



## 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**

**9:15 AM**

**August 11, 2022**

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mary Darby, Community Development Director

Prepared by: LACO Associates

Assigned Planner: Andrew Amelung, Cannabis Program Manager

**DATE:** August 11, 2022

**RE:** Lamperti Farms

- Major Use Permit (UP 20-51)
- Initial Study (IS 20-51)

Supervisor District 3 – Eddie “EJ” Crandell

Planning Commission – Batsulwin Brown

- ATTACHMENTS:**
1. Property Management Plan
  2. Proposed Site Plans
  3. Initial Study
  4. Agency & Public Comments
  5. Biological Assessment
  6. Hydrology Report
  7. Mitigation Monitoring Reporting Program
  8. Proposed Conditions of Approval

## **I. EXECUTIVE SUMMARY**

Mr. Anthony Lamperti is seeking a Major Use Permit from the County of Lake, for a proposed commercial cannabis cultivation operation at 565 & 1111 Sulphur Bank Drive, near Clearlake Oaks, California on Lake County APNs 006-520-11 and 12. The proposed commercial cannabis cultivation operation would be composed of eleven (11) A-Type 3 “Medium Outdoor” cultivation areas, a 120 sq. ft. Pesticide & Agricultural Chemicals Storage Area (proposed wooden shed), a 120 sq. ft. Security Room/Building (proposed wooden shed), and eleven 160 sq. ft. Harvest Storage Areas. The growing medium of the proposed outdoor cultivation/canopy areas would be native soil amended with compost,

worm castings, and organic dairy manure, with drip irrigation systems covered in white plastic mulch to conserve water resources. All water for the proposed cultivation operation would come from an existing on-site groundwater well and ten 5,000-gallon water storage tanks.

The Project would occur on a 257-acre property that currently supports a working ranch. The site is accessed from Highway 20 via Sulphur Bank Drive. The Project would use approximately 24.9 acre-feet of water per year.

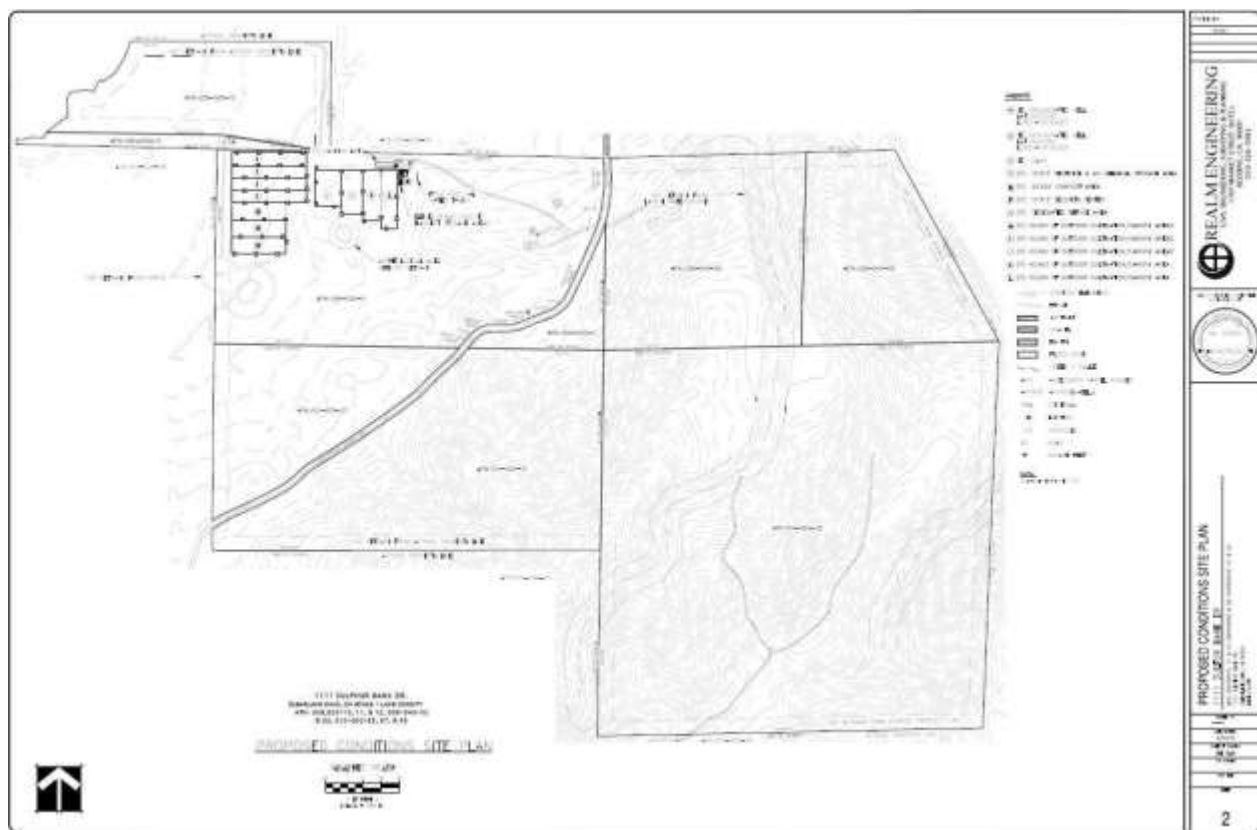


Figure 1. Lamperti Farms Proposed Conditions Site Plan

## II. PROJECT DESCRIPTION

1. Applicant: Anthony Lamperti, 4090 Santa Rosa Avenue Santa Rosa, California 95407
2. Owner: Anthony Lamperti, 4090 Santa Rosa Avenue Santa Rosa, California 95407

Location: 1111 Sulphur Bank Drive, Clearlake Oaks, CA 95423

A.P.N.: 006-520-10,11,12; 006-540-02,08;010-002-37,53

Parcel Size: +257 Acres

General Plan:

Rural Lands

8. Zoning:

**“APZ-WW-SC”:** Agricultural Preserve District – Waterways

– Waterway Combining District – Scenic Combining District

9. Flood Zone:

**“X”:** Areas of minimal flooding – not in a special flood hazard area. (Where cultivation would occur)

**“X, 0.2% Annual Chance”:** Areas between limits of the 1% Annual 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

**“AE”:** Areas of 100-year flood: base flood elevations and flood hazard factors determined.

Farmland Designation: Grazing Land

SCH Number: 2022030675

The applicant is seeking approval of a Major Use Permit to obtain eleven (11) A – Type 3 “Outdoor” licenses. The applicant proposes a total of 474,650 square feet of canopy area within 476,650 square feet of cultivation area. All commercial cannabis cultivation activities would occur at 565 and 1111 Sulphur Bank Dr, Clearlake Oaks, further described as Assessor Parcel Numbers: 006-520-11, and 12. The following parcels will be utilized for clustering/combining the acreage: 006-520-10, 006-52-11, 006-520-12, 006-540-02, 006-540-08, 010-002-37, and 010-002-53. The applicant proposes the cultivation method to be in-ground in previously disturbed soil. The project parcels have been used for extensive agricultural production since the 1970’s. According to the applicant, the proposed cultivation operation will be established in areas that have been previously disturbed, plowed, planted, and irrigated to produce hay. No trees or vegetation will be removed to establish the proposed cultivation operation. Proposed ancillary facilities include the following:

- One (1) 120 square foot security center.
- One (1) 120 square foot pesticides and agricultural chemicals storage shed.
- Eleven (11) 160 square foot harvest storage areas.

The total acreage of the parcels combined is approximately  $\pm 256.67$  acres. The parcels are located approximately 0.55 miles (2,900 feet) southwest of the intersection of Highway 20 and Sulphur Bank Dr. Additionally, the cultivation site is located approximately 1,240 feet from the nearest Community Growth Boundary. In reference to Article 27, Section 27(at), the minimum setback from a Community Growth Boundary is 1,000 feet.

Existing development at the site that will support the Project includes the following:

- Two (2) existing onsite groundwater wells yielding 172 gallons per minute
- An existing residence
- 3 (three) existing barns

Staff is recommending approval of Major Use Permit UP 20-51 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study IS 20-51) with the incorporated Mitigation Measures and Conditions of Approval.

### III. PROJECT SETTING

## Project Location

The proposed Lamperti Farms Project is located at 565 and 1111 Sulphur Bank Dr, Clearlake Oaks (APN 006-520-11, 12). The parcels are located approximately 0.55 miles (2,900 feet) southwest of the intersection of Highway 20. The Project Property is within the Schindler Creek – Frontal Clear Lake Watershed (HUC 12). The proposed Project is located in the Shoreline Communities Planning Area. The Project parcels are not within a Community Growth Boundary, and the proposed cultivation site is approximately 1,240 feet south of the nearest community growth boundary.



Figure 2. Vicinity Map

### Surrounding Uses and Zoning

The surrounding land uses are a mix of open spaces, agricultural, and rural residential zoning.

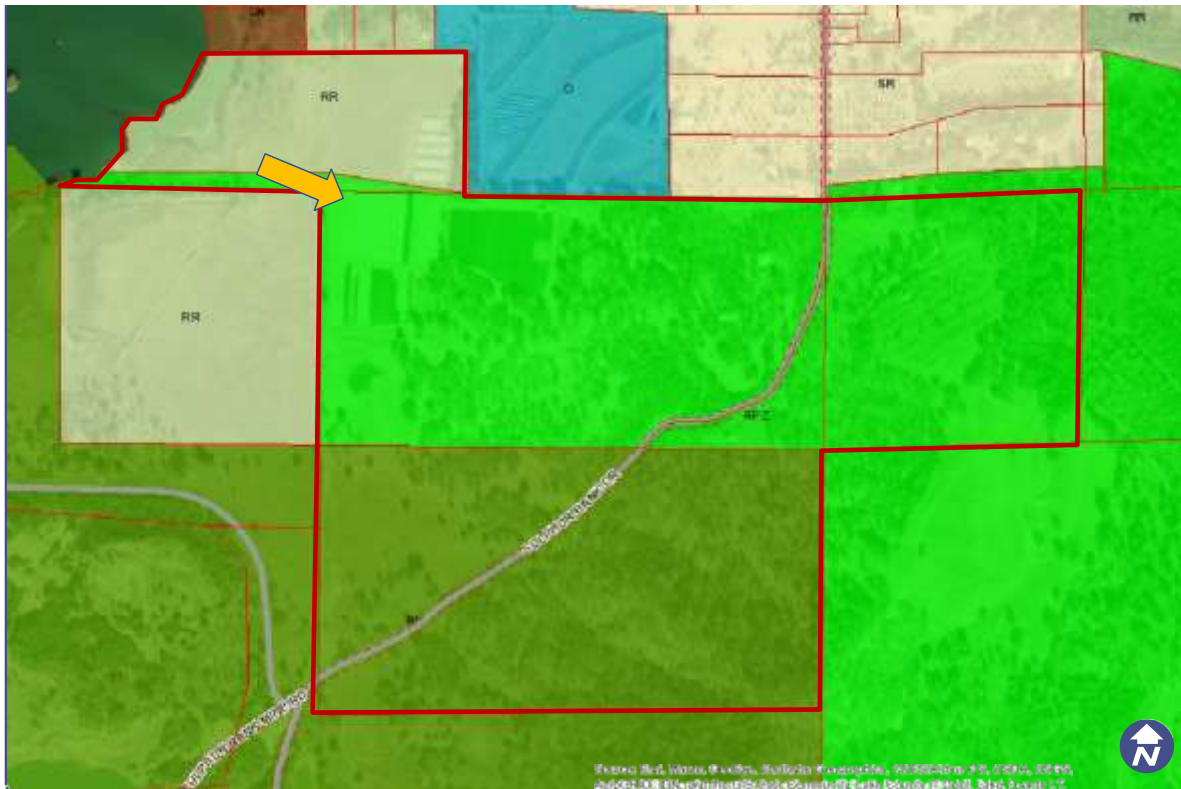


Figure 3. Vicinity Zoning Map

As the parcel for the proposed Project is over five (5) acres in size, neighboring parcels that fall within a 725-foot buffer will be notified of the Project. These parcels include:

- North West: 996 Sulphur Bank Dr. Parcel Number 006-540-12; Zoned APZ
- West: 14499 E State HWY 20. Parcel Number 006-540-08; Zoned APZ
- South West: 1100 Sulphur Bank Dr. Parcel Number 010-002-35 Zoned APZ
- North: 1070 Sulphur Bank Dr. Parcel Number 006-540-11; Zoned APZ
- North: 781 Sulphur Bank Dr. Parcel Number 006-520-04; Zoned SR-SC
- North: 13705 Jensen Rd. Parcel Number 006-520-05; Zoned O-WW
- North West: 13405 Jensen Rd. Parcel Number 006-520-11; Zoned RR
- North West: 565 Sulphur Bank Dr. Parcel Number 006-520-12; Zoned APZ

- West: 13400 Sulphur Bank Dr. Parcel Number 010-002-58; Zoned RR
- West: 13250 Sulphur Bank Dr. Parcel Number 010-002-57; Zoned RL
- South West: 1800 Sulphur Bank Dr. Parcel Number 010-002-33; Zoned RL

### **Access**

The cultivation site is accessed from Sulphur Bank Drive, a paved and dirt road maintained by the County of Lake which is classified as a local road in the Lake County General Plan. The access driveway from Sulphur Bank Drive is approximately 20+ feet wide, meeting California Public Resource Code 4290 (PRC 4290) road standards for fire equipment access, including two access points for emergency vehicles. (Attachment 3)

### **Security**

6-foot woven wire fences will be erected around the proposed cultivation areas. Privacy Screen/Cloth will be installed on the fences where necessary to screen the cultivation area from public view. Posts will be set into the ground at not more than 10-foot intervals, and terminal posts will be set into concrete footings. Secured entry and access to the cultivation area(s) will be controlled via locking gates that will be locked whenever Mr. Lamperti or his managerial personnel are not present. All gates will be secured with heavy duty chains and commercial grade padlocks. Only Mr. Lamperti, Mr. Pluth (landowner), and approved managerial staff will be able to unlock the gates of the Project Property.

100 feet of defensible space (vegetation management) will be established and maintained around the proposed cultivation areas and associated facilities for fire protection and to provide for visibility and security monitoring. Motion-sensing alarms and security lights will be installed at the metal gates controlling access to the proposed cultivation operation, to alert personnel when someone/something has entered onto the premises. Motion-sensing security lights will be installed on all external corners of the proposed cultivation areas. All lighting will be fully shielded, downward casting and will not spill over onto other properties or the night sky.

Personnel will be instructed to notify Mr. Lamperti or his managerial staff immediately if/when suspicious activity is detected. Mr. Lamperti or his managerial staff will investigate the suspicious activity for potential threats, issues, or concerns. Mr. Lamperti and/or his managerial staff will contact the Lake County Sheriff's Office immediately if/when a threat is detected. When a visitor arrives at the proposed cultivation operation via the main entrance during core operating/business hours, they will be immediately greeted by a member of Mr. Lamperti's managerial staff. The staff member will verify the visitor's identification and appropriate documentation/credentials. They will then be assigned an escort to show the visitor to the appropriate area(s), in accordance to their approved itinerary. No visitors will ever be left unattended.

More details are available in the Property Management Plan (Attachment 1)

### **Operations**

Approximately two (2) shifts with up to twelve (12) employees during peak shift of cultivation season and three (3) shifts with up to thirty-six (36) employees during peak shift during harvest season. The estimated trips per day for the proposed project are between 48 to 72 trips during harvest season, 16 to 24 trips during non-harvest season, and 150-200 trips during construction/development of the project. Operating hours are proposed to be Monday through Saturday during daylight hours from approximately 8:00 a.m. to 8:00 p.m. between April and November.

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

### **Hydrology and Water Use**

The County's Cannabis Ordinance requires that all cultivation operations be located at least 100-feet away from all waterbodies (i.e. spring, top of bank of any creek or seasonal stream, edge of lake, wetland or vernal pool). Additionally, cultivators who enroll in the State Water Board's Waste Discharge Requirements for Cannabis Cultivation Order WQ 2019-001-DWQ must comply with the Minimum Riparian Setbacks. Cannabis cultivators must comply with these setbacks for all land disturbances, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement).

The Project areas are setback as follows:

- Over 500 feet from the nearest Class I watercourse
- Over 300 feet from the nearest Class II watercourse
- Over 1000 feet from the nearest Class III watercourse
- Over 500 feet from the nearest wetland

The total acreage of the parcels combined is approximately +416.06 acres. The parcel is located approximately 0.72 miles (3,793 feet) southwest of the intersection of Highway 20 and Sulphur Bank Dr. Additionally, the cultivation site is located approximately 1,433 feet from the nearest Community Growth Boundary. In reference to Article 27, Section 27(at), the minimum setback from a Community Growth Boundary is 1,000 feet.

The project parcel is located within the Schindler Creek-Frontal Clear Lake Watershed (HUC12) and directly adjacent to Clear Lake. There are two unnamed intermittent Class II water courses in the eastern half of the project parcel, and two seasonal ponds in western half of the project parcel. However, no cannabis cultivation activities will occur within 100-feet of any surface waterbody, including the two seasonal ponds.

In reference to the Property Management Plan, all water utilized for the cultivation

operation will be supplied by an existing onsite groundwater well. The applicant proposes to install approximately four (4) 5,000-gallon heavy-duty plastic water storage tanks on the project parcel to provide additional stored water for irrigation purposes. Additionally, the applicant will install water storage for fire protection a well. The water storage tanks will be equipped with float valves to shut off the flow water fro the well and prevent the overflow and runoff of irrigation water when full. Water supply lines will gravity feed irrigation water from the water storage tanks to the irrigation systems of the proposed cultivation areas.

The 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 leas occur and the system needs repair. The irrigation system of the proposed cultivation/canopy areas will be composed of PVC piping and drip tapes/lines under white plastic mulch (to conserve water resources). The existing groundwater well has an estimated yield of 172 gallons per minute in accordance to a well pump test dated May 22, 2020. 172 gallons per minute translates to approximately 108,641,847 gallons per year. In reference to the Property Management Plan– Water Use, the peak anticipated daily demand for water for the proposed cultivation operation is 48,870 gallons per day during the cultivation season. The applicant proposes approximately 6,076,480 gallons to be used on an annual basis for the cultivation season (April – November). This calculates to approximately 5.5% of the wells full capacity.

Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. Project implementation will not directly impact any channels or wetlands. Soil disturbance from project implementation could increase erosion and sedimentation. Regulations at both the County and State levels require the creation and implementation of an erosion control and stormwater management plan. Furthermore, as the total area of ground disturbance from project implementation is greater than one (1) acre, the Project proponent will need to enroll for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

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

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

The Project has adopted a Drought Management Plan (DMP) as part of the requirements of Lake County Ordinance 3106, passed by the Board of Supervisors on July 27, 2021,

which depicts how the applicant proposes to reduce water use during a declared drought emergency and ensures both the success and decreased impacts to surrounding areas (Attachment 6).

### **Fertilizer and Chemical Usage**

Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, pesticides, fertilizers, and equipment emissions may be considered hazardous if unintentionally released and could create a significant hazard to the public or the environment if done so without intent and mitigation. All potentially harmful chemicals will be stored and locked in a secured building on site. Measures will be taken to avoid any accidental release and environmental exposure to hazardous materials. Bulk fertilizers will be incorporated into the soil shortly after delivery and will not typically be stockpiled or stored on site.

The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment. Agricultural chemicals and petroleum products will be stored in secondary containment, within separate storage structures alongside compatible chemicals. The pesticide, fertilizer, chemical, and petroleum product storage buildings will have impermeable floors. The storage building will be located over 120 feet from any watercourses.

Any petroleum products brought to the site, such as gasoline or diesel to fuel construction equipment, will be stored and covered in containers deemed appropriate by the Certified Unified Program Agency. All pesticides and fertilizers products will be stored a minimum of 120 feet from all potentially sensitive areas and watercourses. All employees would be trained to properly use all cultivation equipment, including pesticides. Proposed site activities would not generate any additional hazardous waste. 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 in accordance with applicable local, state, and federal regulations.

### **Cannabis and Solid Waste**

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

### **The Waterway Combining District**

The General Plan Land Use Zone and Zoning District designation currently assigned to the Project parcel is Rural Land (RL) – Waterway Combining (WW). The Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the RL land use zone with a major use permit.

The “WW” Zoning District, as described in the Lake County Zoning Ordinance Article 37.1, sets forth to “preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides.” According to Article 37.2, waterway criteria that applies to the project parcel include intermittent streams that normally flow only direct response to rainfall and are dry for large parts of the year.

As described in Article 37.4, “all uses are permitted in the base zoning district; however, no person shall undertake any development activity within a riparian corridor except when: 1) the development activity is exempt from the provisions of this Article pursuant to Section 37.5; or 2) the development activity has been authorized by an exception or conditional exception pursuant to Section 37.6 of this Article.” The proposed project does not plan to develop cannabis cultivation in areas with Class III watercourses. Additionally, the proposed project meets all the required setbacks from watercourses as shown in Site Plans, Attachment 2.

## **IV. Project Analysis**

### **General Plan Conformance**

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

*The applicant is proposing commercial cannabis cultivation which applies to agricultural/crop production with the Lake County General Plan (2008) for Rural Lands. The proposed project is consistent with the general plan in the following ways, (1) crop production within the Rural Lands and, (2) reducing odors by implementing measures to reduce air contaminants and odors for the outdoor cultivation are, which*

*includes wetting soils and, delaying ground disturbance activities until site conditions are not windy. Additionally, the Property Management Plan (Attachment 1) has identified an odor response program for when odor complaints are received.*

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

### **Water Resource**

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

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

*Under Chapter 21, Article 27.11, the requirements for cannabis cultivation projects submittal include a Water Use Management Plan to be reviewed and approved by the County. The proposed project plans to utilize a drip irrigation system and practices, use the existing groundwater wells, Irrigation water will be pumped from the irrigation well to ten (10) 5,000-gallon water storage tanks. From the tanks the water will be distributed to the cultivation areas. To conserve water resources the proposed cultivation operation will utilize drip irrigation systems have soil moisture monitors and will irrigate in the morning to minimize evaporation losses. The estimated annual water-use for the entire 10.9-acre cultivation project (outdoor cultivation and employees) is 8,128,135 gallons, which is approximately 24.94 acre-feet of groundwater/year. The project plans do not involve any water diversions, or imported water so all project water will be derived from the project irrigation well. Prior to cultivation, inline meters compliant with California Code of Regulations, Title 23, Division 3, Chapter 2.7 will be installed on the main irrigation water supply lines running between the off stream water storage reservoir and the proposed cultivation areas. Water level meters equipped with data logging capabilities, will be installed to the existing wells for monitoring and reporting water use to the County and State.*

*On July 27, 2021, the Lake County Board of Supervisors declared a local emergency due to the drought conditions and required land-use applicants to provide enhanced water analysis under Ordinance 3106. The local emergency ordinance reinforces the policies under this plan to manage and evaluate the most vital resources in Lake County. The applicant submitted a hydrology report (Water availability) that was prepared by a certified hydrogeologist with **HURVITZ ENVIRONMENTAL SERVICES INC.** The report consisted of evaluating the following: the approximate amount water*

*available for the project's identified water source, the approximate recharge rate of the water source, and the cumulative impact of water use to the surrounding area. The hydrology report identified that the approximate amount of water produced by the five wells was 172 gallons per minute. The report concluded that the amount of water available would be sufficient for the required water per year. Additionally, the report identified that no impacts would result to the surrounding area due to the distance between the project well and neighboring off-site wells. (Attachment 6)*

## **Land Use**

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

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

*Pursuant to Article 27, Sec. 21-27.10, Sec. 27.11 Table B of the Lake County Zoning Ordinance, the cultivation of cannabis is an allowable use within the "APZ" Agricultural Preserve Zone Designation upon securing a Minor/Major Use Permit. The proposed project would not be an intrusion of a new incompatible land use within the existing zoning and general plan designation of this area as it is an allowable use.*

Goal LU-2: is to clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

- Policy LU-2.4 Agricultural/Residential Buffer. The County shall require adequate setbacks between agricultural and non-agricultural uses. Setbacks shall vary depending on type of operation and chemicals used for spraying.

*In reference to the Lake County Zoning Ordinance Article 27,(at), 1.i.the County requires a minimum 100 foot setback from all property lines of the subject property, and a minimum of 200 foot setback from any off-site residences. There are currently no off-site residences within 1,000 feet from the cultivation site. Additionally, Article 27, Sec. 21-27.10,(at),3.iii.v. prohibits Commercial Cannabis Cultivation within a 1,000 feet of Community Growth Boundaries, licensed child care facilities, churches, or youth-oriented facilities. The closest community growth boundary accessible by road is Clearlake Oaks, which is approximately .5 miles away, the project meets these setbacks.*

## **Shoreline Communities Area Plan**

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

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

*The proposed project, subject to Conditions of Approval, complies with the required setbacks from all drainage courses, and is designed and conditioned to mitigate off-site drainage. Gates will be outfitted with appropriate hardware for emergency access, and will not burn or landfill vegetative waste.*

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

#### **Article 7 – Rural Lands (RL)**

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

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

#### **Article 37 – Waterway Combining District**

In reference to Article 37 of the Lake County Zoning Ordinance, this designation is to preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides.

*The proposed project site is in the Waterway Combining District. The property contains several intermittent watercourses; however, no development is planned to occur within 120 feet of any watercourse. While these limitations and restrictions identified in Article 37 do apply to the proposed project, the project is in compliance and meets the established with an approved Major Use Permit.*

#### **Article 27 - Use Permits**

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

*The Cultivation of Commercial Cannabis is permitted in the “RL” Rural Lands Zoning Districts upon issuance of a Minor/Major Use Permit pursuant to Article 27, Section 27.11 [Table B] of the Lake County Zoning Ordinance. On February 26, 2020, the applicant submitted an application for a Major Use Permit, UP 20-21 for the Cultivation of Commercial Cannabis to the CDD.*

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

***Development Standards***

- Minimum Lot Size (20 acres per A-Type 3): *Complies, the lot is +257 acres in size. The applicant needs 220 acres for eleven (11) A – Type 3 licenses.*
- Setback from Property Line (100 feet): *Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is over 1,000 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed security fence will be 6 ft. tall.*
- Maximum Canopy Area (43,560 sq.ft. maximum for an A – Type 3 “Outdoor”): *Complies; the proposed canopy area would be approximately 476,650 sq.ft. of outdoor canopy area for eleven (11) A – Type 3 licenses.*

***General Requirements.*** There are several general requirements for cannabis cultivation listed in Section 27.11(at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, etc.

*The applicant will be required to meet the General Requirements outlined in Section 27.11(at) of Chapter 21 Zoning Ordinance, Ordinance 3106, and Ordinance 3101. If the requirements have not yet been met, a condition of approval has been added to ensure compliance with the local zoning ordinance (Attachment X).*

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

## **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Mitigated Negative Declaration (Attachment 3) was prepared and circulated for public review in compliance with CEQA from 11/24/2020 to 12/28/2020.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Hydrology/Water Quality
- Noise
- Tribal Cultural Resources
- Wildfire
- Geology/soils
- Hazards and Hazardous Materials
- Transportation
- Utilities/Service Systems

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

### **Aesthetics**

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

- AES-1: All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all Federal, State and local agency requirements, including all requirements in darksky.org.

### **Air Quality**

The proposed project has the potential to create short-term construction and long-term operational impacts on air quality. During construction and site preparation, potential short-term impacts might include fugitive dust from earthmoving activities, and fume emissions

from heavy equipment and generators, however, these are short-term impacts. Long-term operational activities often include terpene odors from cannabis activities during the harvest season. No significant odor impacts are anticipated from the proposed cultivation operation, due to the proposed odor control equipment and practices, and the generous setbacks provided from public roads, property lines, and neighboring residences/outdoor activity areas. All potential Air Quality impacts have been reduced to less than significant with the incorporated mitigation measures below:

- AQ-1: Prior to cultivation, the applicant shall submit an Odor Control Plan to the Community Development Department for review and approval, or review and revision.
- AQ-2: All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet all Federal, State, and local requirements, including the requirements of the State Air Toxic Control Measures for 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, overflow 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 Resources Assessment (BA) was prepared by G.O. Graening, Ph.D. and Tim Nosal, M.S. of Natural Investigations Company on April 14, 2020. The field survey for the BA was conducted on March 30, 2020. The purpose of the BA was to provide information as to whether the proposed cultivation area contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under CEQA. The BA refers to the Project parcel as the Study Area. All development would occur over 100 feet from any surface waters. The proposed operation does not conflict with any local policies or ordinances protecting

biological resources, such as tree preservation policy or ordinance. All vegetation will be routinely maintained in accordance with all Federal, State, and local agency requirements, including Chapter 13 of the Lake County Code. All potential biological impacts have been reduced to less than significant with the incorporated mitigation measures below:

- **BIO-1:** Because special-status species that occur in the vicinity could migrate onto the Study Area between the time that the field surveys were completed and the start of construction, 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 creek (perennial and intermittent), the edge of a lake, delineated wetland, and/or vernal pool.
- **BIO-6:** Prior to commencement of activities within the bed or bank of a creek, a Streambed Alteration Agreement shall be obtained from the California Department of Fish and Wildlife. All the conditions of such permit shall be adhered to throughout the course of the project to reduce the impacts to a less than significant level.

### **Cultural Resources**

Natural Investigations Company, Inc. (Natural Investigations) was retained to provide cultural resource services in support of the cannabis cultivation operation at 1111 Sulphur Bank Drive (Project) located on private property, in Clearlake Oaks, Lake County, California. The services provided include a cultural resources literature search, Sacred Lands File (SLF) search, an intensive pedestrian survey of the Project Area, and the present assessment report. This study was completed in compliance with the California Environmental Quality Act (CEQA) Section 21083.2 of the statute and Section 15064.5 of the CEQA Guidelines.

The CHRIS records search indicates that five prior cultural resource studies have been completed which included portions of the Project Area, and that six additional studies have been completed outside the Project Area but within the 0.25-mile record search radius. The CHRIS search also indicates that three cultural resources have been previously recorded within the Project Area, and an additional 15 resources have been recorded within the 0.25-mile search radius. P-17-001759 was recorded as a light density lithic scatter, while P-17-002879 and P-17-002880 were recorded as isolated remains, one prehistoric and the other historic. The SLF search returned *positive* results for Native American resources in the vicinity of the Project. The NAHC provided a list of six tribes to be contacted for more information on these resources. One previously unrecorded archaeological site was identified during the field survey.

The resource (NIC-2020-Sulpher-Bank-1) is a prehistoric lithic scatter containing obsidian debitage fragments.

One prehistoric archaeological site (NIC-2020-Sulpher-Bank-1) was identified within the Project Area during the field survey. The site is located along the southern fence line delineating the pasture. Given the proximity of the three isolates to the lithic scatter, it is likely that they are constituents of the larger archaeological site that were displaced following years of agricultural use of the property. It is recommended that a 50-foot buffer be established around the estimated boundaries of the site and that it be avoided during Project related ground-disturbance. If the area within 50 feet of the site cannot be avoided by the Project, it is recommended that a professional archaeologist conduct evaluation testing before work proceeds in order to determine whether the site meets California Register of Historical Resources (CRHR) eligibility criteria. The three other cultural resources previously identified on the property are all 0.18 miles or more outside of the proposed cultivation area and so will not be impacted by the Project. For this reason, no further consideration of these resources is required. However, if the Project design changes, these resources should be avoided. In the event that a cultural resource is inadvertently discovered during Project activities, all work must be halted within 100 feet of the find and a qualified archaeologist (36 CFR Part 61) notified immediately so that an assessment of its potential significance can be undertaken.

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Department.
- CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the Middletown Rancheria shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

- CUL-3: A 50-foot buffer shall be established around the boundaries of the archeological site, and no ground-disturbance shall occur with that buffer during project development and operation.

### **Geology and Soils**

The Proposed project will not cause potential subtidal adverse effects; however, minor ground disturbance is proposed for site preparation.

- GEO-1: Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. Said Sediment and Erosion Control Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with Chapters 29 and 30 of the Lake County Code. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. All BMP's shall be maintained for life of the project.
- GEO-2: Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the Community Development in accordance with Chapters 29 and 30 of the Lake County Code.
- GEO-3: Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- GEO-4: The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measures shall be maintained for life of the project and replace/repared when necessary.

### **Hydrology and Water Quality**

The proposed project design meets all setbacks from waterways in compliance with the State Water Resources Control Board and Lake County regulations. Irrigation water will be pumped from the irrigation well to ten (10) 5,000-gallon water storage tanks. From the tanks the water will be distributed to the cultivation areas. To conserve water resources the proposed cultivation operation will utilize drip irrigation systems have soil moisture monitors and will irrigate in the morning to minimize evaporation losses. The estimated annual water-use for the entire 10.9-acre cultivation project (outdoor cultivation and employees) is 8,128,135 gallons, which is approximately 24.94 acre-feet of groundwater/year. The project plans do not involve any water diversions, or imported water

so all project water will be derived from the project irrigation well. However, the applicant incorporates proper Best Management Practices accordingly during and after construction to reduce impacts associated with water quality. The applicant submitted hydrology report that was prepared by a certified hydrogeologist with Hurvitz Environmental Services INC. All potential environmental impacts have been reduced to less than significant with the incorporated mitigation measures below:

- 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 applicant shall prepare a groundwater management plan to ensure that the groundwater resources of the County are protected used and managed in a sustainable manner. The plan would support the Integrated Regional Water Management Plan and include an inventory of groundwater resources in the County and a management strategy to maintain the resource for the reasonable and beneficial use of the people and agencies of the County.
- HYD-3: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

### **Noise**

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

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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

### **Tribal Cultural Resources**

Natural Investigations contacted the Native American Heritage Commission (NAHC) requesting a search of their SLF for traditional cultural resources within or near the APE. The results of the search returned by the NAHC on March 24, 2020 were *positive* for Native American cultural resources in the Project vicinity. The NAHC provided a list of six tribes to be contacted for more information on these resources. On March 24, 2020 Natural Investigations sent Project scoping letters to the six contacts provided by the NAHC. On April 10, 2020 follow-up phone calls were made and voice messages left requesting additional information on the potential for tribal resources in the vicinity. To date, no responses have been received. Additional information on Native American outreach efforts is provided in Appendix A of this report.

- Mitigation Measures CULT-1 through CULT-3.

### **Mandatory Findings of Significance**

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

Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, Hydrology, and Noise. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment. Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively considerable environmental impacts.

## **VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL**

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of

such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

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

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

*The proposed canopy area would be approximately 474,560 sq.ft. of outdoor canopy area for eleven (11) A – Type 3 licenses. The location and size of the project site comply with the local ordinance requirements for use and setbacks. The Lake County Zoning Ordinance allows type 1, 2, 3, and 4 cultivation operations on APZ-zoned land, and the subject site is +257 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 Sulphur Bank Dr. 29. 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 4290/429.*

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 (Latitude 39.01236° and Longitude -122.65807°.) a water storage reservoir, and the established onsite wastewater disposal system. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff’s Office, California Highway Patrol (CHP), the California Board of Forestry and Fire Protection, (CALFIRE), and the*

*Northshore 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. Relevant comments are attached as Attachment 4.*

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

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

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

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

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

**Responses to Article 27, Subsection (at) findings:**

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

- Minimum Lot Size (20 acres per A-Type 3): *Complies, the lot is ±256.67 acres in size. The applicant needs 220 acres for Eleven (11) an A – Type 3 license.*
- Setback from Property Line (100 feet): *Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is over 1,000 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed fence will be 6 foot tall.*
- Maximum Canopy Area (43,560 for one (1) A – Type 3 “Outdoor”: *Complies; the proposed canopy area would be approximately 474,560 sq.ft. of outdoor canopy area for eleven (11) A – Type 3 licenses.*

## **VII. RECOMMENDATION**

### **Staff recommends the Planning Commission take the following actions.**

#### **A. Adopt Mitigated Negative Declaration (IS 20-51) for Major Use Permit (UP 20-51) with the following findings:**

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1.
2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6 and AQ-7.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measure BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6.
4. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, CUL-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, GEO-3 and GEO-4.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6, HAZ-1 through HAZ-5, and HYD-1.

7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
8. Potential tribal cultural resources impacts can be mitigated to less than significant levels with inclusion of mitigation measures CULT-1 through CULT-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Lakeshore Communities Area Plan, and Zoning Ordinance.
11. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

**B. Approve Major Use Permit UP 20-51 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Shoreline Communities Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).

9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Major Use Permit (UP 20-51)** applied for by **Lamperti Farms** on property located at **1111 Sulphur Bank Drive Clearlake Oaks, CA 95423**, further described as **APN: 006-520-11, -10,-12; 006-540-02 & 08 and 010-002-35,-37,53** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **August 11, 2022**.

**Major Use Permit (UP 20-51)**

I move that the Planning Commission find that the **Major Use Permit (UP 20-51)** applied for by **Lamperti Farms** on property located at **1111 Sulphur Bank Drive Clearlake Oaks, CA 95423**, further described as **APN: 006-520-11, -10,-12; 006-540-02 & 08 and 010-002-35,-37,53** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **August 11, 2022**.

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