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## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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## SUPPLEMENTAL MEMO

**TO:** Board of Supervisors

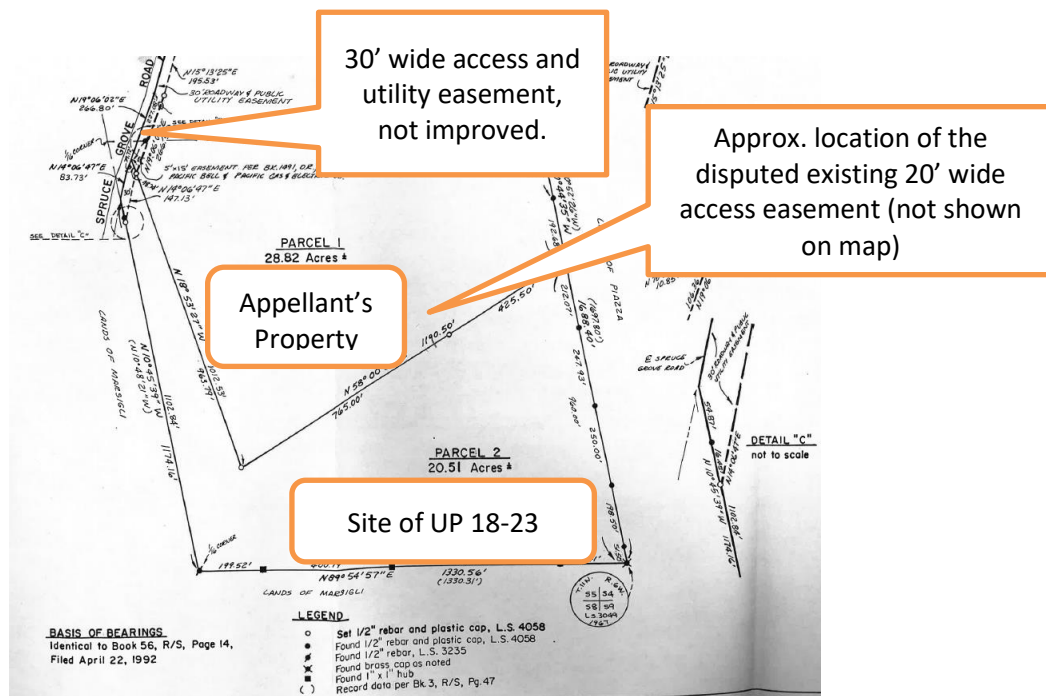
**FROM:** Michalyn DelValle, Community Development Director  
Eric Porter, Associate Planner

**DATE:** January 13, 2019

**SUBJECT:** Appeal to Board of Supervisors, AB 19-02 of Use Permit, UP 18-23 and Initial Study, IS 18-28. APN: 013-060-18

### I. DISCUSSION

The memo to the Board of Supervisors for this appeal, dated December 13, 2019, references the applicant Dawson's assertion that a new driveway leading from Spruce Grove Road to his cultivation site is unfeasible due to the terrain (slope), which would likely require a grading permit and subsequent CEQA review, plus the cost of building the road (reference BOS memo, top of page 5 and copied onto the following page). The issue of grade separation was overstated, and the actual grade differential is not significant.



**1994 Parcel Map that created both Properties**



**Location of possible new Driveway onto Dawson Property from Spruce Grove Rd**

**1. Article 27, subsection (at), Commercial Cannabis Cultivation (from Dec. 13, 2019 Board of Supervisor memo, pps. 4 to 5):**

(o) Access Standards

- a. Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.

**Response:** The Applicant has two recorded easements to his property; the 30' wide public access and utility easement that runs parallel to Spruce Grove Road, and the 20' wide public access easement that runs through the Guerra property. The Guerra easement is by definition a 20' wide dead-end road measuring slightly more than 1000 feet in length; this dead-end road is addressed in greater detail later in this report. Use of the 30' access easement directly to Spruce Grove Road from Applicant's property is unfeasible due to the grade differential according to the applicant Dawson; if the applicant

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attempted to use the 30' access easement, it would require a Grading Permit and a new CEQA review for the earth movement necessary to install a new driveway. An Initial Study for the cannabis permit (CEQA review) has already occurred, but is limited to the cultivation site rather than a potentially new driveway.

**Amended Response:** The applicant Dawson would need to prepare and provide engineered plans showing the actual amount of grading that would be required before the County could determine whether a Grading Permit and subsequent CEQA review would be necessary. Based on staff observations, it is likely that at least a Minor Grading Permit would be required if a new driveway onto Mr. Dawson's property were to be required by the Board of Supervisors during this appeal action.

II. **AMENDED RECOMMENDATION**

No changes to the original appeal recommendation are proposed.

Reviewed by Michalyn DelValle: \_\_\_\_\_