based on cultivation experience) when determining which canopy areas to maintain and which to leave fallow. By implementing the Drought Management Plan outlined above, EMF will reduce their estimated annual water demand from 1,825,000 - 2,542,000 gallons, to 1,642,500 - 2,287,800 gallons (10 percent), during periods of drought.

Conclusions Regarding Water.

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.980376° and Longitude: -122.577846°, near the southern boundary of the Project Property. This groundwater well was drilled to a depth of 260 feet below ground surface in March of 2018, with an estimated yield of 50 gallons per minute at the time it was drilled. A recent well performance test performed in January of 2021, indicates that the onsite groundwater well can produce at least 30 gallons per minute. From the well performance test data we can calculate a Specific Capacity of approximately 2.6 gpm/foot for the onsite groundwater well. The total estimated annual water use requirement for the proposed cultivation operation is between 1,825,000 and 2,542,000 gallons per year. Based on data from the recent well performance 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 under the Project Property (~32 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (5.6 to 7.8 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 a zone of pumping influence for the proposed cultivation operation extends approximately 1,000 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. Additionally, it does not appear that pumping for the proposed cultivation operation will impact nearby ephemeral and intermittent watercourses, as they are typically dry by May of each year, when pumping for the proposed cultivation operation would increase to potentially significant levels. Emerald Mountain Farms' Drought Management Plan is to reduce their outdoor cultivation/canopy area and water usage by 10 percent, to ensure both success and decreased impacts to the surrounding areas during a drought emergency. The canopy area(s) to be left fallow will depend on when a drought emergency is declared and the phase of site/project development. By implementing their Drought Management Plan, Emerald Mountain Farms would reduce their estimated annual water demand from 1,825,000 - 2,542,000 gallons, to 1,642,500 - 2,287,800 gallons, during periods of drought.

Timber Removal and Oak Woodland Management Plan

According to the Oak Woodland Management Plan (see Attachment 11), the 38 Blue oak trees identified below for removal, must be removed as they are located within areas on

the Project Property that will be graded to develop the outdoor cultivation/canopy areas of the proposed cannabis cultivation operation. The Blue oak trees proposed for removal are limited to only those that will be directly disturbed as a result of Project implementation. Emerald Mountain Farms does not intend to remove or injure any oak trees on the Project Property, other than the 38 Blue oak trees identified below for removal.

There is approximately 47 acres of Blue Oak Woodland habitat on the Project Property, and approximately 71 acres of Chamise Chaparral habitat. In total, development of the proposed cultivation operation will result in the disturbance of approximately eight (8) acres of Blue Oak Woodland habitat, and the removal of 38 Blue oak trees. To comply with the California Oak Woodlands Conservation Act, EMF proposes to establish a +16-acre Blue Oak Woodland Habitat Conservation Area (No Development Zone) on the Project Parcel, to mitigate for the approximately eight acres of Blue Oak Woodland habitat disturbed as a result of developing the proposed cultivation operation. EMF also proposes to plant, cared for, and protect 114 Blue oak saplings within a designated +2-acre Blue Oak Planting Area, to mitigate for the 38 Blue oaks trees that will be removed as a result of project/site development.

Emerald Mountain Farms will collect hundreds of acorns from the Blue oak trees of the Project Property. Emerald Mountain Farms will sprout the acorns they collect, cultivating seedlings in 1-gallon nursery pots with potting soil, for planting within the proposed Blue Oak Planting Area. The Blue oak saplings will be planted 10 feet apart in tree shelters protected by three T-posts with hog wire to prevent deer from browsing them. They will be irrigated with a drip irrigation system. Emerald Mountain Farms will consult with a Qualified Arborist certified by the International Society of Arboriculture each year for seven years, to advise on care and protection of the proposed Blue Oak Woodland Habitat Conservation Area and the Blue oak trees of the proposed Blue Oak Planting Area.

Chemical Storage and Effluent

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 *Pesticides and Chemical Agricultural Supplies Storage Area* (proposed metal building). 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 IS/MND, 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. The Eastlake Landfill is the closest Lake County Integrated Waste Management facility to the subject parcels. Most, if not all, solid waste generated by EMF's proposed cultivation operation can will be deposited at this facility.

Site Maintenance.
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. One hundred 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 applicant has indicated that construction would occur over 4 to 6 weeks. Construction activities include the installation of a 120-square-foot wooden shed, 9 water storage tanks, dozens of fabric pots, irrigation systems, and 6-foot-tall security fencing. Construction activities are expected to generate 8 to 12 vehicle trips per day.

All construction activities, including engine warm-up, will occur from 6:00 am to 6:00 pm 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 20-47 and the adoption of a Mitigated Negative Determination based on the environmental analysis (Initial Study, IS *20-54*) with the adoption of the incorporated Mitigation Measures, Mitigation Monitoring Reporting Program (MMRP), and Conditions of Approval.

II. PROJECT DESCRIPTION

Applicant:	Emerald Mountain, Inc.(Norman Grimm)
Owner:	Clearlake Mountain Partners, LLC
Location:	1850 Ogulin Canyon Road, Clearlake, CA
APNs.:	010-053-03 and 010-011-01
Parcel Sizes:	+/-117 acres combined
General Plan:	Rural Lands
Planning Area:	Shoreline Communities Planning Area
Zoning:	"RL-WW" Rural Lands – Waterway; 20-acre minimum parcel size
Flood Zone:	"X" – Low-risk flood zone (eastern portion only)
Farmland:	The site is designated Grazing Land, and, therefore, is not Farmland of State or Local Importance
SCH Number:	2022030622

III. PROJECT SETTING

The subject parcels are located on a low ridge that divides the Burns Valley-Frontal Clear Lake watershed (HUC12) from the Grizzly Creek-North Fork Cache Creek watershed (HUC12) and approximately 3.1 miles northeast of Clearlake, 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 Ugulin Road to the south. 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 nearest off-site residential dwelling is over 200 feet away from the cultivation area.

The existing development on the subject parcel related to the proposed project includes the following:

- Permitted groundwater well
- 120 SF wooden shed
- Man-made off stream pond/water storage reservoir
- Residence
- Shop (metal building)

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

- Improved cultivation areas totaling 68,562 SF of canopy/cultivation area consisting of the following:

  - 34,316 SF. outdoor canopy area;
  - 15,000 SF outdoor canopy area
  - 10,000 SF outdoor canopy area
  - 6,862 SF outdoor canopy area
  - 2,384 SF outdoor canopy area
  - 120 SF wooden shed
- Nine 5,000-gallon water storage tanks
- 6' tall screening fencing

Surrounding Uses and Zoning

The parcels to the **North and West** are zoned "RL" Rural Lands 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 **South and East** are zoned "O" Open Space District. The parcel appears to be undeveloped.

Topography: The area contains slopes that vary from less than 15% to over 50% based on a review of the Lake County Parcel Viewer, which is consistent with slopes on the subject parcel. Slopes on the cultivation areas vary from 0% to 20%.

Soils: Bally-Phipps-Haploxeralfs Association (108): This map unit is on uplifted and dissected hills. Vegetation is mainly brush. This unit is about 35% gravelly sandy clay loam, 20% Phipps loam and 20% Haploxeralfs. This soil classification is very deep and well drained, it is formed in alluvium derived from mixed rock sources. The water capacity is approximately 5.0 to 7.0 inches, and the hazard of erosion is severe.

SKYHIGH-ASBILL COMPLEX (208): This map unit is on hills. The vegetation is mainly annual grasses and oaks with scattered shrubs. This unit is about 50% Skyhigh loam and 30% Asbill clay loam. This soil classification is moderately deep and well drained. The water capacity is 3 to 7 inches. Surface run-off is rapid and the hazard of erosion is severe.

SLEEPER VARIANT-SLEEPER LOAMS (215): This map unit is on hills. These olis are susceptible to slumping. The vegetation is mainly annual grasses and oaks. The unit is about 455 Sleeper Variant loam and 35% Sleeper loam. The Sleeper Variant loam is very deep and well drained. Permability of the Sleeper Variant soil is slow; available water capacity is 6.0 to 9.5 inches.

Water Supply: Existing permitted well

Sewage Disposal: On-site septic system

Fire Protection: Lake County Fire Protection District

Water Courses: The proposed cultivation operation will be located on a low ridge that divides the Burns Valley-Frontal Clear Lake watershed (HUC12) from the Grizzly Creek-North Fork Cache Creek watershed (HUC12). An unnamed intermittent Class II watercourse at the bottom of Blackeye Canyon flows from south to west through the western half of the Project Parcel. Multiple ephemeral Class III watercourses form on the Project Property, and either flow south into Blackeye Canyon or north into Phipps Creek. The unnamed intermittent Class II watercourse continues west and flows into Burns Valley approximately 1 mile west of the Project Property. Phipps Creek passes under Highway 20 and enters the North Fork of Cache Creek approximately 1.5 miles northeast of the Project Property.

IV. PROJECT ANALYSIS

General Plan Conformance

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

The purpose of this land use category is to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for areas that are remote, or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields. 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 to the management of the natural infrastructure of the watersheds and are located outside of Community Growth Boundaries.

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 has varied topography and cultivation will occur on slopes less than 20% 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.

Shoreline Communities Plan Conformance

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

- **4.2.1d**: Proposed developments shall mitigate off-site, downstream drainage impacts that would result from the development. Engineered drainage plans and erosion control plans shall be required where appropriate.

- **4.3.1c:** Require that locked gates on private roads be accessible to emergency personnel.

- **4.4.1c:** Promote alternatives to open burning and disposal of vegetative waste, including chipping, mulching and composting.

The proposed project is consistent with the policies of the Shoreline Communities Plan, including the policies cited above. The proposed project is required to adhere to the State Water Board Cannabis Cultivation Policy, which requires all run-off be retained on-site, which mitigates off-site, downstream drainage impacts. The conditions of approval require the applicant to obtain a grading permit that includes engineered drainage plan and erosion control plans for proposed development. 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. Finally, as stated in the Property Management Plan, waste from cultivation is limited to stems. Stems will be composted on-site and incorporated into the soil as an amendment. The project, therefore, is consistent with the Shoreline Communities Plan.

Zoning Ordinance Conformance

Article 8- Rural Lands District

To provide for resource related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access.

The cultivation of cannabis is an agricultural use and would continue to take place on the property. The addition of nine 5,000-gallon water storage tanks and 6-foot-tall screening fencing 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 Lands. 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 Lands 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 ±117 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 200 feet away from the cultivation area to the south of APN: 010-053-03.*

- Minimum Fence Height of Six (6) Feet: *Complies; the proposed enclosure is a 6 feet tall fence for screening.*

- Maximum Canopy Area **87,120** ft^2 maximum for two (2) ***A-Type 3*** *Complies; the proposed cultivation/canopy area would be 68,562 SF.*

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 200 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. Big Valley Band of Pomo Indians sent an email to the Community Development Department (CDD) dated August 14, 2020, identifying that the project was outside of their ancestral territory and did not request consultation for the project. The Robinson Rancheria requested additional information on August 18, 2020, and staff provided the additional information. No further comments were received.

Public Comments & Concern
No public comments were received as of the date of drafting this staff report (June 13, 2022).

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 *20-59*; Attachment 5) was prepared and circulated for public review in compliance with CEQA from 3/23/2022 to 4/21/2022.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire
- 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 exterior security lighting. The applicant is required to prepare an Outdoor Lighting Plan that complies with the International Dark Sky Association recommendations.

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

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

- AQ-2: All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines.

- AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.

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

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

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

Biological Resources

A Biological Resource Assessment (dated August 4, 2019) was prepared by Pinecrest Environmental Consulting for the project located at 1850 Ogulin Canyon Road, Clear Lake, CA, further described as APN: 010-053-03.

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: A pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present. If any listed species are detected, construction should be delayed, and the appropriate

wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed.

- BIO-2: If construction activities occur during the nesting season (usually March through September), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

- BIO-3: All work should incorporate erosion control measures consistent with the engineered Erosion and Sediment Control Plans submitted, Lake County Grading Regulations, and the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ).

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

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

Cultural Resources

A Phase I Cultural Resource Inventory Report (CRIR) was prepared for the Project Parcel by DZC Archaeology & Cultural Resource Management (dated January 2018). A field survey of the Project Parcel was conducted on October 10, 2017, by a Department of Interior Qualified Archaeologist and four archaeological technicians. One cultural resource, a historic refuse scatter, was discovered and recorded during the field survey.

Historic research for the CRIR was completed at the Northwest Information Center of the California Historic Resources Information System. The review indicated no recorded resources or previous surveys on the Project Parcel. The geoarchaeological research conducted for the CRIR indicates a low-to moderate sensitivity for unknown prehistoric resources in the project area.

The CRIR concluded that there will be no effect to historic, archaeological, or Tribal resources, as defined by the California Environmental Quality Act, no impacts to historic resources, as defined by the National Environmental Policy Act, with the implementation of the Cultural Conditions included in the CRIR. The mitigation measures below include the Cultural Conditions of the CRIR.

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

- CUL-1: 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 local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

- CUL-2: 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 local overseeing Tribe 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 Health and Safety Code 7050.5.

- CUL-3: Ground disturbance and cannabis cultivation activities are prohibited within the archaeology site boundary as mapped on the California Department of Parks and Recreation 523 Primary Form included in the Phase I Cultural Resource Inventory Report as Appendix E.

Geology/Soils

The area contains slopes that vary from less than 15% to over 50% based on a review of the Lake County Parcel Viewer, which is consistent with slopes on the subject parcel. Slopes on the cultivation areas vary from 0% to 20%. According to the Soil Survey of Lake County, prepared by the U.S.D.A., the soil within the project parcel is as follows:

> Bally-Phipps-Haploxeralfs Association (108): This map unit is on uplifted and dissected hills. Vegetation is mainly brush. This unit is about 35% gravelly sandy clay loam, 20% Phipps loam and 20% Haploxeralfs. This soil classification is very deep and well drained, it is formed in alluvium derived from mixed rock sources. The water capacity is approximately 5.0 to 7.0 inches, and the hazard of erosion is severe.
>
> SKYHIGH-ASBILL COMPLEX (208): This map unit is on hills. The vegetation is mainly annual grasses and oaks with scattered shrubs. This unit is about 50% Skyhigh loam and 30% Asbill clay loam. This soil classification is moderately deep and well drained. The water capacity is 3 to 7 inches. Surface run-off is rapid and the hazard of erosion is severe.
>
> SLEEPER VARIANT-SLEEPER LOAMS (215): This map unit is on hills. These olis are susceptible to slumping. The vegetation is mainly annual grasses and oaks. The unit is about 455 Sleeper Variant loam and 35% Sleeper loam. The Sleeper Variant loam is very deep and well drained. Permability of the Sleeper Variant soil is slow; available water capacity is 6.0 to 9.5 inches.

The project does not include grading and/or earth movement. The outdoor cultivation areas will consist of fabric pots on 0% to 20% slopes. Steep slopes surround the proposed cultivation areas. The applicant has provided an engineered Erosion and Sediment Control Plan that addresses potential erosion through the application of gravel/rock and weed-free straw mulch to disturbed areas, as well as the installation of straw wattles and silt fences. The following mitigation measure has been added to reduce the potential impacts to less than significant:

To reduce impacts to less than significant, implement Mitigation Measure GEO-1 as follows:

GEO-1: The applicant shall install the erosion and sediment control measures identified in the engineered Erosion and Sediment Control Plan for the project. Said measures shall be monitored and maintained for life of the project and replaced/repaired when necessary.

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.

According to the Property Management Plan, chemicals stored and used at/by the proposed cultivation operation include fertilizers/nutrients, pesticides, and petroleum products (Agricultural Chemicals). 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 secure Pesticides & Agricultural Chemicals Storage Area (proposed wooden shed). Petroleum products will be stored under cover, containers with secondary containment, and separate from pesticides and fertilizers within the existing onsite shop (metal building with concrete foundation/floor). Spill containment and cleanup equipment will be maintained within the secure Pesticides and Agricultural Chemicals Storage Area, and no effluent is expected to be produced by the proposed cultivation operation.

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. Potentially hazardous materials shall not be allowed to leak onto the ground or contaminate surface water bodies. 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 such equipment and materials shall be stored in 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 to minimize spillage or leakage of hazardous materials. All equipment shall be serviced and refueled on an impermeable surface in a location that are more than 100 feet from surface water bodies. In an event of a spill or leak, hazardous materials and/or contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

Hydrology/Water Quality

The proposed cultivation operation will be located on a low ridge that divides the Burns Valley-Frontal Clear Lake watershed (HUC12) from the Grizzly Creek-North Fork Cache Creek watershed (HUC12). An unnamed intermittent Class II watercourse at the bottom of Blackeye Canyon flows from south to west through the western half of the Project Parcel. Multiple ephemeral Class III watercourses form on the Project Property, and either flow south into Blackeye Canyon or north into Phipps Creek. The unnamed intermittent Class II watercourse continues west and flows into Burns Valley approximately 1 mile west of the Project Property. Phipps Creek passes under Highway 20 and enters the North Fork of Cache Creek approximately 1.5 miles northeast of the Project Property.

There are two existing culverted ephemeral Class III watercourse crossings in the western half of the Project Parcel. According to the Biological Resources Assessment prepared for the project application, roadways of the Project Parcel are in excellent condition and have properly formed crowns and inboard ditches, with culverts that are adequately protected and are free from obstructions. All proposed project disturbance would occur more than 100 feet from surface water bodies.

To ensure impacts related to the hydrology and water quality are minimized, following mitigation measures have been implemented:

- BIO-3 through BIO-5, GEO-1, HAZ-1 through HAZ 4 (see above for reference); and

- HYD-1: The production well shall have a meter to measure the amount of water pumped. The production well 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

Given 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, which are more than 200 feet from the subject parcels. Therefore, current background noise levels are expected to be relatively low.

Short-term increases in ambient noise levels to uncomfortable levels could be expected during project construction. Additionally, there may be a need for an emergency backup generator during power outages.

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. Therefore, 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 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

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

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

Wildfire

The proposed cultivation areas are relatively flat (0 to 20 percent slopes), but the surrounding areas are relatively steep. The erosion and sediment control measures identified in the applicants' Property Management Plan and Erosion and Sediment Control Plan would likely be destroyed in the event of a wildfire on the Project Parcel. Therefore, the erosion and sediment control measure would need to be re-installed post wildfire to reduce risks of downslope/downstream flooding or landslides as a result of runoff and post-fire slope instability.

To ensure impacts related to wildfire are minimized, the following mitigation measures will be implemented:

- WF-1: The applicant shall re-install the erosion and sediment control measures identified in the engineered Erosion and Sediment Control Plan for the project, as soon as possible following a wildfire emergency affecting the Project Parcel.

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 "RL" Rural Lands zoning upon issuance of a Major Use Permit pursuant to Article 27, Sec. 21-27, Sec. 27.11 Table B of the Lake County Zoning Ordinance. The project scope complies with the minimum regulatory requirements set by the local ordinances to address the health, safety, morals, comforts, and general welfare of those working or residing near the proposed use. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits and licenses from the appropriate federal, state, and/or local government agencies. Additionally, the CDD would conduct annual compliance monitoring inspections during the cultivation season to ensure compliance with the County's ordinances, the approved Property Management Plan, mitigation measures, and conditions of approval.

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

   The 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 Lands-zoned land, and the subject parcels are approximately 117 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 Ugulin Road; a 2-lane minor rural collector road. 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.

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, and the Lake County 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.

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan, and any approved zoning or land use plan.

The cultivation of commercial cannabis is a permitted use within the Rural Lands zoning district upon securing a Major Use Permit according to Article 27 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan does not have any provisions specifically for commercial cannabis, but both the General Plan and the Shoreview Communities Area Plan have provisions for economic development, water resources, and agricultural resources land use compatibility. Additionally, the subject property complies with the minimum setbacks and development standards.

6. That no violation of Chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from 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 *20-54*) for Major Use Permit (UP *20-47)* 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 Measure AES-1.

2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures AQ-1 through AQ-6.

3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures BIO-1 through BIO-5.

4. Potential environmental impacts related to Cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of Mitigation Measures CUL-1 and CUL-3.

5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of Mitigation Measure GEO-1.

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 Mitigation Measures BIO-3 through BIO-5, GEO-1, HAZ-1 through HAZ 4, and HYD-1 incorporated.

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 wildfire impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures WF-1.

10. This project is consistent with land uses in the vicinity.

11. This project is consistent with the Lake County General Plan, Shoreview Communities 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. <u>Approve Major Use Permit UP 20-47 with the following findings:</u>

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, *Shoreline Communities* Area Plan, and Lake County Zoning Ordinance.

6. No violation of Chapter 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.

8. The applicant is qualified to 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 20-54) prepared** for ***Emerald Mountain Farms, Inc.*** for the property located at **1850 Ogulin Canyon Road*, Clear Lake,*** further described as **APNs: 010-053-03 *and 010-011-01*** 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 **June 23, 2022.**

Major Use Permit (UP 20-47)
I move that the Planning Commission find that **Major Use Permit (UP *20-47*)** applied for by ***Emerald Mountain Farms, Inc.*** for the property located at **1850 Ogulin Canyon Road*, Clear Lake,*** further described as **APNs: 010-053-03 *and 010-011-01*** 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 **June 23, 2022.**

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.