



## 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

9:10 AM

September 24, 2020

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Interim Community Development Director  
Tocarra Thomas, Deputy Director  
Mark Roberts, Principal Planner  
Prepared by: Victor Fernandez, Assistant Planner

**DATE:** September 14, 2020

**RE:** **Better Nature Farms, LLC (Alex Beck). Major Use Permit (UP 18-29),  
Categorical Exemption (CE 19-48), and Early Activation (EA 20-69).**  
APNs: 002-023-90 and 002-023-93

Supervisor District 3

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site Plans
6. Letter from Wildlife Biologist
7. Biological Assessment

## **I. EXECUTIVE SUMMARY**

The applicant is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation which includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing. The applicant seeks approval of the following license(s):

- **(One) A – Type 3: “Outdoor”:** Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- **(One) A – Type 2: “small outdoor”:** Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- **(Two) A - Type 1C: “specialty cottage”:** Cultivation for adult use cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.

The proposed use is located at 13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake, CA, and will occur within a previously disturbed area. The applicant proposes the cultivation to be in ground over the existing vegetation and additionally proposes to provide cover crop with the cultivation.

The proposed project will include the following:

- The cultivation area will consist of a 58,320 square feet of total canopy area within 68,400 square feet of total cultivation area.
- The applicant proposes to install a six (6)' foot tall chain link security fence with opaque privacy screening.
- One (1) 12'X40' ADA accessible office with worker storage & bathrooms.
- Two (2) 5,000 gallon above ground water storage.
- One (1) 360 square foot chemical/fertilizer storage area.
- Two (2) 4'X6' vegetative & non-hazardous waste storage structures.
- One (1) 8'X20' storage container.
- Two (2) 8'X40' storage container.
- Hours of operation are Monday through Friday, 7:30 AM – 7:30 PM.
- Max employees on peak shift would be approximately 5 employees.

### **Water Usage**

The cultivation area will be irrigated via drip irrigation system. The drip irrigation system will be attached to an irrigation pump that feeds the water (from water storage tanks) along a PVC pipe to a series of secondary plastic irrigation lines.

According to the Property Management Plan, the annual amount of water required for irrigation for commercial use is estimated to be between 200,000 to 250,000 gallons per year, which will be drawn from the onsite permitted well. Per the submitted well test report, the well operates at approximately 15 Gallons per Minute (GPM) which translates to approximately 7,889,237 Gallons per Year, which is sufficient to support the proposed water usage. A condition of approval has been added that requires the applicant to install a meter to the production well(s) that continuously measures the water level. Additionally, the applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

Staff is recommending **conditional** approval of Major Use Permit (UP 18-29).

<u>Applicant:</u>	Alex Beck
<u>Owner:</u>	Better Nature Holdings, LLC
<u>Location:</u>	13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake, CA 95485
<u>A.P.N.:</u>	002-023-90 (Cultivation Site) & 002-023-93 (Clustering)
<u>Parcel Size:</u>	+54.96 acres combined
<u>General Plan:</u>	Rural Lands – Resource Conservation
<u>Zoning:</u>	“RR-SC-WW-FF”: Rural Residential-Scenic Combining-Waterway Combining District-Floodway Fringe.

Flood Zone: “X”; Areas of minimal flooding – not in a special flood hazard area.  
“A”: Areas of the 1% annual flood (100-year flood); base flood elevations and flood hazard factors not determined. (Please Note: No development will occur within Flood Zone “A”)

Submittal Date: June 21, 2018

### **III. PROJECT SETTING**

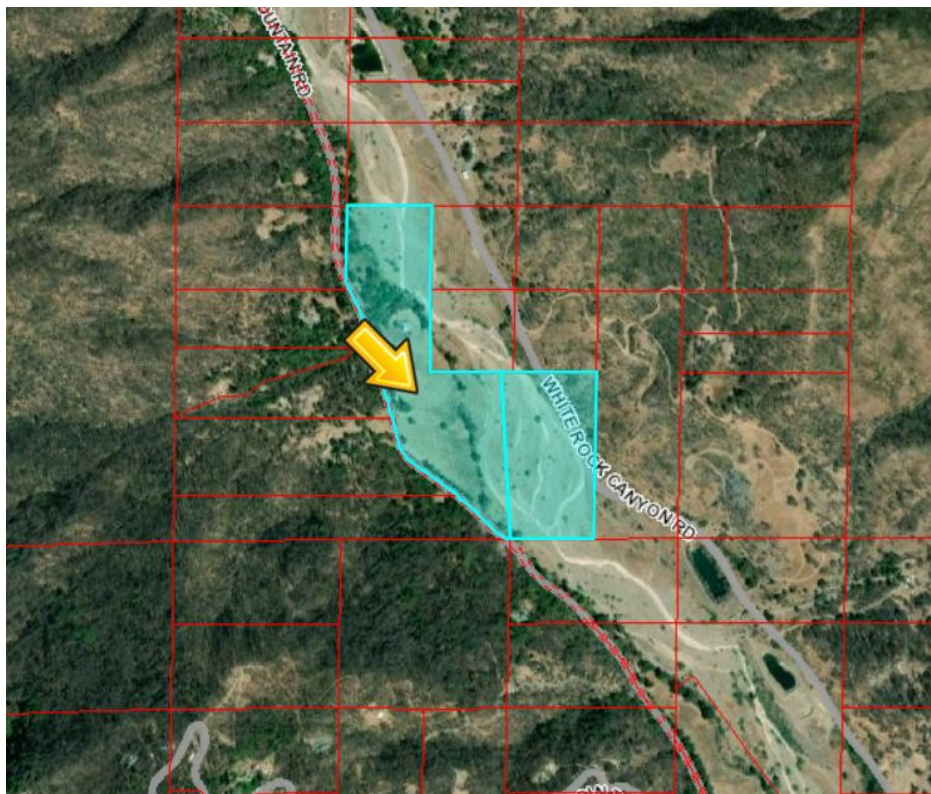
Existing Uses and Improvements: Existing development consists of a pre-existing pole-barn that is approximately 3,200 square feet (According to the applicant the existing barn will not be used commercially).

#### ***Surrounding Uses and Zoning***

North, East and West: “RR” Rural Residential zoned lots that vary between 10 and 20 acres in size. About half of the nearby lots contain dwellings.

South: “RR” and “RL”, Rural Residential and Rural Lands-zoned properties. Lot sizes range from 10 acres to 40 acres. There are several dwellings on the south neighboring lots.

The Project parcel is not within a Community Growth Boundary.



Topography: Cultivation site is relatively flat; a small portion is greater than 10 percent slope.

Soils: The project area contains the following soil types:

- Still Loam (Type 233) which is very deep, well-drained and on alluvial plains; Talmage (Type 237) 0% to 2% percent slopes, which are very deep and somewhat excessively drained soils on alluvial fans and flood plains.

Water Supply: Existing Well

Sewage Disposal: On-site waste management system

Fire Protection: Northshore Fire Protection District

Vegetation: Native grasses and several oak trees

Water Courses: Middle Creek

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

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

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

Resource Conservation is to assure the maintenance or sustained generation of natural resources within the County. The highest priority for these lands is to provide for the management of the County's natural infrastructure. This management should include, but not limited to, functioning as watershed lands which collect precipitation and provide for the important filtering of water to improve water quality. These lands provide important ground water recharge capability which is critical to the maintenance of the ecosystem.

The following General Plan policies relate to site development in the context of this proposal:



## **Land Use**

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.

*Cannabis cultivation is allowed upon issuance of a major or minor use permit depending on its size and characteristics in the Rural Residential zoning district.*

Goal LU-2: is to clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

- Policy LU-2.4 Agricultural/Residential Buffer. The County shall require adequate setbacks between agricultural and non-agricultural uses. Setbacks shall vary depending on type of operation and chemicals used for spraying.

*In reference to the Lake County Zoning Ordinance Article 27, Section 27.11 (at), the county requires a minimum 100 foot setback from all property lines of the subject property, and a minimum of 200 foot setback from any off-site residences. The nearest off-site residence is located approximately 440 feet from the cultivation site. Additionally, Commercial Cannabis Cultivation is prohibited within a 1,000 feet of Community Growth Boundaries, licensed child care facilities, churches, or youth-oriented facilities. The nearest youth-oriented facility is located approximately eight (8) miles southeast from the cultivation site.*

Goal LU-6: “To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents”.

- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

*The proposed Commercial Cannabis Operation, would create diversity within the local economy, and create future employment opportunities for local residents. According to the applicant’s application there is total of five (5) employees proposed at peak shift. The number of employees can increase or decrease depending on the stage of the cultivation season.*

### ***Upper Lake/Nice 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:

- **5.1.1i:** A high priority should be given to providing service and employment opportunities locally.

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

#### Article 8 – Rural Residential (RR)

The Cultivation of Commercial Cannabis is permitted in the "RR" Agricultural Preserve Zoning Districts upon issuance of a Minor/Major Use Permit pursuant to Article 27, Section 27.11 [Table B] of the Lake County Zoning Ordinance. On June 21, 2018, the applicant submitted an application for a Major Use Permit, UP 18-29 for the Cultivation of Commercial Cannabis to the Community Development Department.

#### Article 3 – Waterway Combining District (WW)

A seasonal creek traverses through the parcel and traverses through the northern portion of the parcels property line as well. Pursuant to Article 37 (Waterway Combining District), Section 37.3(b) the minimum setback for intermittent waterways shall be thirty (30) feet from the top of bank. According to the applicant's Site Plans and Property Management Plans all cultivation activities and development shall maintain a minimum of 100 ft. setback from the top of bank.

#### Floodway Fringe Combining District (FF)

A seasonal creek traverses through the parcel and traverses through the northern portion of the parcels property line as well. While a portion of the parcel is located within the flood zone, the proposed project is not within the Flood Zone. According to the applicant's Site Plans and Property Management Plans all cultivation activities and development shall maintain a minimum of 100 ft. setback from the top of bank.

#### Article 34 – Scenic Combining District (SC)

The proposed parcel is partially within the scenic combining district. The scenic layer is approximately 200 feet from the center of the roadway (Elk Mountain Road). The applicant proposes an all outdoor grow and will not be proposing structures that violate the height restrictions.

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 A-Type 3): *Complies, the lot is ±54.96 acres in size. The applicant needs 20 acres for an A – Type 3 and A – Type 2 license, and 5 acres for an A – Type 1C license.*
- Setback from Property Line (100 feet): *Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is about 440 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed fence is 6' tall.*
- Maximum Canopy Area (43,560 square foot maximum for an A – Type 3 “Outdoor”, 10,000 square feet for an A – Type 2 “Small Outdoor”, and 2,500 square for an A – Type 1C “Specialty Cottage”): *Complies; the proposed canopy area would be about 58,320 square feet of outdoor canopy area.*

**General Requirements.** There are several general requirements for cannabis cultivation listed in Section 27.11(at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, etc.

The applicant meets the General Requirements outlined in Section 27 of the Zoning Ordinance. If the requirements have not yet been met, a condition has been added to ensure compliance.

The applicant has also submitted a Property Management Plan, outlining compliance with all regulations pertaining to cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security, compliance monitoring, etc. In addition, the applicant complies with the restrictions pertaining to the prohibited activities listed in Article 27, including but not limited to the removal of trees, illegally diverting water, producing excessive odors, cultivating within a Cannabis Exclusion Area, etc.

**V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Upon staff review, the Major Use Permit has been determined to be Categorically Exempt from CEQA through the following:



- Exemption Class 4 (15304 – Minor Alterations To Land) This class consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature scenic trees except for forestry or agricultural purposes.
  - a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- Exemption Class 3 (15303 – New Construction or Conversion of Small Structures) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
  - a) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The proposed project qualifies for the aforementioned categorical exemptions based on the following:

1. The proposed project is located on a site that has been previously disturbed with agricultural activities. The parcel was historically used for a black walnut orchard. Additionally, the parcel was also used for fodder grasses (winter rye/barley/ fescue) for pasture grazing of livestock which included horses and cattle. Due to the project's history of agriculture, staff has determined the proposed cannabis cultivation would not result in significant impacts to the environment. A Biological Assessment prepared by Jacobszoon & Associates, INC on May 23, 2019 (Attachment 7), initially identified a potential impact on sensitive species. However, a supplemental letter provided by Jacobszoon & Associates, INC on August 31, 2020 (Attachment 6) identified that the parcel has been heavily impacted by past agricultural practices dating back to 1951 and determined that the potential species identified in the original biological assessment have a low potential due to the continual impact and disturbance from planting of livestock fodder and cattle grazing. The proposed project will not significantly impact any plant or animal species as no critical or sensitive habitat was observed within the project area.
2. According to the supplemental letter, the mapped watercourse running through the center of the Study Area (as mapped in the Biological Assessment) has been previously impacted by past agricultural practices and does not have a defined channel. The State Water Board does not recognize this watercourse as a protected watercourse, therefore, the proposed project will not create any further impact. In addition, the proposed project has a minimum 100 foot setback requirement from Middle Creek.
3. A Cultural Resource Evaluation (dated April 14, 2019) was conducted by John W. Parker, Ph.D., RPA for the proposed project (omitted from this Staff Report for confidentiality). According to the study, no significant historic or prehistoric cultural

materials or features were discovered during the field inspection. The study concluded that as no significant historic resources were discovered during the evaluation, it has been determined that no cultural sites exist within the project area.

4. The project will not involve the removal of healthy, mature, scenic trees.
5. Development will not occur within officially mapped areas of severe geologic hazard such as an Alquist-priolo Earthquake fault Zone or within an official Seismic Hazard Zone.
6. Elk Mountain Road is locally designated as a scenic corridor, however, the applicant has provided a minimum of 200 foot setback from Elk Mountain Road. There are also existing trees along the front property line that act as a visual barrier. Additionally, the applicant proposes to install additional vegetative screening along the front property line which would act as a visual barrier as well. Therefore, no impacts to the scenic corridor are anticipated.
7. Lastly, the project will not involve the installation of new structures exceeding 2,500 square feet in floor area, as the total proposed square footage of new structures is approximately 1,688 square feet.

## **VI. MAJOR USE PERMIT 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:

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 proposed use of Commercial Cannabis Cultivation Operation is a permitted use in the "RR" Rural Residential upon issuance of a Major Use Permit pursuant to Article 27 of the Lake County Zoning Ordinance. Prior to the applicant constructing any type of structure(s), the applicant shall obtain the necessary permits from the appropriate Federal, State and/or Local government agencies. Additionally, the Community Development Department would conduct Annual Compliance Monitoring Inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval.*

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 consists of 58,320 square feet canopy area for outdoor cultivation. The proposed ancillary facilities include a 12'X40' ADA accessible office two (2) 5,000 gallon above ground water storage, one (1) 360 square foot chemical/fertilizer storage area, two (2) 4'X6' vegetative & non-hazardous waste storage structures, one (1) 8'X20' storage container, and two (2) 8'X40' storage container. The Lake County Zoning Ordinance allows type 1, 2, 3, and 4 cultivation operations on Rural Residential-zoned land, and the subject site is ±54.96 acres in size combined, 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 Elk Mountain Road (County Maintained). A condition requiring the site to meet Public Resources Code 4290/4291 has been added.*

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.

*There are adequate public utilities and services available to the site, including a permitted well and on-site waste management system. 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 Tribal Agencies. 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.

*The cultivation of commercial cannabis is a permitted use within the RR zoning district upon securing a Major Use Permit pursuant to Article 27 of the Lake County Zoning Ordinance. Additionally, the Lake County General Plan does 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.

*There are no violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on this property.*

In addition to the findings required above for a Use Permit, the following findings are required for approval of a cannabis-specific Use Permit:

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

## **Responses to Article 27, Subsection (at) findings:**

1. This application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance
  - Minimum Lot Size (20 acres per A-Type 3): *Complies, the lot is  $\pm 54.96$  acres in size. The applicant needs 20 acres for an A – Type 3 and A – Type 2 license, and 5 acres for an A – Type 1C license.*
  - Setback from Property Line (100 feet): *Complies; the cultivation site is set back a minimum of 100 feet from the nearest property line.*
  - Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is about 440 feet away from the cultivation area.*
  - Minimum Fence Height of Six (6) Feet: *Complies; the proposed fence is 6' tall.*
  - Maximum Canopy Area (43,560 square foot maximum for an A – Type 3 “Outdoor”, 10,000 square foot for an A – Type 2 “Small Outdoor”, and 2,500 square foot for an A – Type 1C “Specialty Cottage”): *Complies; the proposed canopy area would be about 58,320 square foot of outdoor canopy area.*
  - This report identifies the Application for Background Clearance for a County Permit. The applicant has passed a ‘live scan’ background check, and is qualified to make this application. A condition has been added to the Conditions of Approval that requires all current and/or future employees to undergo and pass a background check through the Lake County Sheriff’s Department.
  - This report identifies the Property Owner’s Approval. The applicant has provided a property owner’s consent form with the submitted Minor Use Permit Application.

## **VII. RECOMMENDATION**

### **Staff recommends the Planning Commission:**

- A. **Find that this project has been found to be Categorical Exempt from CEQA as a Class 3 and Class 4 Exemption.**
  1. The project is consistent with CEQA Categorical Exemption, Class 4 (Minor Alterations to Land), which consists of minor or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
  2. The project is Consistent with CEQA Categorical Exemption, Class 3 (New Construction or Conversion of Small Structures) which consists of

construction and location of limited numbers of new, small facilities or structures.

3. This project remains consistent with the Lake County General Plan, Upper Lake/Nice Area Plan and the Lake County Zoning Ordinance.
4. There has been no change in the project which would create new significant environmental impacts.
5. This project is consistent with land uses in the vicinity.
6. This project will not result in any significant adverse environmental impacts.

**B. Approve Major Use Permit UP 18-29 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, Lower Lake 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, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

**Sample Motions:**

**Categorical Exemption**

I move that the Planning Commission find that the **Categorical Exemption (CE 19-48)** applied for by **Alex Beck** on property located **13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake**, and further described as **APNs: 002-023-90 & 002-023-93** will not have a significant effect on the environment and therefore a Categorical Exemption shall be approved with the findings listed in the staff report dated **September 14, 2020**.

**Major Use Permit (UP 18-29)**

I move that the Planning Commission find that the **Major Use Permit (UP 18-29)** applied for by **Alex Beck** on property located at **13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake**, further described as **APNs: 002-023-90 & 002-023-** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] 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 14, 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.*