



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item 3

9:20 AM

March 12, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: March 2, 2020

RE: **HENNP Inc.; Major Use Permit (UP 19-06), Grading Permit (BLD 19-01695) and Initial Study (IS 19-11)**

Supervisor Districts 1 and 5

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan (available upon request)
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site and Grading Plans
6. Initial Study IS 19-11
7. Tree Removal Study

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for **(1) A-Type 3 (medium outdoor) cultivation area** consisting of 54,560 square feet (s.f.) of cultivation area, a 6,000 s.f. greenhouse for 'starts' (immature plants), and a 5,000 s.f. drying building on APN: 012-004-03, location is 13200 Seigler Canyon Road, Lower Lake. Of this cultivation area, the applicant is proposing 43,560 s.f. of canopy area. The applicant has also applied for a **Grading Permit** in order to assure that the relocated interior accessway complies with *Public Resource Code* (PRC) 4290 and 4291 regarding road slope, width and other PRC requirements. The property was burned in the 2015 Valley Fire and has no buildings. Lastly, the applicant is applying for a **Type 13 Self Distribution license**.

The proposed Propagation and Seed Production Facility will be composed of a 6,000 s.f. (50' X 120') greenhouse structure, with steel frames and polycarbonate glaze/coverings. The proposed Processing Facility, in which harvested cannabis will be processed, packaged, and stored, will be composed of a 5,000 s.f. (50' X 100') insulated metal building. Proposed ancillary facilities include ten 5,000-gallon plastic water storage tanks (irrigation and fire suppression water storage), a ground mounted 32-panel solar array and battery bank (primary energy source for the proposed

cultivation operation), a 120 s.f. wooden materials storage shed (secure Pesticides and Agricultural Chemicals Storage Area/Facility), and an 80 s.f. wooden guard shack.

The applicant also seeks Self Distribution of cannabis to and from the site; this is permitted in Lake County to a licensee that is approved for a use permit upon request by the licensee

The California Department of Food and Agriculture (CalCannabis) plays a significant role in regulating cannabis cultivation activities once the local land use approval is issued. The Lake County Community Development Department regulates among other things odor control, and a standard condition of approval requires an Odor Control Plan for each cultivation site. Some oak trees will be removed by this action; the applicant has provided a Tree Removal Plan that is included within this staff report and its attachments. The site is already partially cleared from prior Medicinal Marijuana cultivation that was approved in 2017 under former Article 72 of the Lake County Zoning Ordinance.

Staff is recommending Approval with Conditions of **UP 19-06 and Grading Permit 19-01695**.

II. PROJECT DESCRIPTION

Applicant: HENNP, Inc.
Owner: Lance and Loren Williams
Location: 13200 Seigler Canyon Road, Lower Lake
A.P.N.s: 012-004-03
Parcel Size: 157+ acres
General Plan: Rural Lands
Zoning: “RL” - Rural Lands
Flood Zone: None
Cultivation Area: 54,560 s.f., plus a 6,000 s.f. greenhouse for immature plants, and a 5,000 s.f. drying building
Canopy Area: 43,560 s.f.
Cultivation Start Date: **May 15, 2020**

III. PROJECT SETTING

Existing Uses and Improvements: The parcel is about 157+ acres in size, well over the minimum required 20 acre size. The property contains a well and septic system, although a new septic system will be installed. No other buildings are on the site. The site had been extensively burned during the Valley fire, and still contains some dead and dying trees that will be removed. The applicant has submitted a Tree Removal Study that is attached as Attachment 7.

Surrounding Uses and Zoning

North, South, East and West: “RL” Rural Lands and “APZ” Agricultural Preserve (southeast only). Parcel sizes generally range from 40 to 160 acres and are mostly undeveloped.



VICINITY MAP

Topography: Steep, mostly over 30%.

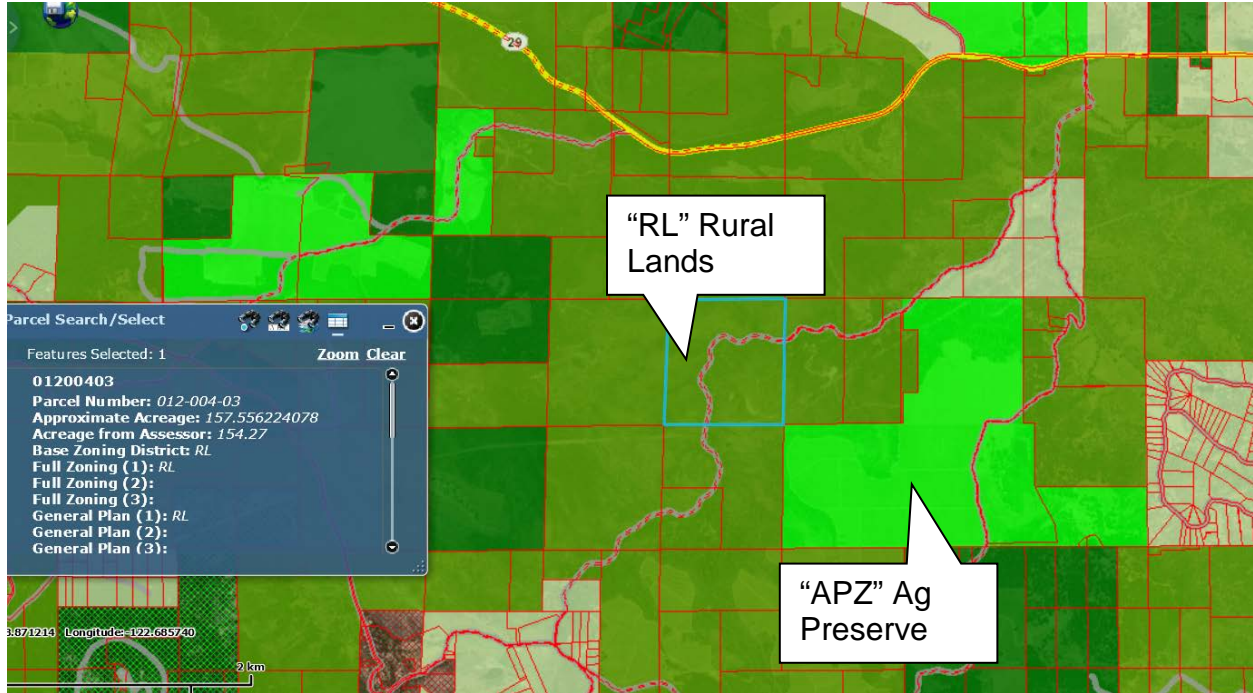
Soils: The cultivation area contains type **209-Skyhigh-Millsholm loams, 15 to 50 percent slopes**. Surface runoff is rapid, and the hazard of erosion is severe. This unit is used mainly for livestock grazing, wildlife habitat, and watershed. It is also used for homesite development and firewood production. The production of forage is limited by a dense canopy cover in some areas and by the restricted available water capacity and shallow depth of the Millsholm soil. Where oaks are present, the amount of forage can be increased by harvesting trees. Vegetation in drainageways should be left for erosion control, wildlife habitat, and esthetic purposes.

Water Supply: Existing well

Sewage Disposal: Existing On-Site Septic, but a new septic system will be used

Fire Protection: Lake County Fire Protection District

Vegetation: Several varieties of oak trees, grass and some manzanita brush



Zoning of Site and Surrounding Lots

IV. PROJECT ANALYSIS

General Plan Conformance

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

The immediate area consists of lots that range in size from 40 to 160 acres, and are primarily zoned “RL” Rural Lands.

Lower Lake Area Plan Conformance Analysis

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

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

This applicant would have up to 5 employees.

Zoning Ordinance Conformance

Article 7 – Rural Lands (RL). The purpose of this zoning designation is to provide for resource related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access.

Article 27 - Use Permits

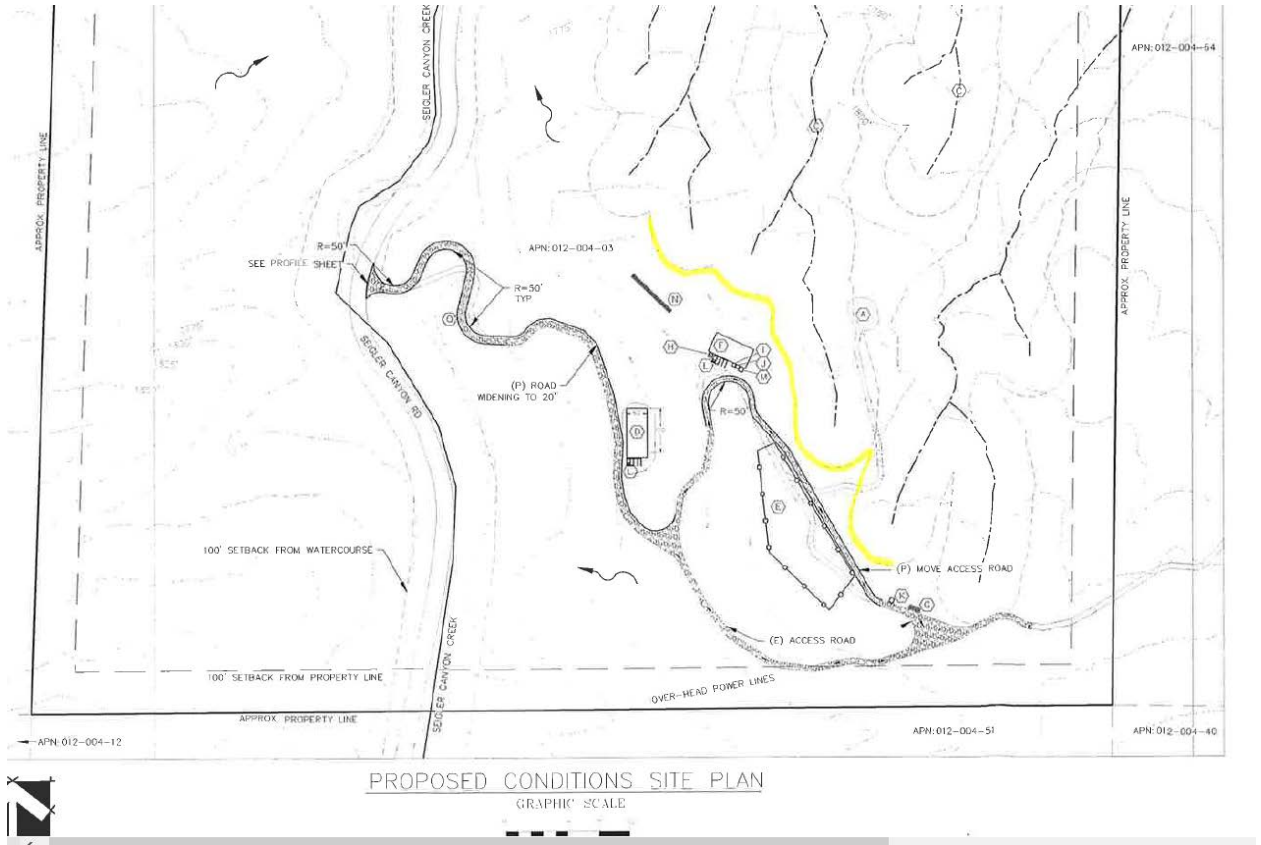
The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permits, minor or major use permits in addition to any required building, grading and/or health permits.

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

Development Standards

- Minimum Lot Size (20 acres per license): *Complies; the subject site is over 157 acres in size, and the applicant has only applied for one A-Type 3 (medium outdoor) cultivation license. The applicant has also applied for a Type 13 'Self Distribution License', which is under consideration herein.*
- Setback from Property Line (100 feet): *Complies, the cultivation site is about 280 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling is located about 2000 feet away from the nearest cannabis cultivation area. The nearest dwelling / property also contains a permitted cannabis cultivation site.*

- Fence Height between Six (6) and Eight (8) Feet: *Complies, the proposed fence height is six (6) feet.*
- Maximum Canopy Area (43,560 s.f.): *The proposed canopy area is 43,560 s.f. (one acre) in size.*



PROPOSED SITE PLAN

- Maximum Cultivation Area (65,000 s.f.): *Complies. The applicant is proposing 54,560 s.f. of outdoor cultivation area, and a 5,000 s.f. drying building, both of which count as 'cultivation area'. The 6,000 s.f. greenhouse will not contain mature plants and is not regarded as a 'cultivation area' in terms of taxes collected or per this portion of Article 27.*

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

- State License and Permits required (Section 27.at.3.ii.a): *Complies; see 'Conditions', Attachment 4.*
- 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 4.*

- Property Owners Approval: *Complies. The owner is the applicant.*
- Co-location of Permits: *The applicant is requesting a 'medium outdoor' cultivation license. No co-location of permits is requested. The applicant has also requested a Type 13 'self-distribution' license, which is included within this application process.*
- Operation Hours - Deliveries and Pickups (Monday through Saturday 9:00AM-7:00PM & Sundays 12:00PM – 5:00PM): *A condition has been added; see Attachment 4.*
- Duration of Permits; Commercial Cannabis Cultivation permits duration is not to exceed ten (10) years. *A condition has been added; see Attachment 4.*
- Weights and Measures: *A condition has been added; see Attachment 4.*
- Access Standards: *The site takes access from Seigler Canyon Road, a paved County-maintained road. The interior road will be improved to comply with Public Resource Codes 4290 and 4291; this is discussed elsewhere in this report.*

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

- Tree Removal. *The applicant is proposing the removal of 11 healthy oak trees, and three oak trees that were significantly burned in the Valley Fire. The applicant has submitted a Tree Removal Plan (please see Attachment 7). The applicant will be required to replace the 11 healthy oak trees on a 5:1 replacement ratio prior to the start of cultivation. Mitigation measure AES-1.*
- Water use when illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river. *The applicant will divert water from the small on-site reservoir. The applicant has provided proof of surface water rights and has the ability to draw from this water source.*
- Odor Control. *An Odor Control Plan is required; see Attachment 4.*
- Electrical Generators 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.*
- Protection of Minors. *Required by conditions; see Attachment 4.*
- Commercial cannabis Cultivation Exclusion Area – *complies. The site is not located within 1000 feet of:*
 - a. A Community Growth Boundary

- b. A school
- c. A developed public park
- d. A drug or alcohol rehabilitation facility
- e. A licensed child care or nursery school
- f. A church or other family-oriented facility providing services intended for minors

Permitting Process

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

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

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 19-11* (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 has some potential to result in aesthetic impacts; the applicant will have a 6,000 s.f. greenhouse, and is removing 11 healthy oak trees. A Tree Replacement Plan was submitted to address the 11 healthy oak trees that would be removed; any aesthetic impacts associated with these trees being removed is addressed through mitigation measure AES-1. Greenhouse lighting restrictions are addressed through mitigation measure AES-2. These mitigation measures are as follows;

- AES-1: Within six (6) months of permit approval, the applicant shall replace the eleven healthy trees that are to be removed that are six inches or greater measured at 4.5 feet *Diameter at Breast Height* on a 5:1 replacement ratio per the (Oak) Tree Removal and Inventory Plan submitted. Replacement trees shall be irrigated and maintained in a healthy state.
- AES-2 - 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 dark skies. Applicant shall submit a Blackout Film/Materials Plan to the Community Development Department for review and approval prior to issuance of any permits.

Issue: Air Quality

The project has some potential to result in air quality impacts. *The following mitigation measures have been added as conditions of approval:*

- 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.
- AQ-2: All mobile diesel equipment used must be in 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.
- AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.
- AQ-4: Water shall be used as dust suppression during all site disturbance.

Issue: Biological Resources

There is some potential for biological resources to be impacted unless mitigation measures are added to protect these resources. The following mitigation measures have been added as conditions of approval:

- BIO-1: A pre-construction special-status species and migratory bird survey, including an avian and nest-detection survey shall be performed by a

qualified biologist in the proposed project area and an appropriate buffer zone around the Project Area within seven days prior to commencement of ground disturbance activities. If nesting birds are discovered, they shall be avoided, and a buffer of at least 50 feet between the nesting birds and any cultivation activity shall be established and maintained.

- **BIO-2:** All food scraps, wrappers, food containers, cans, bottles and other trash from the project area shall be deposited in waste receptacles with an adequate lid or cover to contain trash. All food waste should be placed in a securely-covered bin and removed from the site on a weekly basis to avoid attracting animals.
- **BIO-3:** Vehicles and equipment shall be parked on pavement or on existing roads and established parking areas, or on approved work areas. Vehicles will be confined to public or private roads and parking areas, that were previously disturbed, or that are proposed to be improved with this project. Access routes and construction work areas shall be limited to the minimum necessary to achieve the project goals.
- **BIO-4:** Only certified weed-free straw mulch and locally native, non-invasive and non-persistent grass seed mixes (erosion control measures) shall be used on the project property.
- **BIO-5:** A Tree Cavity survey shall be performed by a qualified wildlife biologist before pruning or removing any trees or snags on the Project Property with cavities, hollows or exfoliating bark. If nesting bats are discovered, they shall be avoided, and a buffer of at least 50 feet between the nesting bats and any cultivation activity shall be established and maintained.

Issue: Cultural Resources

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.

- **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.

- **CUL-2:** All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the 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. If human remains are found, the Lake County Sheriff's Department shall also be notified, and shall coordinate with the local overseeing Tribe to inter or relocate the remains.

Issue: Geology and Soil Mitigation Measures

This project involves a complex grading permit to improve the interior road; as such, this project has some potential to have impacts related to soil, dust and erosion. The applicant has submitted engineered drawings prepared by Realm Engineering, Redding CA, dated 1-11-2019. The following mitigation measure is added to address these potential issues:

- **GEO-1:** Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

Issue: Transportation Resources (interior roadway)

The interior roadway will be improved to meet PRC 4290 and 4291 standards regarding width and slope. The applicant has applied for a grading permit concurrently with this land use action in order to provide road improvements prior to the start of cultivation. Mitigation measure TRANS-1 (and WILD-1) are intended to require the improvements to this internal roadway to assure compliance with PRC 4290 and 4291, and is as follows;

- **TRANS-1:** Prior to this use permit having any force or effect, the applicant will be required to do road improvements to the internal road and comply with Public Resource Code (PRC) sections 4290 and 4291. The Building Official will inspect this road following completion of the road to assure PRC compliance.

Issue: Wildfire Resources

Similarly to the Transportation Resource issue mentioned above, the Wildfire Resource has some potential to be significant unless mitigated. The following mitigation measure is added as a condition of approval related to wildfire;

- **WILD-01:** Prior to any building permit issuance or cultivation associated with use permit file no. UP 19-06, the applicant shall improve the interior road, and parking areas per the engineered plans prepared by Realm Engineering and dated 1-11-19. Following completion of the road improvement, the applicant shall contact the Lake County Building Official and schedule a compliance inspection.

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 2300 feet away from the nearest cultivation site. As previously discussed, the potential impacts resulting from this proposal are Aesthetics, Air Quality, Biological Resources, Cultural Resources, Transportation Resources, and Wildfire. All of these significant impacts have been adequately addressed within conditions of approval 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 one **54,560 s.f.** of outdoor cultivation area and a 5,000 s.f. 'drying building', which is also cultivation area by definition. The Lake County Cannabis Ordinance allows Type 1, 2, 3 and 4 cultivation operations on Rural Lands zoned property when it meets the various size and locational criteria and standards. The applicant seeks one license, which requires a 20 acre minimum. The subject site is over 157 acres in size, large enough to allow the cultivation license that has been applied for. The self-distribution license is also included, but has no direct relationship with the property size specifically.*

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

The site is served by Seigler Canyon Road, a paved County-maintained road. The site presently does not meet this criterion, however a condition of approval requires the applicant to improve the interior road to comply with PRC 4290 and 4291. The applicant has applied for a Grading Permit to make these road improvements, which shall occur prior to any cultivation activities associated with this permit are allowed to proceed.

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 CAL FIRE, Lake County Fire District, Public Works, Special Districts, Environmental Health, and all area 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 the Lake County.

General Plan and the Lower Lake Area Plan do not have any specific provisions for commercial cannabis, but does have provisions for economic development.

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 site does not have any violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

VII. USE PERMIT FINDINGS FOR APPROVAL Article 27, subsection (at):

- (1) The proposed use complies with all development standards described in Section 1.i
- (2) The applicant is qualified to make the application described in Section 1.ii.(g)
- (3) The application complies with the qualifications for a permit described in Section 1.ii.(i)

Responses:

- 1) This report identifies the development standards that apply to cannabis cultivation in Lake County. The applicant is fully compliant with most of the development standards with the notable exception of the interior road, which the applicant has applied for a Grading Permit in order to make this road compliant with PRC 4290 and 4291 road standards. Road improvements will occur prior to any cultivation activities associated with this permit.
- 2) The applicant and his employees have passed a 'live scan' background check, and are qualified to undertake a commercial cannabis cultivation activity subject to approval of this use permit.
- 3) This application complies with all qualifications for a permit described in Section 3.ii.(f). The applicant is proposing two cannabis-related licenses; one is for the outdoor cultivation site totaling 54,560 s.f., plus a 5,000 s.f. drying room (the greenhouse proposed will house immature plants and is not regarded as 'cultivation area'). The second license is a 'self-distribution' license (Type 13). The subject site is 157 acres in size, large enough to support the cultivation license; the applicant also qualifies for the Type 13 'Self Distribution' license.

VIII. GRADING PERMIT FINDINGS

28.3 A grading permit may be issued when determined by the Community Development Department that the nature and extent of the proposed grading:

a) Is consistent with the intent of the Lake County General Plan and any applicable Area Plan;

b) Is consistent with the Lake County Zoning Ordinance;

Response: *Lake County implements and enforces all fire codes, including Public Resource Code (PRC) sections 4290 and 4291. These code sections require standards for all roads, including interior ‘driveways’ that serve a commercial use to be built to specific road standards for width, slope, overhead clearance and so forth.*

The applicant has provided plans to improve the interior road that require significant grading to occur, thus this Grading Permit was required. These improvements shall occur prior to any cultivation activities associated with this permit are permitted.

There are no conflicts with the General Plan or with the Lower Lake Area Plan that would prohibit the applicant from grading the interior road per the engineered drawings submitted, provided the grading occurs in a manner that is consistent with County Code chapter 30, ‘Grading’.

c) Is consistent with the characteristics and constraints of the site;

Response: *The average slope of the site is over 30%. The portion of the site containing the interior road under grading permit consideration varies from 16% to over 20% slope. The maximum allowable slope for a commercially used road is 16%. The engineered drawings submitted show a maximum road slope of 14.9% once the grading and site improvements for the interior road are completed. This is consistent with the requirements of PRC 4290 and 4291, and are consistent with the characteristics of this site.*

d) Is appropriate for the proposed use and will not create site disturbance to an extent greater than that reasonably required to establish the use;

Response: *The proposed use of the site is for commercial cannabis cultivation. To date, commercial cannabis cultivation is regarded as a commercial use rather than an agricultural use. Because of this, certain road standards are required per PRC 4290 and 4291. The applicant has provided engineered plans that show the minimum site disturbance necessary to comply with these PRC sections, thereby meeting the intent of this criterion.*

e) Is consistent with erosion control plan requirements and applicable standards and proposed erosion and sediment control measures are appropriate for the degree of site disturbance;

f) Will not result in accelerated erosion, sedimentation or other adverse effects or hazards to life or property;

Response: *The applicant has submitted engineered Erosion Control Plans in addition to the engineered grading plans. The Plans show sediment and erosion*

control measures that will be used during the course of grading and site preparation that are appropriate for this proposal, thereby meeting this criterion.

g) Will not result in adverse impacts to the environment or sensitive biological or cultural resources;

Response: *The applicant has provided a Biological and Cultural Study for his property. The site had been significantly burned during the Valley fire, and the Biological and Cultural Studies did not show any sensitive mapped species or cultural sites of significance.*

h) Is consistent with dust control requirements and applicable standards and proposed control measures are appropriate for the degree of site disturbance;

Response: *The engineered plans submitted include dust suppression measures during earth movement. These plans have been reviewed by the County Building Official and the County Grading Official. Both individuals indicated that the plans are satisfactory for purposes of issuing this grading permit.*

i) Meets the Asbestos Dust Mitigation Plan requirements, or has been otherwise reviewed and approved by the LCAQMD.

Response: *Lake County Air Quality Management District was asked to comment on the engineered plans on December 30, 2019. The AQMD did not have any issue with the plans submitted, thereby meeting this criterion.*

IX. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 19-11) for Use Permit (UP 19-06) and Grading Permit (BLD 19-01695) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3 and AQ-4.
3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-5.
4. Potential environmental impacts related to Cultural resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.

5. Potential environmental impacts related to on-site Transportation impacts can be mitigated to less than significant levels with the inclusion of mitigation measure TRANS-1.
6. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measure WILD-1.
7. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
8. Any changes to the project will require either an amended Use and/or Grading Permit or a new Use and/or Grading Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Use Permit UP 19-06 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 can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

C. Approve Grading Permit BLD 19-01695 with the following findings:

1. That the proposed grading is consistent with the intent of the Lake County General Plan and any applicable Area Plan;
2. That the proposed grading is consistent with the Lake County Zoning Ordinance;

3. That the proposed grading is consistent with the characteristics and constraints of the site;
4. That the proposed grading is appropriate for the proposed use and will not create site disturbance to an extent greater than that reasonably required to establish the use;
5. That the proposed grading is consistent with erosion control plan requirements and applicable standards and proposed erosion and sediment control measures are appropriate for the degree of site disturbance;
6. That the proposed grading will not result in accelerated erosion, sedimentation or other adverse effects or hazards to life or property;
7. That the proposed grading will not result in adverse impacts to the environment or sensitive biological or cultural resources;
8. That the proposed grading is consistent with dust control requirements and applicable standards and proposed control measures are appropriate for the degree of site disturbance;
9. That the proposed grading meets the Asbestos Dust Mitigation Plan requirements, or has been otherwise reviewed and approved by the LCAQMD.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 19-11)** applied for by **HENNP Inc.** on property located at **13200 Seigler Canyon Road, Lower Lake**, and further described as **APN: 012-004-03** 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 **March 2, 2020**.

Major Use Permit (UP 19-06)

I move that the Planning Commission find that the **Use Permit (UP 19-06)** applied for by **HENNP Inc.** on property located at **13200 Seigler Canyon Road, Lower Lake**, and further described as **APN: 012-004-03** 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 **March 2, 2020**.

Grading Permit (BLD 19-01695)

I move that the Planning Commission find that the **Grading Permit (BLD 19-01695)** applied for by **HENNP Inc.** on property located at **13200 Seigler Canyon Road, Lower Lake**, and further described as **APN: 012-004-03** does meet the requirements of Section 30.28.3 of the Lake County Code and the Grading Permit be granted subject to the conditions and with the findings listed in the staff report dated **March 2, 2020**.

***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:_____