



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item #1

January 24, 2019

9:05 AM

STAFF REPORT

TO: Planning Commission

FROM: Michalyn DelValle, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: December 12, 2018

RE: **Derum; Major Use Permit (UP 18-20) for Commercial Cannabis Cultivation, Early Activation (EA 18-13), Initial Study (IS 18-25)**

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Existing and Proposed Site Plans
3. Property Management Plan (available upon request)
4. Agency Comments
5. Early Activation (EA 18-13) Conditions of Approval
6. Proposed Conditions of Approval
7. Initial Study and Revision Addendum (IS 18-25)
8. Public Comments

I. EXECUTIVE SUMMARY

The applicant proposes one 'A-Type 3' outdoor commercial cannabis cultivation license. The project site is located on a parcel in a rural area of the County and is approximately 57+ acres in size. The parcel is accessible through an existing paved County maintained road, Seigler Canyon Road. The project site is currently developed with a graveled access road, a single-family residence served by a 20' x 24' garage, an existing onsite septic system and existing well, an existing site for the 'early activation' cultivation, enclosed by a 6 foot chain link fence and locked steel gate. There is a 20' x 20' building on site built without permits; the applicant is currently resolving that issue.

The proposed **cultivation area** is **24,608 square feet** in size, and the proposed **canopy area** is **16,896 square feet** in size. The canopy area will be fully enclosed by a 6' tall chain link fence, metal gates and security locks, and the site and growing facility will be protected by security surveillance cameras that will feed footage into the video room within the garage.

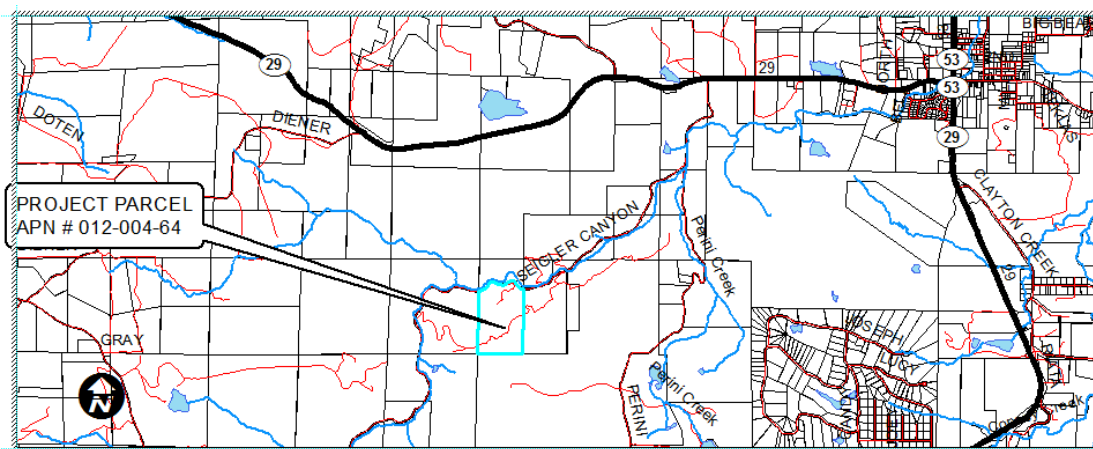
In addition to the existing house, septic system and well, the applicant is proposing construction of a 1,440 square foot processing building; the use of a 24' x 20' existing

garage to house security system; place an 11' x 8' security shack on site, and use two existing 2500 gallon water tanks that will be used for crop irrigation and for emergency fire suppression if needed. Annual water use is estimated to be 435,000 gallons according to the material supplied by the applicant.

Staff recommends **approval with proposed conditions.**

II. PROJECT DESCRIPTION

Applicant: Specialty Tokes
Owner: Richard Derum
Location: 13605 Seigler Canyon Road, Lower Lake
A.P.N.: 012-004-64 (formerly 012-004-05 and 012-004-29)
Parcel Size: 57+ acres
General Plan: Rural Lands
Zoning: RL, Rural Lands
Flood Zone: None
Cultivation Area: 24,608 s.f.
Canopy Area: 16,896 s.f.



VICINITY MAP

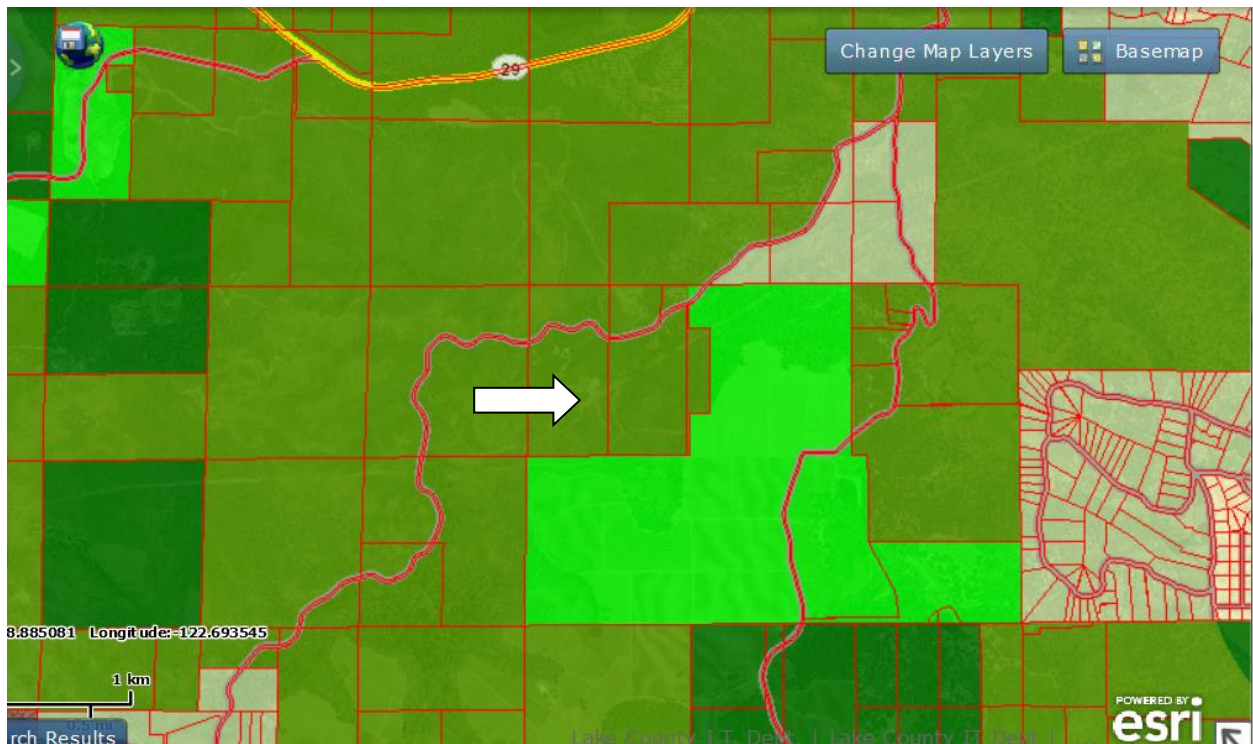
III. PROJECT SETTING

Existing Uses and Improvements: The application was originally filed as APNs 012-004-05 and 29. Immediately following the submittal of this application, the properties were merged and are now known as APN 012-004-64. As previously stated, the property currently contains a single family dwelling, 20' x 24' garage, well, septic serving the dwelling, a porta potty, a 400 square foot building used as a drying shed, and two 2500 gallon water tanks. This site was approved for Early Activation (EA 18-13) on July 6, 2018. This early activation expired on January 6, 2019.

Surrounding Uses and Zoning

North, East and South: RL 'Rural Land.' Parcel sizes generally range from 20 to 160 acres. Most are undeveloped, although there are several residences located to the southeast of the subject site.

West: APZ 'Agricultural Preserve'. Approximately 600 and 60 acres (2 parcels) respectively; semi developed with a vineyard.



Zoning of Site and Surrounding Area

Topography: Averages between 20% and 25%.

Soils: Maymen – Hopland – Mayacama association (Type 173; approx. 40% of the site); 30 to 50 percent slope. This soil unit is severely prone to erosion, but has low to moderate shrink-swell potential. Not mapped as Farmland of Significance, and is not a Class 1 through 4 prime agricultural soil type.

Skyhigh - Millsholm (Type 209; approximately 60% of site including the cultivation area); the slope of this soil type is 15 to 50 percent. This soil class has a shrink-swell potential that varies based on depth from low (surface) to high (greater than 18 inches deep). This soil type is suitable for grazing; is not mapped as Farmland of Significance, and is not a Class 1 through 4 prime agricultural soil type.

Water Supply: Private well and two 2500 gallon water tanks

Sewage Disposal: On-Site Septic

Fire Protection: Lake County Fire Protection District

Vegetation: Several varieties of Oak Trees, Pine Trees, grass, manzanita brush

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is Rural Lands.

Rural Lands allows for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. 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. 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.

Land Use

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

- *Policy LU-1.3 Prevent Incompatible Uses.* The County shall prevent the intrusion of new incompatible land uses into existing community areas.
- *Goal OSC-1 Biological Resources.* To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.
- *Policy OSC-1.4 Protect Riparian Corridors*
The County shall require that buildings and other forms of development be set back from riparian corridors to avoid damage to habitat.

Cannabis cultivation is allowed by major or minor use permit depending on its size and characteristics in the Rural Land zone.

The immediate area consists of lots that are mostly twenty acres or larger, some of which contain dwellings. In this case compatibility is determined by the potential impacts that this proposed use could have on the vicinity. The biggest potential compatibility factors appear to be odor and noise, which are discussed below.



Subject Site

Odor: Cannabis cultivation produces a strong odor when the flowers are ready to harvest. This cultivation activity will take place outdoors on a 24,608 square foot fenced in site. The outdoor cultivation area will have no odor control as proposed. The nearest neighboring dwelling is located approximately 1,100 feet to the southeast of the outdoor cultivation site. As previously stated, the site had been used for early activation in 2018, and no complaints were received by the County during that period of time.

Noise: the Lake County General Plan states the following: “Community Noise Equivalent Level (CNEL). Used to characterize average sound levels over a 24-hour period, with weighting factors included for evening and nighttime sound levels. Leq values (equivalent sound pressure levels measured over a 1-hour period - see below) for the nighttime period (10:00 p.m. to 7:00 a.m.) are reduced by 10 dBA in residential and agricultural areas... For a given set of sound measurements, the CNEL value will usually be about 1 dB higher than the Ldn value (average sound exposure over a 24-hour period – see below). In practice, CNEL and Ldn are often used interchangeably.”

Economic Development:

Goal LU-6: “To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents”.

- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

The proposed Commercial Cannabis Operation, would create diversity within the local economy, create future employment opportunities for local residents and allow the expansion of industrial and non-industrial developments.

Lower Lake Area Plan Conformance Analysis

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

- *5.1b-1: A high priority should be given to providing service and employment opportunities locally in the Lower Lake area in order to boost economic development and reduce travel distances.*

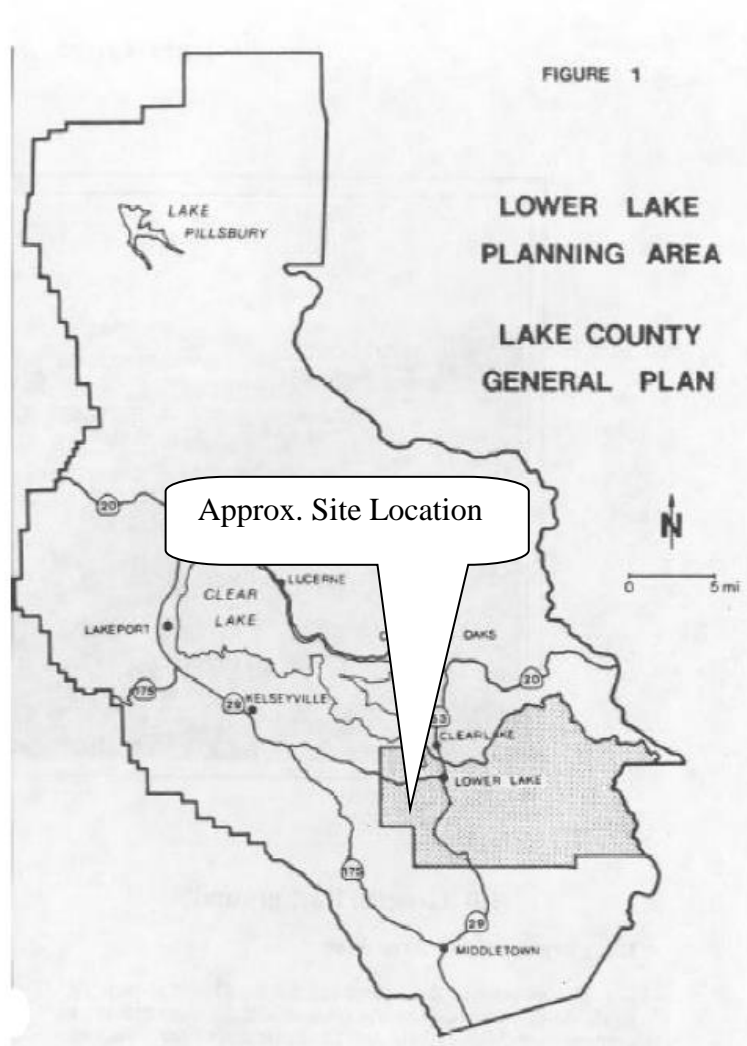
This applicant would have up to seven employees once the cultivation site is operational. This will enable money to return to the local economy, and is in the spirit of Section 5.1b-1.

Zoning Ordinance Conformance

Article 7 – Rural Lands (RL). The purpose of this zoning designation is 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.

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.



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): ***Complies; the site is over 57 acres.***
- Setback from Property Line (100 feet): ***Complies; the cultivation site is 150 feet from the nearest property line.***
- Setback from Off-Site Residence (200 feet): ***Complies; the nearest residence is about 1,100 feet away from the cultivation area.***
- Minimum Fence Height of Six (6) Feet: ***Complies, the proposed fence height is six (6) feet.***
- Maximum Canopy Area (43,560 s.f.): ***Complies; the canopy will be 16,896 s.f. in total area.***

- Maximum Cultivation Area (65,000 s.f.): **Complies; the cultivation area will be 24,608 s.f. in total area.**

General Requirements. *The applicant meets the following General Requirements. If the requirements have not been met, a condition has been added to assure compliance.*

- State License and Permits required (ref. Section 27.at.3.ii.a). *Complies; see 'Conditions', Attachment 6.*
- Background Checks (ref. Section 27.at.3.ii.e). *The current employees have undergone background checks as required by this subsection of the Zoning Ordinance. However, a condition has been added to assure compliance in the event of new employees or change of ownership in the future; see Attachment 6.*
- Property Owners Approval. *The applicant is the property owner.*
- Co-location of Permits. *Not applicable.*
- Operation Hours for Deliveries (Monday through Saturday 9:00AM-7:00PM & Sundays 12:00PM – 5:00PM). *A condition has been added; see Attachment 6.*
- Duration of Permits cannot exceed ten (10) years. *A condition has been added; see Attachment 6.*
- Weights and Measures. *A condition has been added; see Attachment 6.*
- Access Adequacy Standards – *The site takes access from Seigler Canyon Road, a paved County maintained road.*

Prohibited Activities. *The applicant complies with the restrictions pertaining to the following prohibited activities:*

- Tree Removal. *Not proposed.*
- Water use when illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river. *Water sources on site are all legal.*
- Odor Control. *An Odor Control Plan is required; see Attachment 6.*
- Electrical Generators may be used only on an emergency basis. *See Conditions; Attachment 6, 'Noise'.*
- Lights must comply with County Dark Skies lighting standards; *see Attachment 6.*
- Pesticide Usage is limited to State-approved chemicals. *See Attachment 6, Hazards and Hazardous Materials.*
- Protection of Minors. *Required by conditions; see Attachment 6.*

- Commercial cannabis Cultivation Exclusion Area – *complies. The site is not located within 1000 feet of:*
 - A Community Growth Boundary
 - A school
 - A developed public park
 - A drug or alcohol rehabilitation facility
 - A licensed child care or nursery school
 - A church or other family-oriented facility providing services intended for minors

Permitting Process

The **Property Management Plan** *submitted by the applicant contains all of the required Elements as specified within Article 27 of the Lake County Zoning Ordinance:*

- Air Quality
- Cultural Resources
- Energy Use
- Fertilizer Usage
- Fish and Wildlife Protection
- Operations Manual
- Grounds
- Pest Management
- Security
- Storm Water Management:
- Waste Management
- Management Plan
 - Cannabis Vegetative Material Waste Management
 - Growing Medium Management
 - Cannabis Vegetative Material Waste Management:
- Water Resources
- Water Use
- Compliance Monitoring
- Annual Reports - Performance Review

Early Activation (EA 18-13)

On July 6, 2018, the Community Development Department issued the applicant an Early Activation of use for a zoning permit (EA 18-13) with Conditions of Approval (please refer to Attachment 5 for specifics regarding Early Activation).

V. CONDITIONS OF APPROVAL

In addition to the standard conditions applied to this type of permit, there are several conditions that are specific to regulating cannabis cultivation. The following conditions were abbreviated for this report, and are specific to cannabis cultivation in Lake County: *(Please refer to Attachment 6 for the full Conditions of Approval)*

Condition of Approval A8:

An applicant shall keep accurate records of commercial cannabis activity. All records related to commercial cannabis activity as defined by the State Licensing Authorities shall be maintained for a minimum of seven (7) years.

Condition of Approval A-17:

Prior this use permit becoming effective, operative, vested or final the applicant must pay the second installment of the Cannabis Program Service Fee in the amount of \$1,623.50 to the Community Development Department.

Condition of Approval K-2:

The applicant shall submit an Annual Performance Review Report their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the Annual Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter. The Annual Performance Review Report shall identify the effectiveness of the approved Major Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event the Planning Commission identifies issues with the Annual Performance Review Report, it may lead to revocation of the approved use and/or the Planning Commission may require the submittal of more frequent Performance Review Reports.

Condition of Approval K-3:

The applicant(s) shall submit an application for renewal of the authorized use to the Community Development Department a minimum of 180 days prior to the expirations date of said use. Failure to submit an application for renewal at least six months prior to the expiration date of the permit may result in the expiration of the permit.

VI. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Please refer to *Initial Study IS 18-25* (Attachment 7) for the Environmental Analysis of the proposed cannabis cultivation action. Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified as having potential environmental impacts:

Issue: Air Quality

The project has some potential to result in air quality impacts. The applicant indicates that one 12,000 s.f. outdoor cultivation site will be planted. Dust will be mitigated by gravel

(existing), and on site water tanks. Odors however have not been mitigated and may be released as a result of the proposed cannabis growing operation. The nearest house is located about 1,100 feet to the south east of the grow site. The applicant has not specified how odors resulting from mature plants will be mitigated other than by air dispersal.

According to the *Property Management Plan - Air Quality Management Plan* the applicant would be using organic methods and preventative pest management strategies in order to help reduce the amount of air pollution and/or particulates.

Construction of the project would take place over a short period of time and would be temporary, which would not result in significant air quality impacts.

- Mitigation Measure 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.
- Mitigation Measure AQ-2: All Mobile diesel equipment used for construction and/or maintenance must be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air toxic Control Measures for CI engines.
- Mitigation Measure AQ-3: Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property.
- Mitigation Measure AQ -4: The Cultivation of Commercial Cannabis is subject to AB 2588 Air Emission Inventory requirements administrated by the Lake County Air Quality Management District. Therefore, 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.
- Mitigation Measure AQ-5: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- Mitigation Measure AQ-6: Prior to obtaining the necessary permits and/or approvals for any phase, the applicant shall submit an Odor Control Plan to the Lake County Air Quality Management District, apply for and receive a temporary permit, and apply for an Authority to Construct permit.

- Mitigation Measure AQ – 7: All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation.
- Mitigation Measure AQ - 8: All areas subject to low use (driveways, over flow parking, etc.) shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.
- Mitigation Measure AQ - 9: The use of white rock is prohibited for any road surfacing, including parking areas as it breaks down and would create excessive dust.

Issue: Cultural and Tribal Resources

A cultural study was undertaken for this property by Dr. John Parker and is dated May 23, 2018. Dr. Parker did not discover any artifacts or human remains during that survey, and indicated that it was unlikely to contain significant cultural resources. Further, a mitigation measure requiring immediate cessation of any site disturbance is in place in the event of discovery of any artifacts or human remains (CR-1).

In keeping with CEQA Guidelines, if archaeological resources are uncovered during construction, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds [§15064.5(f)]. Further, upon discovery of any 'significant' artifacts, the overseeing Tribe shall be contacted, and if the Tribe determines that it is relevant to their cultural heritage, they shall choose the method of involvement in overseeing the construction of the site for the duration of ground disturbance.

- Mitigation Measure MM 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 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.
- Mitigation Measure MM CUL-2: Employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance, and in who to notify should this occur.

Issue: Noise

Short-term increases in ambient noise levels to uncomfortable levels could be expected during project grading and/or construction, and potentially through the use of certain emergency generators. The applicant proposes to use gasoline power generators as an emergency backup power source. Specifications on the generators must be provided to Lake County Planning Department; noise levels generated that exceed the County's noise standards (daytime and nighttime) shall be mitigated to acceptable levels.

- Mitigation Measure 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.
- Mitigation Measure 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.
- Mitigation Measure NOI -3: The operation of the Heating and Ventilation Units and Generators 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); the noise levels are measured at the property lines.

This project is consistent with surrounding land uses in the area, which is characterized by large lots and a relatively sparse population. The project is also consistent the Lake County General Plan, Lower Lake Area Plan and the Lake County Zoning Ordinance, Article 27, subsection (at), which allows commercial cannabis cultivation in specific zoning districts under very specific conditions, all of what are met, or can be conditioned to be met through specific mitigation measures and / or conditions of approval. Cannabis permit findings are located in Article 27 of the Lake County Zoning Ordinance. Consistency with those findings are the basis of this report. The General Plan and the Lower Lake Area Plan do not regulate commercial cannabis cultivation permits.

VII. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4a

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 immediate area contains rural land with several homes that are located at least 1,100 feet away from the cultivation site. As previously discussed, the potential impacts resulting from this proposal are Air Quality, Cultural and Tribal Resources and Noise. All of these significant impacts have been adequately addressed within the applicant's submittal and in the Mitigated Negative Declaration for the reasons previously stated.

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 is for a 22,392 s.f. outdoor cultivation area to be located on the site. The Lake County Cannabis Ordinance allows type 1, 2, 3 and 4 for cultivation activities in the Rural Lands zoning district that meets all the varied requirements.

The subject site is ±57 acres in size, large enough to enable the outdoor 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 Seigler Canyon Road, a paved County road. The road has two approximately ten foot wide travel lanes and a narrow shoulder. The area is sparsely populated; the likelihood of pedestrians using the shoulder is minimal. The use will likely generate between 14 to 28 average daily trips depending on the number of employees working on certain shifts. There are no known capacity issues associated with Seigler Canyon Road.

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.

This application was routed to all of the stakeholder public and private service providers including Public Works, Air Quality, Special Districts, Environmental Health, Water Resources and PG&E, and to eleven local and regional Indian Tribes. All agency and Tribal comments received 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.

Since commercial cannabis cultivation is named as a permitted use in the Rural Lands zoning district within the Commercial Cannabis ordinance (Article 27, Lake County Zoning Ordinance), this proposal is consistent with the governing ordinance for cannabis growing in Lake County. The General Plan and Lower Lake Area Plan do not have any provisions for commercial cannabis, but both plans do have provisions for economic development and related policies.

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.

The property contains a 20' x 20' building that was built without permits. A condition of approval has been added that requires this building to be legally permitted or removed before this Use Permit can be used. The Community Development Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property.

VIII. RECOMMENDATION. Staff recommends the Planning Commission:

- A. **Adopt Mitigated Negative Declaration (IS 18-25) for Use Permit (UP 18-20) with the following findings:**

1. Potential environmental impacts related to air quality 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, AQ-7, AQ-8, and AQ-9.
2. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures MM CUL-1 and MM CUL-2.
3. Potential environmental impacts related to noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
4. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Use Permit (UP 18-20) with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
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.

IX. SAMPLE MOTIONS

Mitigated Negative Declaration (IS 18-25)

I move that the Planning Commission find that the **Initial Study (IS 18-25)** applied for by **Richard Derum representing Specialty Tokes** on property located at **13605 Seigler**

Canyon Road, Lower Lake further described as **APN: 012-004-64** 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 **December 12, 2018**.

Major Use Permit (UP 18-20)

I move that the Planning Commission find that the **Use Permit (UP 18-20)** applied for by **Richard Derum representing Specialty Tokes** on property located at **13605 Seigler Canyon Road, Lower Lake** further described as **APN: 012-004-64** does meet the requirements of Section 51.4 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 **December 12, 2018**, and is valid for a period not to exceed ten years from this date.

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 calendar day following the Commission's final determination.

Reviewed by:_____