



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 2
9:20 AM
February 14, 2019

STAFF REPORT

TO: Planning Commission

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

DATE: February 14, 2019

RE: **Mary Draper; Major Use Permit (UP 18-25) for two A-Type 3 (Outdoor) Commercial Cannabis Cultivation licenses and Initial Study (IS 18-31)**

Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Existing and Proposed Site Plans
3. Property Management Plan (available upon request)
4. Agency Comments
5. Early Activation (EA 18-23) Conditions
6. Proposed Conditions of Approval
7. Initial Study IS 18-31
8. Neighbor Comments

EXECUTIVE SUMMARY

The applicant is proposing a major use permit for two A-Type 3 outdoor cannabis cultivation licenses. The 77+ acre property is located at 9475 Bottle Rock Road, Kelseyville, APN 011-004-60 (previously 54, 55 and 56, recently merged). The applicant was issued an Early Activation (EA 18-23) of use permit (UP 18-25) on July 13, 2018; the early activation was active for a period of six months, and expired on January 13, 2019. The cultivation sites are described in this report as Site 1 and Site 2.

Site 1 has a proposed total **cultivation area of 44,487 s.f.** and a canopy of **43,560 s.f.**; Site 2 has a proposed total **cultivation area of 46,804 s.f.** and a **canopy area of 43,560 s.f.** Each cultivation area will be contained in a 7 foot tall metal cyclone fence with plastic mesh; the fenced-in area will be accessed through metal gates with locks. Security cameras have been installed for both cultivation sites.

Existing structures include a dwelling, 7' tall metal fence; a drip irrigation system; a water well, a barn, several small sheds, portable restrooms and the security system.

The site is accessed from Bottle Rock Road, a paved County-maintained road. The Project Site is not within a community boundary or Exclusion Area. Water will be provided via existing on-site well and three 2500 gallon water tanks. The dwelling is served by an on-site septic system.

On January 24, 2019, Mr. Draper applied for an electrical permit to power a new well that would be used for the dwelling and for the cannabis cultivation facility. Staff informed the applicant that no permits can be issued for the cannabis cultivation aspect of this proposal until the use permits are approved. The County also requested updated Site Plan(s) showing the separation of the well from other structures; this as a condition of Use Permit review.

Staff recommends **Approval with Conditions** of UP 18-25.



Draper Site Plan – A-Type 3 Cultivation Areas

II. PROJECT DESCRIPTION

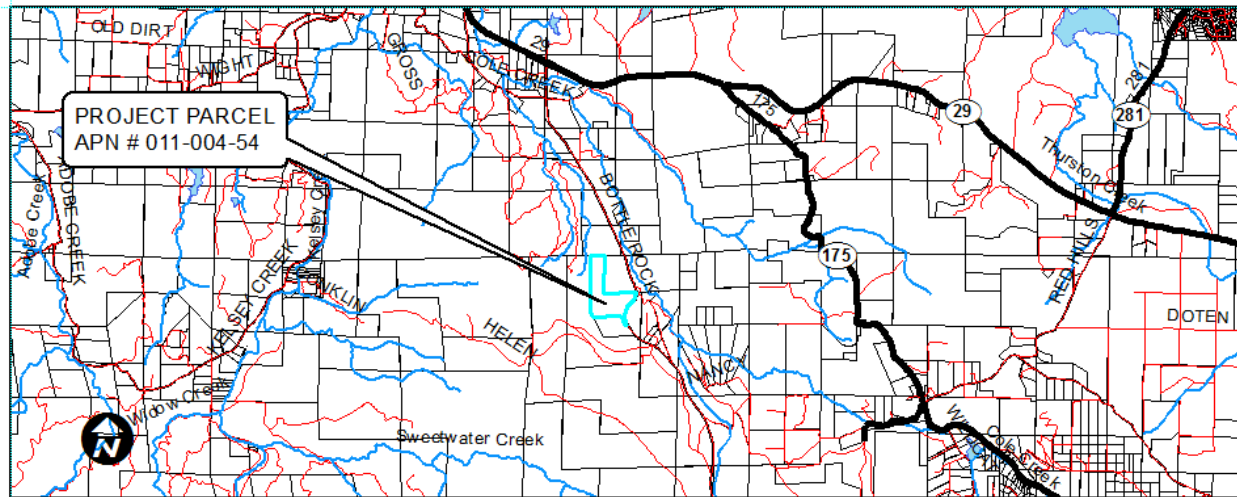
Applicant / Owner: Mary Draper

Location: 9475 Bottle Rock Road, Kelseyville

A.P.N.: 011-004-60 (formerly 54, 55 and 56, recently merged)
Parcel Size: ±77 acres
General Plan: Rural Lands
Zoning: RL - Rural Lands
Flood Zone: None
Cultivation Area: 91,291 s.f.
Canopy Area: 87,120 s.f.
Prior Actions: None

III. **PROJECT SETTING**

Existing Uses and Improvements: Parcels 54, 55 and 56 were recently merged via Voluntary Merger (VM 18-15). The parcel presently contains a dwelling, a barn, several accessory buildings; a ±44,487 s.f. fenced area used for early activation commercial cannabis growing.



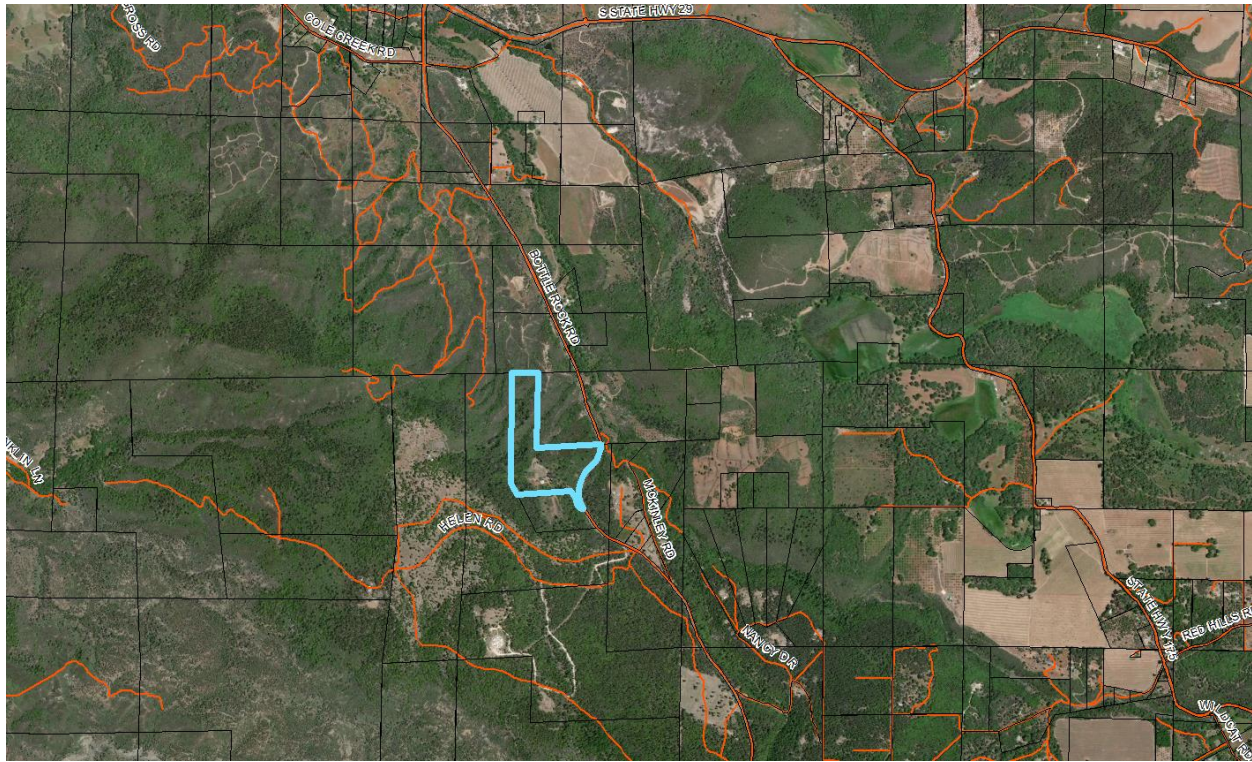
VICINITY MAP

Surrounding Uses and Zoning

North, West and South: RL 'Rural Land.' Parcel sizes generally range from 45 to 160 acres that are primarily undeveloped. A property located northeast of the northern subject lot contains a vineyard.

West: RR 'Rural Residential'; four lots in total. All four lots contain dwellings; three are used for crop production (vineyards and orchards).

Topography: Varied, ranges from flat to over 30%.



Surrounding Area

Soils:

- Type 107 (Bally-Phipps complex, 15 to 30 percent slope)
- Type 117 (Bottlerock-Glenview-Arrowhead complex, 5 to 30 percent slope)

Water Supply: One existing well with another recently-installed well

Sewage Disposal: On-Site Septic

Fire Protection: Kelseyville 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 Land. The following General Plan policies relate to site development in the context of this proposal:

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

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

Cannabis cultivation is allowed with an approved major or minor use permit, depending on its size and characteristics in the Rural Land zoning district.

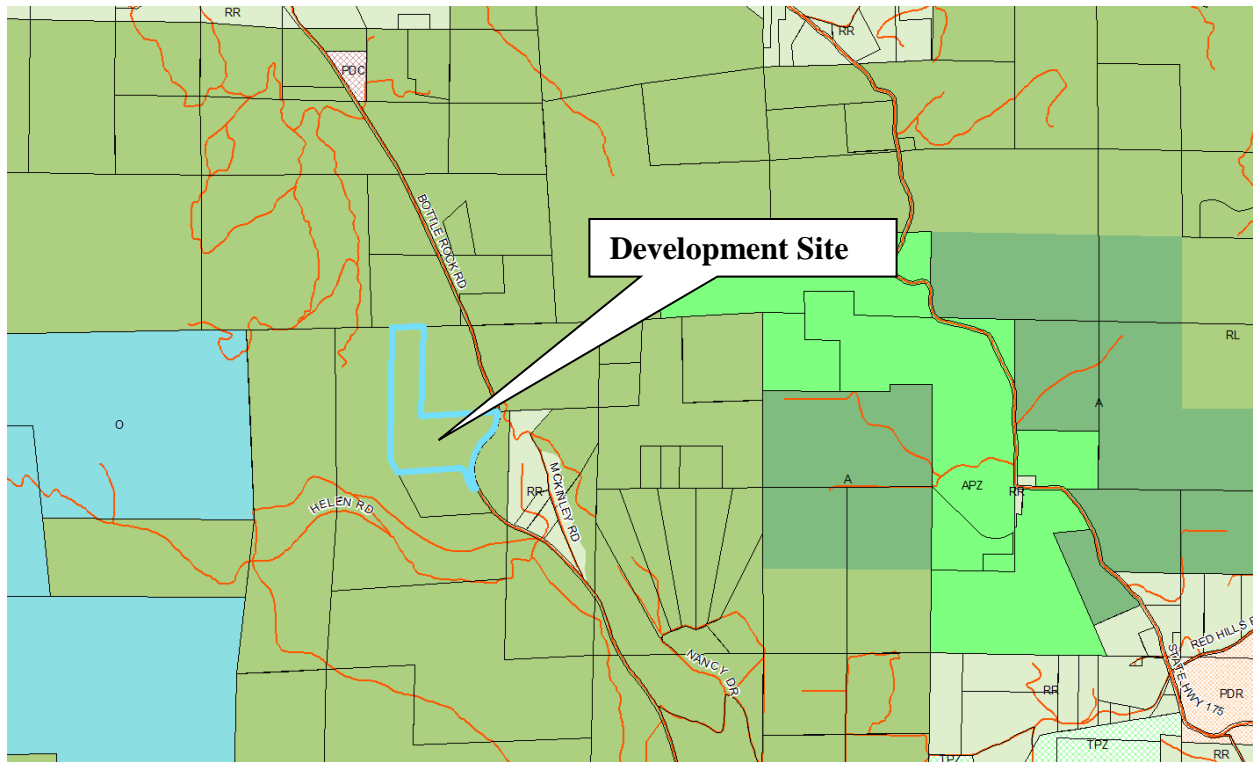
The immediate area consists of lots that range in size from several acres to over 100 acres. The lots to the southwest, across Bottle Rock Road, are smaller lots, mostly developed and most contain hobby farms.

Compatibility is determined by the potential impacts that this proposed use could have on the vicinity. The biggest compatibility factors appear to be odor and noise.

Odor: *Cannabis cultivation can produce a strong odor when the flowers are near maturity. This operation will take place outdoors on two one-acre fenced-in sites. The outdoor cultivation areas however will have no odor controls placed on the site. The nearest house is about 950 feet away to the east. There appears to be a satisfactory amount of separation to limit the impacts that odors could have to the immediate neighbors, however staff has received complaints on this site during the Early Activation cultivation (see Attachment 8). Following the complaint, the site was visited ‘mid harvest’ in 2018 by Lake County Air Quality Department; they had no adverse comments on the odor based on physical observation of the facility.*

Noise: *The Lake County Zoning Ordinance puts limits on the level of noise that impacts neighboring lots. Likely noise sources from cannabis production are from the use of generators. The applicant has indicated that the hours of operation would be during daylight hours; this will limit the potential noise that would occur during traditional sleep hours. The generators would only be used in the event of a loss of other conventional power.*

The primary noise reduction measures inherent with this site are distance and vegetation; the nearest house is about 950 feet away to the east, and the area is characterized by steep terrain and significant vegetation. Sound generated by this use are not anticipated to be problematic or excessive.



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 corporate developments. Revenue generated by employees will help the local economy, thereby meeting this policy.

Kelseyville Area Plan Conformance

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

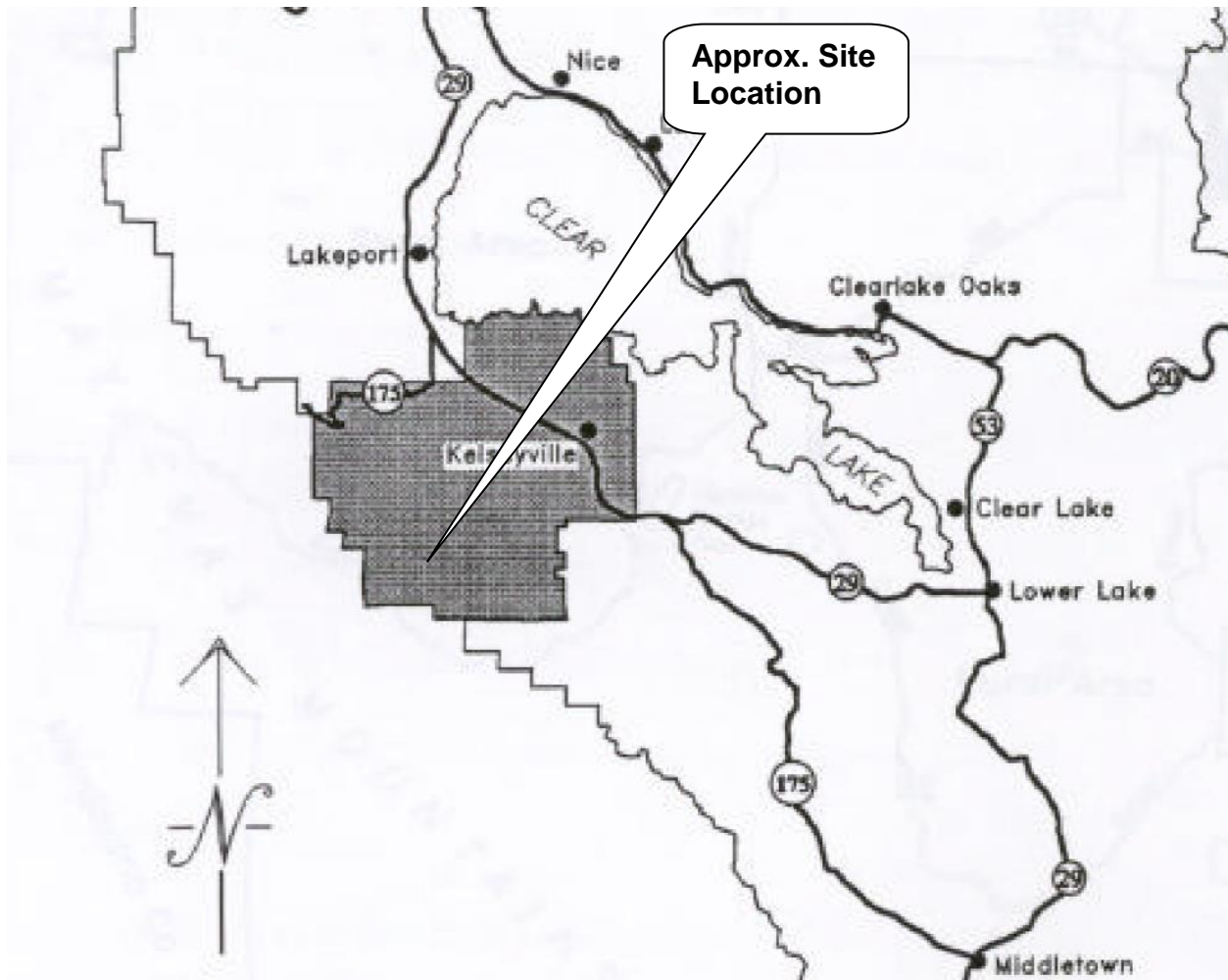
Agriculture

Objective

3.5: To encourage agricultural activities and development in the Kelseyville Planning Area and limit the intrusion of incompatible development into prime agricultural areas.

3.5j: The County should encourage best tillage and composting practices and alternate methods of vegetation disposal in lieu of currently utilized agricultural burning practices to reduce adverse air quality impacts.

This proposal complies.



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.

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 (40 acres): *Complies; the parcel is ±77 acres in size.*

- Setback from Property Line (100 feet): *Complies; the nearest cultivation area is set back 321 feet from the nearest (western) property line.*
- Setback from Off-Site Residence (200 feet): *Complies; the nearest residence is located approximately 950 feet away from the cultivation area.*
- Fence Height between Six (6) and Eight (8) Feet: *Complies; the fence will be 7' in height.*
- Maximum Canopy Area (87,120 s.f.): *Proposed is 87,120 s.f. (sheet 5).*
- Maximum Cultivation Area (130,000 s.f.) *Complies; the cultivation area proposed is 91,291 square feet in size.*

General Requirements. *The applicant meets or conditions of approval have been added to assure that the applicant meets the following General Requirements:*

- State License and Permits required (Section 27.at.3.ii.a). *Complies; see also Attachment 6, 'Conditions'.*
- Background Checks (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. *The applicant has applied for two A-Type 3 outdoor cultivation licenses. This is permissible provided the applicant has adequate land. In this case the subject site is large enough to support two A-Type 3 cultivation areas, and meets the other 'candidate site' criteria, subject to review and approval of major use permits.*
- 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 is accessed from Bottle Rock Road, a paved County-maintained road.*

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

- Tree Removal. *None is proposed.*

- Water use:. *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 options. *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** *contained all of the required Elements as specified within Article 27 of the Lake County Zoning Ordinance. These Elements are:*

- 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

Conditions of Approval

In addition to the standard conditions that are applied to this type of permit, there are several conditions that are specific to regulating cannabis cultivation. The following conditions were abbreviated for this staff report: *(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 A14:

This use permit approval shall not become effective, operative, vested or final until the applicant has paid the Cannabis Cultivation Tax through June 30, 2019. Said tax shall be paid within thirty (30) days of permit issuance. Proof of payment is required to be submitted to the Community Development Department. Failure to pay said tax will result in the initiation of permit revocation proceedings.

Condition of Approval A16:

Prior this use permit becoming effective, operative, vested or final the applicant must first 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 K2:

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 K3:

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 renew by (*November 8, 2028*) may result in the expiration of the permit.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental impacts of proposed developments. Please refer to *Initial Study IS 18-31* (Attachment 7) for the environmental analysis of the projects. 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 two outdoor cultivation areas (44,487 s.f. and 46,804 s.f.) will be used for cultivation. The driveway will initially be treated with calcium chloride for dust mitigation, and will be maintained using on-site water. There is no mapped serpentine soil on the site, although some serpentine soil exists in the vicinity. Odors however have not been mitigated on the outdoor cultivation sites and may be released as a result of the proposed cannabis growing operation. The nearest house is located about 950 feet to the east of the cultivation sites. The applicant has provided a contact in the event of odors, and has indicated that she would resolve the odor issues if they arise.

Sensitive receptors in the area include near proximity residents. The size of the cultivation areas is relatively large ($\pm 91,000$ s.f.). Dust generated during site preparation shall be mitigated by the use of water.

- 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 Air Quality permit, and apply for an Authority to Construct permit.
- Mitigation Measure AQ-7: 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.
- Mitigation Measure AQ-8: All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an equivalent all-weather surfacing to reduce fugitive dust generation.
- Mitigation Measure AQ-9: 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-10: The use of White Rock is prohibited for any road surfacing, including parking areas as it breaks down and would create excessive dust.

Issue: Biological Resources

A Biological Assessment was done by Jacobzoon Associates (JA) in October 2017. JA queried the California Dept. of Fish and Wildlife's 'Threatened and Endangered Species' data base according to the PEIR submitted. No sensitive species were found in the site survey, however there are mapped Konocti Manzanita shown in the County's Sensitive Species data base which is acknowledged in the Biological Assessment, which recommends re-assessing the site during the spring of 2019 for Konocti Manzanita starts.

The site shall be reassessed in the spring of 2019 per the biologic study recommendation. Less than Significant Impact with the reassessment of the site in the Spring 2019.

- Mitigation measure Bio-1: The applicant shall provide a Biological Assessment for the disturbed area associated with the cannabis cultivation for a distance of 100 feet beyond the cultivation area border. Any mitigation

measures identified for sensitive species shall be undertaken within 60 days of the revised limited Biological Study. A copy of this study shall be provided to the Community Development Department prior to the start of cultivation for year 2019.

Issue: Cultural and Tribal Resources

Two cultural studies were undertaken for this property in 1979 and again in 1998. Neither study yielded any artifacts or finds of archeological significance.

Sonoma State was notified of this proposal and indicated that a further study was needed due to outdated survey methods used in the original studies.

In October 2017, Alicia Ringstadt, *Senior Biologist* and Project Manager for Jacobzoon and Associates, undertook a partial Archeological study on the disturbed portions of the subject site proposed as the cultivation sites. She took samples in 1-1/2 meter intervals for the entirety of the cultivation site boundary areas and found no evidence of any cultural usage of the site. Her conclusion was that the cultivation sites were unlikely to contain significant cultural resources. Further, a California 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 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 CUL-2: Employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance, and 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.

VI. 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 950 feet away from the grow site. As previously discussed, the potential impacts resulting from this proposal are Air Quality, Biological Resources, Cultural and Tribal Resources and Noise. All of these significant impacts have been adequately addressed within the applicant's submittal 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 two A-Type 3 outdoor cultivation licenses to be located on a +91,000 s.f. portion of the site. Lake County Zoning Ordinance, Article 27, subsection (at) allows type 1, 2, 3 and 4 cultivation licenses on Rural Land zoning subject to various compliance requirements. The subject site is ±77 acres in size, large enough to enable the two cultivation areas that are the subject of this action.

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

The site is served by Bottle Rock Road, a paved County-maintained road. The area is sparsely populated. The use will likely generate about 15 to 20 average daily trips depending on the number of employees working on certain shifts. There are no known capacity issues associated with Bottle Rock Road or the surrounding streets.

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 affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to 11 area Indian Tribes. Relevant comments are attached as ‘Attachment 4’. No adverse comments were received.

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

Since commercial cannabis cultivation is a permitted use in the Rural Land zoning district within Article 27 of the Lake County Zoning Ordinance, this proposal is consistent with the governing ordinance for cannabis growing in Lake County. The General Plan and Kelseyville 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 Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property. This was confirmed on September 20, 2018.

VII. RECOMMENDATION. Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 18-31) for Use Permit (UP 18-25) with the following findings:

1. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels. Mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7, AQ-8, AQ-9 and AQ-10.
2. Potential environmental impacts related to Biological resources can be mitigated to less than significant levels. Mitigation measure BIO-1.
3. Potential environmental impacts related to Cultural and Tribal resources can be mitigated to less than significant levels. Mitigation measure CUL-1 and CUL-2.
4. Potential environmental impacts related to Noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
5. That this proposal is consistent with the Lake County General Plan, Kelseyville Area Plan, and Lake County Zoning Ordinance.
6. This project is consistent with land uses in the vicinity.

B. Approve Use Permit (UP 18-25) 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, the Kelseyville Area Plan, and any other 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.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 18-31)** applied for by **Mary Draper** on property located at **9475 Bottle Rock Road, Kelseyville** and further described as **APN: 011-004-60** 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 **February 14, 2019**.

Major Use Permit (UP 18-25)

I move that the Planning Commission find that the **Use Permit (UP 18-25)** applied for by **Mary Draper** on property located at **9475 Bottle Rock Road, Kelseyville** and further described as **APN: 011-004-60** 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 **February 14, 2019**.

***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: _____