



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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

Item # 1

9:05 AM

September 24, 2020

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott De Leon, Interim Community Development Director  
Tocarra Nicole Thomas – Deputy Director  
Mark Roberts – Principal Planner  
Victoria Kim, Assistant Planner

**DATE:** September 1, 2020

**SUBJECT:** Richard Sereghy; Major Use Permit (UP 19-50), Categorical Exemption (CE 19-96).

Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Proposed Site Plans and Signage
3. Supplemental Data and Project Description
4. Agency Comments and Correspondences
5. Major Use Permit Findings
6. Conditions of Approval
7. PowerPoint Presentation

### **I. EXECUTIVE SUMMARY**

The applicant is requesting approval of a Major Use Permit to allow retail sales of tested and approved cannabis products, pursuant to Article 18, Section §18.5(h) of the Lake County Zoning Ordinance. The proposed use will operate within an existing 2,310 square foot building. The operating hours will be 9 AM to 9 PM, 7 days per week, with 6 employees at peak shift. The applicant anticipates 75 customers per day, and 3 to 5 deliveries per week. To protect the public safety and health and the community's comfort, all the visitors will go through check-in process at the store front prior to entering the store. Also, the project areas including parking lot will be under the supervision of trained security personnel during operating hours and surveillance cameras at all hours.

Construction Schedule will begin on the interior alterations, landscaping, and other improvements once the permit is obtained.

## **II. PROJECT DESCRIPTION**

Applicant: Richard Sereghy

Owner: Calizonaoz LLC

Location: 8466 Lake Street, Lower Lake

A.P.N.: 012-054-25

General Plan: Local Commercial

Zoning: C1 – Local Commercial

Flood Zone: “X”; Areas of moderate or minimal hazard from the principal source of flood in the area

School District: Konocti Unified School District, approximately 2,000 feet from the site

## **III. PROJECT SETTING**

Existing Uses and Improvements: The site presently contains a principal structure approximately 2,310 square feet in size, and three outbuildings.

- **North:** The parcels to the North are zoned “R1” Single-Family Residential and developed with residential dwelling and a pre-existing nonconforming recycling facility. The parcels range in size from 0.13 to 0.62 acre in size.
- **East:** The parcels to the East are zoned “PDR” Planned Development Residential and are vacant or developed with a nonconforming horse training track and barn. The parcels size range from approximately 8.36 to 17.11 acres in size.
- **South:** The parcels to the south are zoned “SR” Suburban Reserve District with some residential development. The parcels size range from approximately 0.34 to 3.00 acres in size.
- **West:** The parcels to the West are zoned “O” Open Space and are approximately 3.34 to 42.75 acres in size.

Topography: The site is relatively flat.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A., the soil in the project area is Still Loam with 0 to 2% slopes (soil unit 232) and Kilaga Variant Loam with 0 to 5% slopes (soil unit 150). The soils consist of loam derived from mixed rock sources. The permeability is moderately slow, surface runoff is slow, and the hazard of erosion is slight.

Fire Protection: Lake County Fire Protection District

#### **IV. PROJECT ANALYSIS**

The General Plan designation for the subject site is Local Commercial which allows for the development of small retail businesses and recreational opportunities.

##### **General Plan Conformance**

*Goal LU-1: is to encourage the overall economic and social growth of the County while maintaining its quality of life standards.*

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

**The proposed retail sales of commercial cannabis products, would create diversity within the local economy and create future employment opportunities for local residents. According to the applicant's application packet, there would be a minimum of six employees at peak shift. Additionally, the proposed use is anticipating up to 75 customers per day, and 3 to 5 deliveries per week.**

##### **Lower Lake Area Plan Conformance**

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:

- *Objective 5.1a: Orderly growth and development shall be encouraged within the Lower Lake area by focusing higher intensity development within the community of Lower Lake. Low intensity land use patterns are encouraged in the remainder of the planning area.*
- **5.1a:** 5.1a-1: The Lower Lake land use plan should recognize existing development patterns and logically provide for future development in the area.

##### **Zoning Ordinance Conformance**

Article 18 – "C1" Local Commercial District is to provide for small, localized retail and service business districts which provide goods and services to surrounding residential development.

**The Retail Sales of Cannabis is permitted in the "C1" Local Commercial District Districts upon issuance of a Minor/Major Use Permit pursuant to Article 18, Section 18.5(h) Lake County Zoning Ordinance. On December 19, 2019, the applicant submitted an application for a Major Use Permit, UP 19-50 for the Retail Sales of cannabis.**

#### **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. The applicant is operating within an

existing structure approximately 2,310 square feet in size. Therefore staff has determined that the proposed use is Categorically Exempt from CEQA Guidelines pursuant to Exemption Class 1, Section 15301 (Existing Facilities).

## **VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL**

The Review Authority shall only approve or conditionally approve a Major Use Permit if all of the required findings have been made pursuant to Article 51, Section 51.4, of the Lake County Zoning Ordinance.

- Upon staff review and agency comments, the proposed use has meet all the necessary Findings of Approval as discussed in Attachment # 5 of the Staff Report dated September 1, 2020.
- Habematolele Pomo of Upper Lake deferred comments and Middletown Rancheria did not comment due to not sufficient ground disturbances. Comments from Department of Public Works indicate that no traffic study is necessary. Requests for review and comment were send out to Konocti Unified School District, but no correspondence has been received (Attachment #4).

## **VII. RECOMMENDATIONS**

**Staff recommends that the Planning Commission take the following Actions:**

### **A. Adopt Categorical Exemption (CE 19-96) for UP 19-50 with the following findings:**

1. The project is consistent with CEQA Categorical Exemption, Class 1 (Existing Facilities), which consists of the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing of public or private structures, facilities, mechanical equipment or topographical features.
2. This project is consistent with the Lake County General Plan, Lower Lake Area Plan and Zoning Ordinance.
3. The project is consistent with land uses in the vicinity.
4. This project will not result in any significant adverse environmental impacts.

### **B. Approve Major Use Permit, UP 19-50 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. 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.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific 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. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Lake County Zoning Ordinance.
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.

**Sample Motions:**

**Categorical Exemption (CE 19-96)**

I move that the Planning Commission find the **Major Use Permit (UP19-50)** applied for by **Calizonaoz, LLC** on property located at **8466 Lake Street, Lower Lake** further described as **APN: 012-054-25** is exempt from California Environmental Quality Act Guidelines Categorical Exemption Class 1 §15301 based on the findings set forth in **Staff Report dated September 1, 2020.**

**Major Use Permit (UP 19-50)**

I move that the Planning Commission find that the **Major Use Permit (UP 19-50)** applied for by **Calizonaoz, LLC** on property located **466 Lake Street, Lower Lake** further described as **APN: 012-054-25** does meet the requirements of Section 51.4 and Article 18 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 **September 1, 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: MR