

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 9:05 AM June 27, 2019

STAFF REPORT

- TO: Planning Commission
- **FROM:** Michalyn DelValle, Community Development Director Prepared by: Eric Porter, Associate Planner
- **DATE:** June 17, 2019
- RE: Shannon Sanders; Major Use Permit (UP 18-43) and Initial Study (IS 18-58). APN: 014-004-20

Supervisor District 1

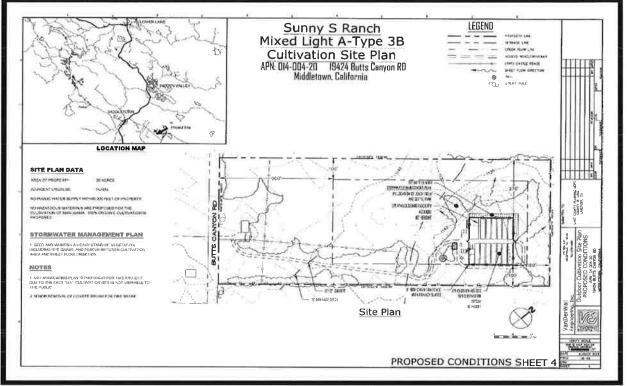
- ATTACHMENTS: 1. Vicinity Map
 - 2. Property Management Plan (available upon request)
 - 3. Agency Comments
 - 4. Proposed Conditions of Approval including Site Plan
 - 5. Existing and Proposed Site Plans
 - 6. Initial Study IS 18-58
 - 7. Public Comments

I. EXECUTIVE SUMMARY

This is a request for a commercial cannabis license A - Type 3B Tier 2 "Medium Mixed-Light" cultivation area. The applicant seeks to obtain a Major Use Permit for Commercial Cannabis Cultivation for a total combined **cultivation area of 25,996 square feet** (s.f.) with a cannabis **canopy of approximately 21,996 s.f.**

The \pm 20-acre Rural Lands zoned project property is located at 19424 Butts Canyon Road, east of Middletown. The Project Property is an existing rectangular shaped (600' x 1452') parcel of land that can be best described as a ranchette. The property is located on the north side of Butts Canyon Road, 3.7 miles east of Highway 29. It has been developed for many years with an existing single-family dwelling (manufactured home), a garage, storage container, fenced and cross fenced pastures, landscaping, and other typical improvements. The property has a history of pasturing horses and related ranching activities. The property is served by PG&E, and is developed with a domestic water well, sanitary septic system, and an asphalt driveway.

BOS Exhibit B



Proposed Site Plan and Cultivation Area

The SSR cannabis cultivation facilities will be developed and operated within a 1 acre fenced enclosure as depicted on the preceding site plan and on the plan below. The cannabis cultivation facilities will be set back over 1,065' from the Butts Canyon Road frontage and will not be visible from the road or from adjoining properties. Setbacks of 100' from the southern property line, 160' from the back-property line, and 276' from the northern property line will be established and maintained.

- A 40 x 100' metal frame drying building with 16-foot-tall gable height.
- Thirteen (13) 98' x 20' steel cold frame greenhouses.
- A 20-foot-wide center access corridor.
- Ancillary facilities and storage area.

Construction Schedule

The greenhouses will be constructed on site approximately 2 to 3 months after the use permit is obtained. The staging area for the greenhouses will occur approximately 50 feet away from the actual greenhouse building pads. Construction is anticipated to last between 30 and 60 days. Dust from the site preparation will be mitigated by on-site water trucks. The driveway serving the greenhouse compound will be graveled to help in mitigating dust resulting from construction traffic activity and post-construction activity.

Equipment anticipated to be used include a D-9 tractor, a skid-steer loader, several trucks to import the greenhouses, small hand-held equipment used to assemble the greenhouses, and water trucks for dust suppression.

Staff is recommending Approval with Conditions of Use Permit (UP 18-43).

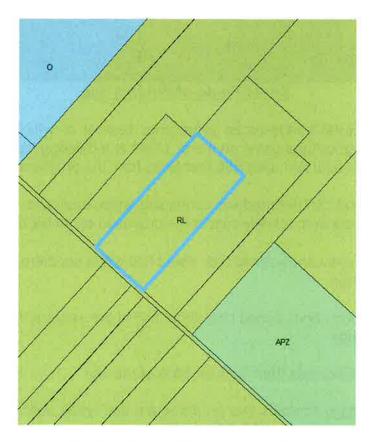
II. PROJECT DESCRIPTION

Applicant/Owner:	Shannon Sanders
Location:	19424 Butts Canyon Road, Middletown
<u>A.P.N.</u> :	014-004-20
Parcel Size:	<u>+</u> 20 acres
<u>General Plan</u> :	Rural Lands
Zoning:	RL- SC; Rural Lands – Scenic Combining
Flood Zone:	None
Submittal Date:	September 4, 2018

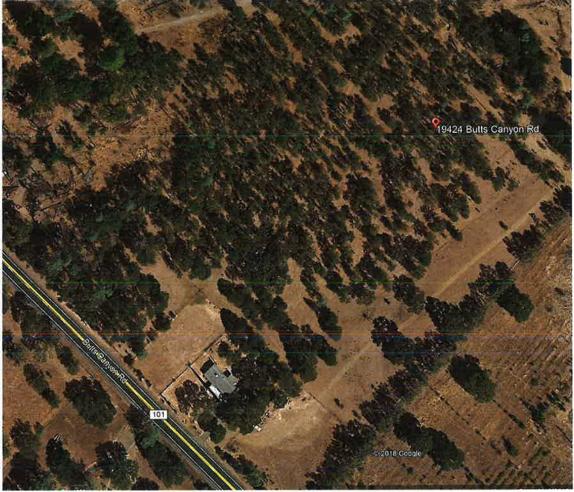
III. PROJECT SETTING

Existing Uses and Improvements: The site presently contains a dwelling, septic system, well and some appurtenant buildings.

Surrounding Uses and Zoning



Zoning Map of Site and Vicinity



Aerial Photo of Subject Site

- North: "RL" Rural Lands-zoned properties, several of which have hobby farms (small scale agricultural uses) on them. There is a dwelling located on the northern neighboring lot approximately 680 feet away from the proposed cultivation area.
- East: "RL" Rural Lands-zoned lots containing agricultural uses. There are two small reservoirs on lots immediately east of the proposed cannabis cultivation property.
- South: "RL" Rural Lands-zoned lots; about half of the southern neighboring lots contain dwellings.
- West: "RL" Rural Lands-zoned lots; about half of the western neighboring lots contain dwellings

<u>Topography</u>: Flat; less than 10% for 95% of the site.

<u>Soils</u>: The *project area* contains two predominant soil types near the cultivation area; 120 (Bressa-Milsholm loam and 159 (Manzanita Loam).

• <u>120-Bressa-Milsholm Loam</u>.

This map unit is on hills. The vegetation is mainly annual grasses and oaks. This unit is used for livestock grazing, wildlife habitat, and watershed. It is also used for homesite development and firewood production. The production of forage is limited by a dense canopy cover in some areas and the restricted available water capacity and shallow depth of the Millsholm soil. Where blue oak exists, forage production can be increased by managed harvesting of the trees. Vegetation in drainageways should be left for erosion control, wildlife habitat, and esthetic purposes. Volumes of 13 to 36 cords of wood per acre have been measured on the Bressa soil. The Bressa soil responds well to fertilization and rangeland seeding. The main limitation for seeding is the woody canopy cover. Among the common understory plants are soft chess, wild oat, and filaree. If this unit is used for homesite development, the main limitations are steepness of slope, the hazard of erosion, and the depth to bedrock.

- <u>159-Manzanita loam, 2 to 5 percent slopes</u>. This very deep, well drained soil is on terraces. It formed in alluvium derived from mixed rock sources. The vegetation in areas not cultivated is oaks, manzanita, and annual grasses. water capacity is 7.5 to 10.5 inches. Effective rooting depth is 60 inches or more. Surface runoff is slow, and the hazard of erosion is slight. This unit is used mainly for orchards, hay and pasture, livestock grazing, and homesite development. It is also used for firewood production. The main crop grown on this unit is walnuts. Where water is available, irrigation is used for maximum production of this crop. The unit has potential for vineyards. The main limitation is the slow permeability. Because of this limitation, irrigation water needs to be applied slowly to minimize runoff.
- Water Supply: Well

Sewage Disposal: On-site septic system.

<u>Fire Protection</u>: South Lake County Fire Protection District (CalFire)

<u>Vegetation</u>: Several varieties of oak trees along creek; native grasses, walnut trees

Water Courses: None

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is <u>Rural Lands</u>. The following General Plan policies relate to site development in the context of this proposal:

<u>*Rural Lands*</u> 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.

General Plan goals, objectives and policies that apply to this proposed project are as follows;

Land Use

- *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-1.5 Creek Management Plans and Mineral Reclamation Plans. Creek Management Plans and Mineral Reclamation Plans shall include measures to protect and maintain riparian resources and habitats.

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

In this case compatibility is determined by the potential impacts that this proposed use could have on the vicinity. The immediate area consists of lots that range in size from 1+ to over 39 acres; some of which are developed with dwellings.

Economic Development:

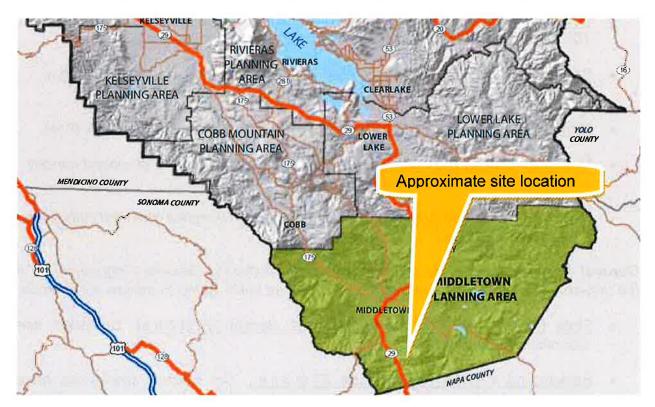
- <u>Goal LU-6:</u> "To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents".
- <u>Policy LU 6.1</u>: "The County shall actively promote the development of a diversified economic base by continuing to promote <u>agriculture</u>, 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 up to 5 local residents.

Middletown Area Plan Conformance

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

- **5.1.2.d** Support continued enforcement of County Zoning Codes and further refine abatement programs for code violations.
- **5.1.5** Encourage comprehensive economic development efforts for the long-term benefit of the Planning Area aimed at increasing local employment opportunities
- **5.1.5b** Priority should be given to providing service and employment opportunities locally.
- **5.1.5c** Increase local employment opportunities in order to provide an adequate number of jobs to support the local population.
- **5.4.2b** The use of permeable surfaces for driveways and sidewalks shall be encouraged to increase groundwater recharge and reduce runoff.



Zoning Ordinance Conformance

<u>Article 7 – Rural Lands (RL).</u> 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.

Sunny S Ranch – UP 18-43

Article 7 – Rural Lands (RL).

Purpose: To provide for resource related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access. The following regulations shall apply in all "RL" districts.

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

- <u>Minimum Lot Size (20 acres per A-Type 3B license)</u>: Complies, the lot is <u>+</u>20 acres in size. The applicant needs 20 acres for the A-Type 3B license.
- <u>Setback from Property Line (100 feet)</u>: Complies; the cultivation site is set back 100 feet from the nearest property line located to the south-west.
- <u>Setback from Off-Site Residence (200 feet)</u>: Complies; the nearest dwelling is about 635 feet away from the cultivation area to the northeast.
- Minimum Fence Height of Six (6) Feet: Complies; the proposed fence is 6' tall.
- <u>Maximum Canopy Area (22,000 s.f. maximum)</u>: Complies; the proposed canopy areas would be **about 21,996 s.f.** in total area.
- <u>Maximum Cultivation Area (43,560 s.f. maximum)</u>: Complies; the total cultivation area will be **25,996 s.f.**

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

- <u>State License and Permits required (ref. Section 27.at.3.ii.a)</u>. Complies; see 'Conditions', Attachment 4.
- <u>Background Checks (ref. Section 27.at.3.ii.e)</u>. 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 4.
- Property Owners Approval. The applicant is the property owner.
- <u>Co-location of Permits</u>. The applicant has applied for one A-Type 3B mixed light commercial cannabis cultivation license.

- <u>Operation Hours for Deliveries (Monday through Saturday 9:00AM-7:00PM &</u> <u>Sundays 12:00PM – 5:00PM)</u>. A condition has been added; see Attachment 4.
- <u>Duration of Permits cannot exceed ten (10) years.</u> A condition has been added; see Attachment 4.
- Weights and Measures. A condition has been added; see Attachment 4.
- <u>Access Adequacy Standards</u> The site takes access from Butts Canyon 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.
- <u>Water use</u> 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 4.
- <u>Electrical Generators</u> may be used only on an emergency basis. See Conditions; Attachment 4.
- Lights must comply with County Dark Skies lighting standards; see Attachment 4.
- Pesticide Usage is limited to State-approved chemicals. See Attachment 4.
- <u>Protection of Minors</u>. Required by conditions; see Attachment 4.
- <u>Commercial cannabis Cultivation Exclusion Area</u> *complies. The site is not located within 1000 feet of:*
 - A Community Growth Boundary
 - o 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

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

<u>Article 35 – 'SC' Scenic Combining District.</u> The purpose of the Scenic Combining District is to protect and enhance views of scenic areas from the County's scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation based economy of the County. The following regulations shall apply in all "SC" districts and all uses except single-family residential structures shall be subject to development review as set forth in Article 56.

Butts Canyon Road is a scenic County road. The cultivation site is beyond the mapped scenic corridor, however screening trees are required between the greenhouses and Butts Canyon Road to further conceal the new greenhouses from view from the scenic road.

V. 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 18-58* (Attachment 6) 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: Aesthetics

The project is proposing 13 greenhouses in an area where there are no other greenhouses present, and on a lot that has a Scenic Combining overlay district on it. In order to assure that the visual impacts of the greenhouses do not adversely affect the immediate vicinity, the following mitigation measures are proposed.

- <u>AES 1</u> The applicant shall screen the outer perimeter of the cultivation area by planting trees at 25' on center as average separation. Trees shall be a minimum of 5' tall at time of planting; the choice of trees used is up to the applicant, however these trees shall be native, and shall be planted prior to cultivation commencing, and shall have canopies that will be broad enough to provide meaningful screening at maturity. All screening trees shall be irrigated.
- <u>AES 2</u> All greenhouses incorporating artificial lighting shall be equipped with blackout film/material to be used at night for maximum light blockage to lessen the impact on the surrounding parcels and the recommendations within darksky.org. Applicant shall submit a <u>Blackout Film/Materials and Lighting Plan</u> to the Community Development Department for review and approval prior to issuance of any permits.

Issue: Air Quality

The project has the potential to result in some air quality impacts. The applicant will be cultivating entirely within 6 greenhouses; odors can be more easily controlled inside greenhouses than with outdoor cultivation.

The following Air Quality mitigation measures are added as conditions of approval;

- <u>AQ-1:</u> Prior to cultivation, the applicant shall submit an Odor Control Plan to the Lake County Community Development Department for review and acceptance or revision at the discretion of the Department Director.
- <u>AQ-2:</u> 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 as well as Lake County Noise Emission Standards.
- <u>AQ-3</u>: 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.
- <u>AQ-4:</u> 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.

- <u>AQ-5:</u> 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.
- <u>AQ-6:</u> 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.
- <u>AQ-7</u>: All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation.
- <u>AQ-8</u>: 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.

Issue: Cultural and Tribal Resources

An Archeological Research Study was conducted for this site by Jay Flaherty, dated 3-25-19. Mr. Flaherty concluded that it was possible that there were undiscovered artifacts on the site, however none were discovered during the archeological study for the site.

Mr. Flaherty notified all potential overseeing Tribes; the letters sent to each tribe are in the Archeological Report provided by Mr. Flaherty. Likewise, the Tribes were notified of this land use action. One Tribe, the Middletown Rancheria Band of Pomo Indians, had requested a consultation via letter dated April 8, 2019. However, on April 25, 2019, following a discussion with Planning staff, the Tribe (Larry Longee) rescinded their request for a consultation.

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.

 <u>CUL-1</u>: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the local overseeing Tribe shall be notified, and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98 and Public Health and Safety Code section 7050.5. • <u>CUL-2</u>: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Issue: Hazards and Hazardous Materials

One function of the Property *Management Plan – Hazardous Waste Management Plan* is to identify and evaluate hazards associate with cannabis cultivation at the subject site. This includes analysis of cultivation, processing, storing and packaging as well as all other activities associated with the production of cannabis. The goal of the plan is to determine whether there are existing hazards which require preventative control. Hazards include biological, chemical or physical. The plan also indicates All employees are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of Director of Cultivation.

Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, diesel, carbon monoxide, pesticides, fertilizers and the equipment emissions may be considered hazardous if released into the environment.

 <u>HHM-1:</u> Storage of potentially hazardous materials shall be in its original package, and shall be clearly labeled to display the volume and type of material stored. These packages will be kept inside a secured storm-proof shed or building, a locked storage area that will only be accessible to authorized staff. Storage areas containing hazardous waste will be inspected weekly by staff/employees to ensure accurate record keeping and safe storage conditions.

Issue: Noise

Short-term increases in ambient noise levels to uncomfortable levels could be expected during project grading and/or construction. Mitigation measures will decrease these noise levels to an acceptable level. Less Than Significant with mitigation measures NOI-1, NOI-2 and NOI-3 incorporated.

- <u>NOI-1</u>: 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.
- <u>NOI -2</u>: 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.
- <u>NOI-3</u>: 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.

VI. 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:

 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, one of which is located about 635 feet away from the cultivation site. As previously discussed, the primary potential impacts resulting from this proposal appear to be Aesthetics (greenhouse buildings as viewed from the south along Butts Canyon Road), Air Quality (odor) 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 thirteen 20' x 95' greenhouse structures to be located on a +22,000 square foot portion of the site. The Lake County Cannabis Ordinance allows type 1, 2, 3 and 4 cultivation operations on Rural Lands-zoned land, and the subject site is 20 acres in size, large enough to enable the cultivation area proposed.

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

The site is served by Butts Canyon Road, a paved County-maintained scenic road. The area is somewhat sparsely populated; the likelihood of pedestrians using the shoulder are minimal. There are no known capacity issues associated with Butts 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 affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to all area Indian Tribes. Relevant comments are attached as 'Attachment 3'. 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 named as a permitted use in the RL zoning district within the Commercial Cannabis ordinance, this proposal is consistent with the governing ordinance for cannabis growing in Lake County. The General Plan and Middletown Area Plan do not have any provisions specifically for commercial cannabis, but both Plans have provisions for economic development and land use compatibility.

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.

VII. <u>RECOMMENDATION</u>

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 18-58) for Use Permit (UP 18-43) with the following findings:

- 1. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by mitigation measures AES-1 and AES-2.
- 2. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7 and AQ-8.
- 3. Potential environmental impacts related to Cultural and Tribal resources have been mitigated to less than significant levels by Mitigation Measures CUL-1 and CUL-2.
- 4. Potential environmental impacts related to Hazards and Hazardous Materials have been mitigated to less than significant levels by mitigation measure HHM-1.
- 4. Potential environmental impacts related to Noise have been mitigated to less than significant levels by mitigation measures NOI-1, NOI-2, and NOI-3.
- 5. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve UP 18-43 with the following findings:

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

- 2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
- 3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
- 4. There are adequate services to serve the project.
- 5. This project is consistent with the Lake County General Plan, Middletown 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.

Sample Motions:

Mitigated Negative Declaration

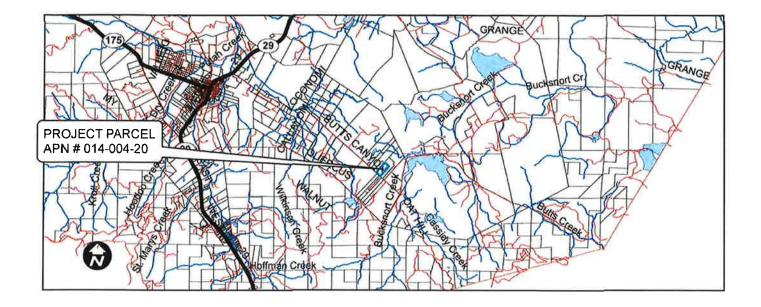
I move that the Planning Commission find that the **Initial Study (IS 18-58)** applied for by **Shannon Sanders** on property located at **19424 Butts Canyon Road, Middletown,** further described as **APN: 014-004-20** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **June 17, 2019**.

Major Use Permit (UP 18-43)

I move that the Planning Commission find that the **Use Permit (UP 18-43)** applied for by **Shannon Sanders** on property located at **19424 Butts Canyon Road, Middletown,** further described as **APN: 014-004-20** 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 **June 17, 2019**.

<u>NOTE</u>: 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:_____



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPT. COURTHOUSE - 255 N. FORBES ST. LAKEPORT, CA 95453 2702

Attachment 1

Attachment 2 Property Management Plan Available Upon Request

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Central Valley Regional Water Quality Control Board

9 May 2018

WDID: 5S17CC401847

Shannon Sanders High Quality Agricultural Service, LLC. 19424 East Butts Canyon Road Middletown, CA 95461

NOTICE OF APPLICABILITY, WATER QUALITY ORDER WQ-2017-0023-DWQ, SHANNON SANDERS FOR HIGH QUALITY AGRICULTURAL SERVICE, LLC, APN 014-004-200-000, LAKE COUNTY

Shannon Sanders for High Quality Agricultural Service, LLC (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on 12 April 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number 5S17CC401847.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet), no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1, low risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at http://www.waterboards.ca.gov/cannabis. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

C RECYCLED PAPER

prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

- 1. A Site Management Plan, by **11 July 2018**, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Management Plan*.
- 2. A Site Closure Report must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The Site Closure Report must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Closure Report.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1, low risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving an NOT. Attachment C includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site*

WDID: 5S17CC401847

- 3 -

Closure Report.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Regional Water Board staff by telephone at (530) 224-4845 so that a site-specific compliance schedule can be developed.

All monitoring reports, submittals, discharge notifications, and questions regarding compliance and enforcement should be directed to centralvalleyredding@waterboards.ca.gov or (530) 224-4845.

(for)

Patrick Pulupa, Incoming Executive Officer for Pamela C. Creedon, Executive Officer

SP: ch

cc via email:

Kevin Porzio, State Water Resources Control Board, Sacramento CDFA CalCannabis Program, Sacramento Mireya Turner, Lake County Planning Department, Lakeport

Eric Porter

From:Byron TurnerSent:Monday, April 08, 2019 4:58 PMTo:Eric PorterSubject:FW: Sunny S Ranch Commercial Cannabis Cultivation, Use Permit 18-43

From: Larry Longee [mailto:llongee@middletownrancheria.com]
Sent: Thursday, April 4, 2019 10:22 AM
To: Byron Turner <Byron.Turner@lakecountyca.gov>
Cc: Sally Peterson <speterson@middletownrancheria.com>; Ryan Peterson <rpeterson@middletownrancheria.com>
Subject: Sunny S Ranch Commercial Cannabis Cultivation, Use Permit 18-43

Hi Byron, I wanted to follow up on one of our projects we have concerns on. Can you please review your files and confirm Lake County received our notice of concern letter?

Project information below:

REQUEST:	Commercial Cannabi	s Cultivation, Use Permit 18-43
APPLICANT:	Sunny S Ranch	
OWNER:	Shannon Sanders, 194	424 Butts Canyon Road, Middletown CA 95134
APNs:	014-004-20	
	LOCATION:	19424 Butts Canyon Road, Middletown CA

ZONING: RL - SC, Rural Lands, Scenic Corridor

Thanks in advance,

Larry Longee, Jr THPO Director Middletown Rancheria 22223 Hwy 29 Rancheria Rd Tribal Offices P.O. Box 1035 Middletown, CA 95461 707-987-1315 Direct 707-987-3670 Office 707-230-1031 Cell 707-987-9091 Fax llongee@middletownrancheria.com

The South Lake County Fire Protection District

P.O. Box 1360 Middletown, CA 95461 (707) 987-3089

TO:	Byron Turner, Principal Planner	DATE: 10/24/18
FROM:	Mike Wink, Battalion Chief / South Lake County Fire	
REQUEST:	Commercial Cannabis Cultivation, Use Permit 18-43	
APPLICANT:	Sunny S Ranch	
OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA	95134
APNs:	014-004-20	
LOCATION:	19424 Butts Canyon Road, Middletown CA	
ZONING:	RL - SC, Rural Lands, Scenic Corridor	
GENERAL PLAN:	Community Commercial	

PROPOSAL: The applicant is proposing a commercial cannabis operation consisting ab=nA - Type 3B mixed light cannabis cultivation project including a 1-acre fenced area, 13 - (20'x98') steel frame greenhouses (21,996 sq. ft. of cultivation area), a 40' x 100' one story processing building, and related ancillary facilities Please refer to enclosed plans and for more information

<u>COMMENTS</u>: The South Lake County Fire Protection District charges a per square foot Mitigation Fee for all permits. Based on the information provided, there is a total of 25,966 square feet of permitted structure. The Mitigation fee is \$1.00 per square foot. The applicant should know they will be required to pay the South Lake County Fire Protection District \$25,966 in mitigation fees for this project.

Eric Porter

Sent:

To:

From: Eric Porter Thursday, April 11, 2019 7:53 AM Byron Turner; Michalyn DelValle Subject: Sunny S - tribal request for consultation - letter attached Attachments: Sunny S Ranch - 19424 Butts Canyon.pdf

Good morning;

I received a formal request for consultation regarding Sunny S Ranch's cannabis proposal. I'll coordinate with Byron to put an agenda together and schedule the consultation unless you / we want to approach it differently.

Thanks,

Eric

From: Ryan Peterson [mailto:rpeterson@middletownrancheria.com] Sent: Wednesday, April 10, 2019 04:41 PM To: Eric Porter < Eric.Porter@lakecountyca.gov> Cc: Larry Longee Ilongee@middletownrancheria.com>; Sally Peterson <speterson@middletownrancheria.com> Subject: Re: RFR - Commercial Cannabis project

Good afternoon,

You spoke with our THPO Director and he has requested I send in a letter regarding Sunny S Ranch located at 19424 Butts Canyon Rd., Middletown. This project does fall within our area of concern. Attached below is the Tribe's formal response. Attached below is the Tribe's written comments.

Regards,

Ryan Peterson Middletown Rancheria **Tribal Historic Preservation Department** PO Box 1035 Middletown, CA 95461 Phone: (707) 987-1315 Fax: (707) 987-9091

On Wed, Oct 10, 2018 at 4:57 PM Byron Turner < Byron. Turner@lakecountyca.gov> wrote:

FROM:	Byron Turner, Principal Planner
REQUEST:	Commercial Cannabis Cultivation, Use Permit 18-43
APPLICANT:	Sunny S Ranch
OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA 95134
APNs:	014-004-20

LOCATION: 19424 Butts Canyon Road, Middletown CA

ZONING: RL - SC, Rural Lands, Scenic Corridor

GENERAL PLAN: Community Commercial

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Please advise us if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provision s of state law, it is essential that we receive your comments as soon as possible but in no case later than **October 25, 2018**. Thank you.

COMMENTS:



Middletown Rancheria Tribal Historic Preservation Department P.O. Box 1035 Middletown, CA 95461

April 8, 2019

Via Electronic Mail

Eric Porter County of Lake 255 N. Forbes Street Lakeport, CA 95453

Request:Commercial Cannabis Cultivation, Use Permit 18-43Owner:Shannon SandersApplicant:Sunny S RanchLocation:19424 Butts Canyon Road, Middletown CAAPN:014-004-20

Dear Mr. Porter:

The Middletown Rancheria (Tribe) is in receipt of your notification regarding the above referenced matter.

Thank you for the opportunity to provide comments to the above referenced project. We do have cultural resources and/or sites in the proposed project area.

Middletown Rancheria is requesting a consultation with all parties involved.

Feel free to contact me with any questions, referring to THPD File Number 18-10-012.

Thank you,

THPO Director

llongee a middletownrancheria.con 707-230-1031 Cell

Office Phone (707) 987-1315

Fax (707) 987-9091

Eric Porter

From: Sent: To: Subject: Byron Turner Thursday, May 16, 2019 10:34 AM Eric Porter FW: RFR - Commercial Cannabis project

From: Yuliya Osetrova Sent: Tuesday, November 6, 2018 4:51 PM To: Byron Turner <Byron.Turner@lakecountyca.gov> Subject: RE: RFR - Commercial Cannabis project

Byron,

I have reviewed attached plans and Property Management Plan and this is my findings: 1 acre site within 19.72-acre lot which is located outside of 100-year-flood zone (zone D) Primary water supply – existing well.

The following parts of PMP are complete:

- 1. Stormwater Management
- 2. Waste Management
- 3. Water Resources

I have following comment to the Water Use part of PMP:

1. I could not locate the well permit that are mentioned in the plan.

The applicant proposed 1,800 gpd of water for daily use for the cannabis growing purposes. My number is different. Using their proposed seasonal crop evapotranspiration rate of corn -20 - 25 inches of water per season I determined the daily rate at approximately 3,200 gpd. However, the well's daily production rate would support this consumption. I need to see the well permit to determine whether or not well supports such consumption.

Just as a note, they proposed the collection, conveyance, and reuse of the runoff. They used term "water would be plumbed" into the storage on the site (they proposed 4 cisterns for that purpose) but there is no indication of how they are going to do that -1 could not find any rainfall conveying piping on the plans. However, I could let that go because the applicant mentioned other 2 methods of mitigation of the stormwater on the site and they look very reasonable for this specific site conditions – permeable pavement and grassed area on the part of outside perimeter to retain the surplus stormwater runoff.

Best,

Yuliya Osetrova Water Resources Engineer II Lake County Water Resources Department (707) 263-2344

From: Byron Turner

Sent: Wednesday, October 10, 2018 4:57 PM

To: chris.vallerga@fire.ca.gov; Doug Gearhart <dougg@lcaqmd.net>; Mary Jane Montana <MaryJane.Montana@lakecountyca.gov>; nwic@sonoma.edu; Jeffrey Taylor <Jeffrey.Taylor@lakecountyca.gov>; Jill Shaul <Jill.Shaul@lakecountyca.gov>; tmartin@hpultribensn.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Melissa.M.France@usace.army.mil; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; James Scott <James.Scott@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Jerenia.quitiquit@sv-nsn.gov; mschaver@robinsonrancheria.org; drogers@robinsonrancheria.org; speterson@middletownrancheria.com; btorres@middletownrancheria.com; slreyes@middletownrancheria.com; l.brown.elem@gmail.com; a.garcia@elemindiancolony.org; kkarolaepa@gmail.com; aarroyosr@hpultribe-nsn.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; lrosas@hpultribe-nsn.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; jsimon@middletownrancheria.com; Dean Eichelmann <Dean.Eichelmann@lakecountyca.gov>; sryan@big-valley.net; jlord@middletownrancheria.com; 'Mike.Wink@fire.ca.gov' <Mike.Wink@fire.ca.gov>

Cc: Moke Simon <<u>Moke.Simon@lakecountyca.gov</u>>; Byron Turner <<u>Byron.Turner@lakecountyca.gov</u>> Subject: RFR - Commercial Cannabis project

FROM:	Byron Turner, Principal Planner
REQUEST:	Commercial Cannabis Cultivation, Use Permit 18-43
APPLICANT:	Sunny S Ranch
OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA 95134
APNs:	014-004-20
LOCATION:	19424 Butts Canyon Road, Middletown CA
ZONING:	RL - SC, Rural Lands, Scenic Corridor

GENERAL PLAN: Community Commercial

<u>PROPOSAL:</u> The applicant is proposing a commercial cannabis operation consisting ab=n A - Type 3B mixed light cannabis cultivation project including a 1-acre fenced area, 13 - (20'x98') steel frame greenhouses (21,996 sq. ft. of cultivation area), a 40' x 100' one story processing building, and related ancillary facilities Please refer to enclosed plans and for more information.

Please advise us if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provision s of state law, it is essential that we receive your comments as soon as possible but in no case later than **October 25, 2018**. Thank you.

COMMENTS:

Tina Rubin

From: Sent: To: Cc: Subject: Attachments:	Byron Turner Wednesday, October 10, 2018 4:57 PM chris.vallerga@fire.ca.gov; Doug Gearhart; Mary Jane Montana; nwic@sonoma.edu; Jeffrey Taylor; Jill Shaul; tmartin@hpultribensn.gov; Todd Mansell; Melissa.M.France@usace.army.mil, Richard Ford; Jim Campbell; James Scott; Tina Rubin; Irenia.quitiquit@sv-nsn.gov; mschaver@robinsonrancheria.org; drogers@robinsonrancheria.org; speterson@middletownrancheria.com; btorres@middletownrancheria.cog; speterson@middletownrancheria.com; l.brown.elem@gmail.com; a.garcia@elemindiancolony.org; kkarolaepa@gmail.com; aarroyosr@hpultribe-nsn.gov; Yuliya Osetrova; Irosas@hpultribe-nsn.gov; Gordon Haggitt; Brian Martin; jsimon@middletownrancheria.com; Dean Eichelmann; sryan@big- valley.net; jlord@middletownrancheria.com; David Cowan; tc@middletownrancheria.com; THPO@middletownrancheria.com; 'Mike.Wink@fire.ca.gov' Moke Simon; Byron Turner RFR - Commercial Cannabis project 6. 8.20.18 1 Site Plan SUNNY S COVER Map.pdf; 7. 8.20.18 2 Site Plan SUNNY S- SHEET 2 EXISTING.pdf; 8. 8.20.18 3 Site Plan SUNNY S-SHEET 3 EXISTING.pdf; 9. 8.20.18 4 Site Plan SUNNY S COVER Map.pdf; 10. Rev 8.20.18 5 Site Plan SUNNY S-SHEET 5 CANNABIS SITE.pdf; 11. 8.20.18 6 Site Plan SUNNY S-SHEET 6 BUILDING LAYOUTS.pdf; 12. 8.20.18 7 A Site Plan SUNNY S-SHEET 7 SECURITY.pdf; 13. 8.20.18 7B Site Plan SUNNY S-SHEET 7 SECURITY.pdf; 4. 10.4.18 Final Sunny S Project Description.pdf; 5. 10.4.18 Final Sunny S Ranch Property Management Plan.pdf
FROM:	Byron Turner, Principal Planner
REQUEST:	Commercial Cannabis Cultivation, Use Permit 18-43
APPLICANT:	Sunny S Ranch
OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA 95134
APNs:	014-004-20
LOCATION:	19424 Butts Canyon Road, Middletown CA
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	014-004-20
COMMENTS:See attached memorandum	
See attached memorana	
(With Pervice 10126118	



COUNTY OF LAKE HEALTH SERVICES DEPARTMENT Division of Environmental Health Lakeport:

922 Bevins Courl, Lakeport, CA 95453-9739 Telephone 707/ 263-1164 FAX: 263-1681 Denise Pomeroy Health Services Director

Jasjit Kang Environmental Health Director

Memorandum

DATE: October 26, 2018

TO: Byron Turner, Principal Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

- RE: UP 18-43 Minor Use Permit Commercial Cannabis Sunny S Ranch
- APN: 014-004-20 19424 Butts Canyon Rd, Middletown

The applicant must meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and potable water requirements.

Our office has on file a 1979 septic permit designed to service a 3 bedroom residence and a September 2018 septic permit (18528) designed to service a 3 bedroom residence. The site plan submitted with this review did not have any septic systems drawn on the site plan.

The applicant must meet the Lake County Division of Environmental Health setback requirements to the on-site wastewater treatment system and/or wells, streams, intermittent streams, and ponds.

The applicant **will** need to demonstrate the location of the existing and/or proposed wastewater systems, wells, existing structures and the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

Lake County Environmental Health requires all applicants to provide a written declaration of the chemical names and quantities of any Hazardous Material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities Hazardous Material Declaration.

If the applicant stores hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase.

If the applicant increases hazardous material storage, they will need to update their Hazardous Materials Business Plan.

The storage of hazardous materials shall be located at least 100 feet from any water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters.

Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site authorized to accept such materials.

Industrial Waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board.

Hazardous Waste must be handled according to all Hazardous Waste Control Laws.



October 12, 2018

File No.: 18-0724

Byron Turner, Project Planner Lake County Community Development Department 255 N. Forbes Street Lakeport, CA. 95453

re: UP18-43 / 19424 Butts Canyon Road, APN 014-004-20 / Sunny S Ranch

Dear Byron Turner,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

Project Description: Commercial cannabis cultivation project consisting of a 1-acre fenced area, 13 steel frame greenhouses, a 40'x100' one story processing building, and related ancillary facilities

Previous Studies:

<u>XX</u> This office has no record of any previous <u>cultural resource</u> studies for the proposed project area (see recommendation below).

Archaeological and Native American Resources Recommendations:

- XX The proposed project area has the possibility of containing unrecorded <u>archaeological site(s)</u>. Native American resources in this part of Lake County have been recorded in midslope terraces, valley floors, and near intermittent or perennial watercourses. Due to these environmental factors, a study is recommended prior to commencement of project activities.
- XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

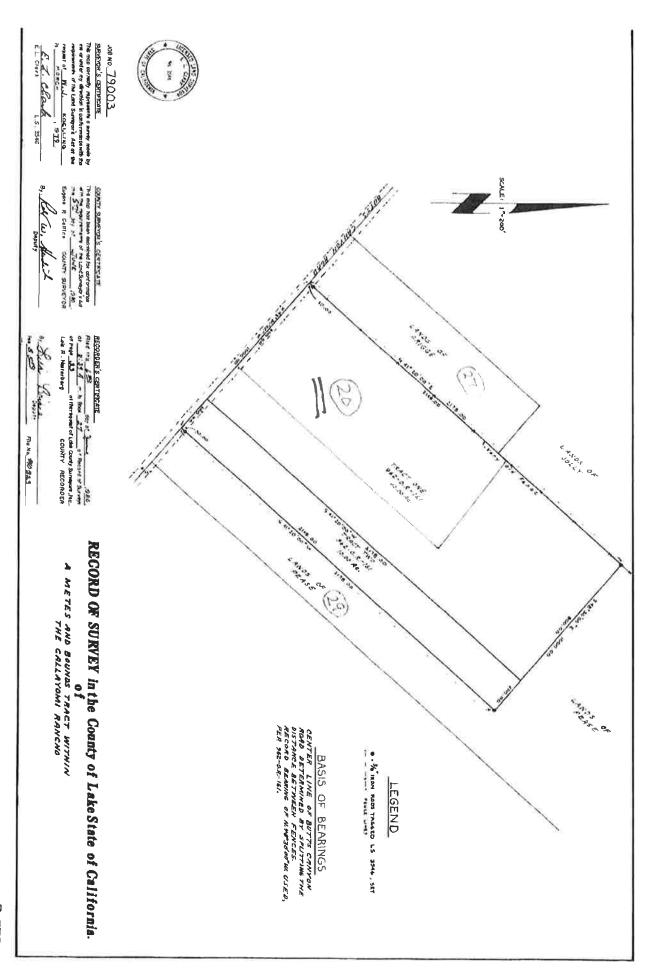
The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

the spectry

Cameron Felt Researcher



R 573

Eric Porter

From: Sent: To: Subject: Attachments: Byron Turner Thursday, May 16, 2019 10:34 AM Eric Porter FW: RFR - Commercial Cannabis project 20181011144214.pdf

From: Gordon Haggitt Sent: Thursday, October 11, 2018 12:45 PM To: Byron Turner <Byron.Turner@lakecountyca.gov> Subject: RE: RFR - Commercial Cannabis project

Byron: I'm attaching another survey map showing a portion of the project. Since they're building a fence and placing the site close to the northeast corner of the property I would require a recorded survey to establish the line for their protection as well as the neighbors.

Gordon M. Haggitt County Surveyor, County of Lake (707)263-2341

From: Byron Turner Sent: Wednesday, October 10, 2018 4:57 PM To: chris.vallerga@fire.ca.gov; Doug Gearhart <<u>dougg@lcaqmd.net</u>>; Mary Jane Montana <<u>MaryJane.Montana@lakecountyca.gov</u>; <u>nwic@sonoma.edu</u>; Jeffrey Taylor <<u>Jeffrey.Taylor@lakecountyca.gov</u>; Jill Shaul <Jill.Shaul@lakecountyca.gov>; tmartin@hpultribensn.gov; Todd Mansell <Todd.Mansell@lakecountyca.gov>; Melissa.M.France@usace.army.mil; Richard Ford <Richard.Ford@lakecountyca.gov>; Jim Campbell <Jim.Campbell@lakecountyca.gov>; James Scott <James.Scott@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Irenia.quitiquit@sv-nsn.gov; mschaver@robinsonrancheria.org; drogers@robinsonrancheria.org; speterson@middletownrancheria.com; btorres@middletownrancheria.com; slreyes@middletownrancheria.com; l.brown.elem@gmail.com; a.garcia@elemindiancolony.org; kkarolaepa@gmail.com; aarroyosr@hpultribe-nsn.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Irosas@hpultribe-nsn.gov; Gordon Haggitt <Gordon.Haggitt@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; jsimon@middletownrancheria.com; Dean Eichelmann <Dean.Eichelmann@lakecountyca.gov>; sryan@big-valley.net; jlord@middletownrancheria.com; David Cowan <David.Cowan@lakecountyca.gov>; tc@middletownrancheria.com; THPO@middletownrancheria.com; 'Mike.Wink@fire.ca.gov' <Mike.Wink@fire.ca.gov> Cc: Moke Simon <Moke.Simon@lakecountyca.gov>; Byron Turner <Byron.Turner@lakecountyca.gov> Subject: RFR - Commercial Cannabis project

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OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA 95134
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COMMENTS:

2

Eric Porter

From: Sent: To: Subject: Byron Turner Thursday, May 16, 2019 10:34 AM **Eric Porter** FW: RFR - Commercial Cannabis project

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- 1. Stormwater Management
- 2. Waste Management
- 3. Water Resources

I have following comment to the Water Use part of PMP:

1. I could not locate the well permit that are mentioned in the plan.

The applicant proposed 1,800 gpd of water for daily use for the cannabis growing purposes. My number is different. Using their proposed seasonal crop evapotranspiration rate of corn -20-25 inches of water per season I determined the daily rate at approximately 3,200 gpd. However, the well's daily production rate would support this consumption. I need to see the well permit to determine whether or not well supports such consumption.

Just as a note, they proposed the collection, conveyance, and reuse of the runoff. They used term "water would be plumbed" into the storage on the site (they proposed 4 cisterns for that purpose) but there is no indication of how they are going to do that - I could not find any rainfall conveying piping on the plans. However, I could let that go because the applicant mentioned other 2 methods of mitigation of the stormwater on the site and they look very reasonable for this specific site conditions - permeable pavement and grassed area on the part of outside perimeter to retain the surplus stormwater runoff.

Best,

Yuliya Osetrova Water Resources Engineer II Lake County Water Resources Department (707) 263-2344

From: Byron Turner

Sent: Wednesday, October 10, 2018 4:57 PM

To: chris.vallerga@fire.ca.gov; Doug Gearhart <<u>dougg@lcaqmd.net</u>>; Mary Jane Montana <<u>MaryJane.Montana@lakecountyca.gov</u>>; nwic@sonoma.edu; Jeffrey Taylor <<u>Jeffrey.Taylor@lakecountyca.gov</u>>; Jill Shaul <<u>Jill.Shaul@lakecountyca.gov</u>>; tmartin@hpultribensn.gov; Todd Mansell <<u>Todd.Mansell@lakecountyca.gov</u>>; Melissa.M.France@usace.army.mil; Richard Ford <<u>Richard.Ford@lakecountyca.gov</u>>; Jim Campbell <<u>Jim.Campbell@lakecountyca.gov</u>>; James Scott <<u>James.Scott@lakecountyca.gov</u>>; Tina Rubin <<u>Tina.Rubin@lakecountyca.gov</u>>; Irenia.quitiquit@sv-nsn.gov; mschaver@robinsonrancheria.org; drogers@robinsonrancheria.org; speterson@middletownrancheria.com; btorres@middletownrancheria.com; slreyes@middletownrancheria.com; l.brown.elem@gmail.com; a.garcia@elemindiancolony.org; kkarolaepa@gmail.com; aarroyosr@hpultribe-nsn.gov; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Irosas@hpultribe-nsn.gov; Gordon Haggitt <<u>Gordon.Haggitt@lakecountyca.gov</u>>; Brian Martin <<u>Brian.Martin@lakecountyca.gov</u>>; jsimon@middletownrancheria.com; Dean Eichelmann <<u>Dean.Eichelmann@lakecountyca.gov</u>>; sryan@big-valley.net; jlord@middletownrancheria.com; 'Mike.Wink@fire.ca.gov' <<u>Mike.Wink@fire.ca.gov</u>>; 'Mike.Wink@fire.ca.gov' <<u>Mike.Wink@fire.ca.gov</u>>; Con.Make Simon <<u>Make Simon @lakecountyca.gov</u>>; Brian Turpor@lakecountyca.gov>;

Cc: Moke Simon <<u>Moke.Simon@lakecountyca.gov</u>>; Byron Turner <<u>Byron.Turner@lakecountyca.gov</u>> Subject: RFR - Commercial Cannabis project

FROM:	Byron Turner, Principal Planner
REQUEST:	Commercial Cannabis Cultivation, Use Permit 18-43
APPLICANT:	Sunny S Ranch
OWNER:	Shannon Sanders, 19424 Butts Canyon Road, Middletown CA 95134
APNs:	014-004-20
LOCATION:	19424 Butts Canyon Road, Middletown CA
ZONING:	RL - SC, Rural Lands, Scenic Corridor

GENERAL PLAN: Community Commercial

<u>PROPOSAL:</u> The applicant is proposing a commercial cannabis operation consisting ab=n A - Type 3B mixed light cannabis cultivation project including a 1-acre fenced area, 13 - (20'x98') steel frame greenhouses (21,996 sq. ft. of cultivation area), a 40' x 100' one story processing building, and related ancillary facilities Please refer to enclosed plans and for more information.

Please advise us if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provision s of state law, it is essential that we receive your comments as soon as possible but in no case later than **October 25, 2018**. Thank you.

COMMENTS: