



## 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

October 8, 2020

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director  
Tocarra Nicole Smith, Community Development Deputy Director  
Mark Roberts, Principal Planner

Prepared by: Eric Porter, Associate Planner

**DATE:** September 1, 2020

**RE:** **Grow Center Inc. / Jason Jones, Major Use Permit (UP 18-32), and Initial Study (IS 18-40)**

Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Existing and Proposed Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 18-40 and Mitigated Negative Declaration

### **I. EXECUTIVE SUMMARY**

The applicant is requesting approval of a major use permit to allow the cultivation of commercial cannabis. According to the Property Management Plan dated July 16, 2018, the operation will include the following:

- One (1) - A Type 3 "Outdoor" cultivation license to allow approximately 43,560 square feet of canopy area and up to 52,190 square feet of cultivation area. All cannabis will be grown in above ground 50-gallon planters and enclosed within a six (6) foot tall wire fence with privacy screen.
- One (1) A Type 13 Self Distribution License.
- Four (4) - 2,500 gallon water storage tanks.
- Three (3) 15' x 7.5' prefabricated storage structures which will contain pesticides, fertilizers and data storage for the security system.
- The cultivation site is accessible from an existing private access way located off of Jerusalem Grade Road [4290 / 4291 Public Resource Code (CalFire) inspection was conducted on May 31, 2020].

- Water usage and analysis:
  - Well log (undated) received August 21, 2020 showing a total yield of 37 gallons per minute with zero drawdown over a two 920 hour testing period.
  - Data was confirmed via email from well driller Pollack dated August 2, 2020.
  - Water storage (on site): 8,500 gallons.
  - Projected water usage: None provided; typical usage (outdoor) per acre is 30,000 gallons to 60,000 gallons per month using a drip irrigation system. Annual projected usage – 210,000 gallons to 420,000 gallons per year.
- Pesticides, fertilizers, and hazardous materials including gasoline, diesel, and oil will be stored in the proposed agricultural storage sheds.
- Excess vegetated waste will be composted on site in a designated composting area in compliance with Title 14. It is estimated approximately 500 pounds of organic vegetative waste will be produced annually. The growing medium (soil) will be reused from the composted areas.
- Hours of operation are Monday through Saturday, 7:00 AM to 8:00 PM. The operation will not be open to the public.
- Construction is expected to last between one and two months.

Staff is recommending conditional approval of **UP 18-32**.

## **II. PROJECT DESCRIPTION**

Applicant: Center Grow, LLC  
Owner: Jason Jones  
Location: 26066 and 27084 Jerusalem Grade Road, Middletown  
A.P.N.s: 013-017-62 & 013-017-66  
Parcel Size: 79.6+ acres  
General Plan: Rural Lands & Resource Conservation  
Zoning: “RL-WW” - Rural Lands - Waterway  
Flood Zone: D (500 year flood plain)  
Cultivation Area: 52,190 square feet  
Canopy Area: 43,560 square feet  
Cultivation Start Date: June 1, 2020 via early activation

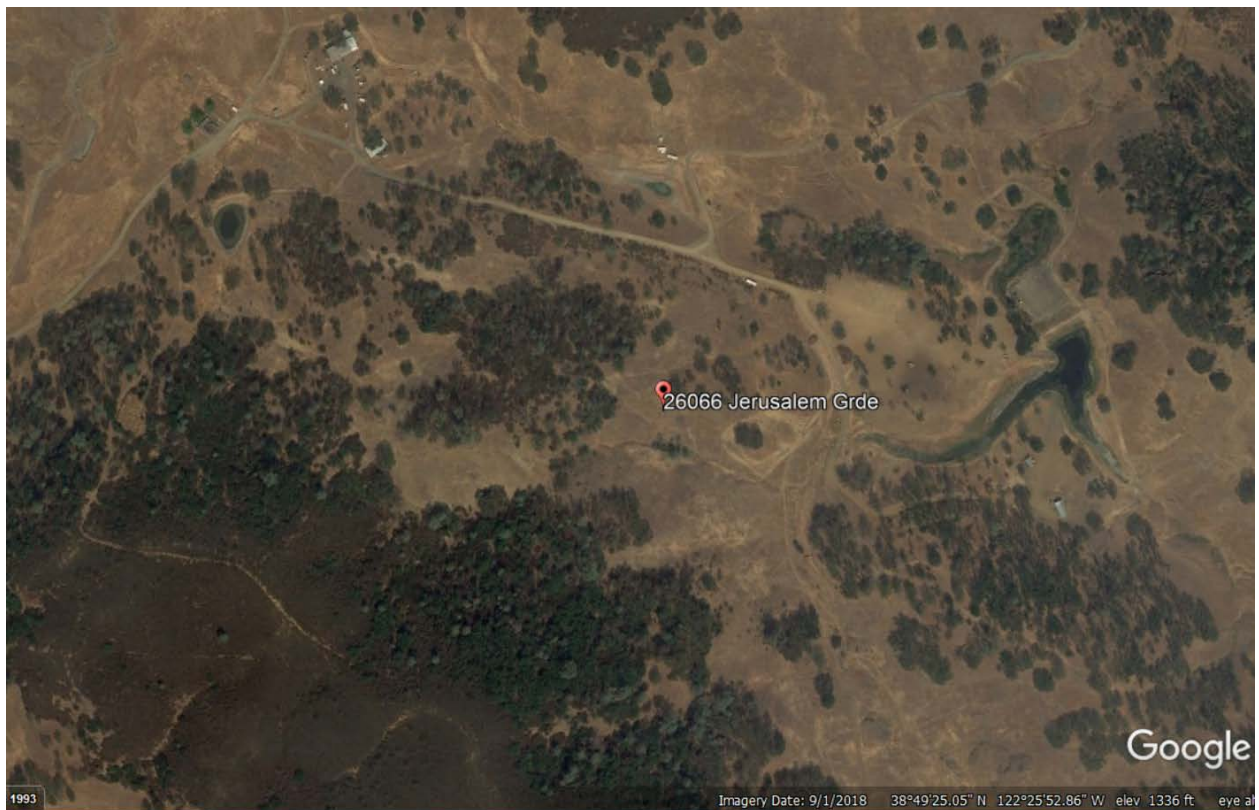
## **III. PROJECT SETTING**

Existing Uses and Improvements: The parcels are approximately 79+ acres in size and contain a well and septic system, although a new septic system will be installed. No other buildings are on the site.

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

North, South and West: “RL” Rural Lands. Parcel sizes generally range from 40 to 160 acres and are mostly undeveloped. There is one dwelling located approximately 1,500 feet to the northwest of the cultivation site.

East: Open Space / BLM land, undeveloped.



**Aerial Photo of Site**



**Zoning Map of Site and Vicinity**

Topography: Less than 20%

Water Supply: Existing Private well which averages 37 gallons per minute.  
Sewage Disposal: Existing On-Site Septic  
Fire Protection: Lake County Fire Protection District  
Vegetation: Oak trees, grass and some manzanita brush

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

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

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

Rural Lands and Resource Conservation 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 and retention of open space. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields.

***Response:*** The project parcel is located in a rural area of the county with an average cross slope of less than 20%. Additionally, the proposed use is in conformance with the applicable provisions and policies of the Lake County Zoning Ordinance as the cultivation of commercial cannabis is an allowable use within the “RL” Rural Lands Zoning Designation upon securing a minor/major use permit pursuant to Article 27 of the Lake County Zoning Ordinance. On July 6, 2018, the applicant submitted a major use permit to the Community Development Department for processing.

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

##### **Open Space**

- ***Goal OSC-1 Biological Resources.*** To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.

***Response:*** The proposed cultivation area is located approximately 800 feet from public lands, however, a recent change to Article 27 regarding setbacks from public land excludes the 1000 foot setback when the public land is not used for active or passive recreational purposes. In this case the eastern property is not developed; does not contain off-road HOV activities or any other public recreational uses.

*Commercial cannabis cultivation has a relatively small impact on properties depending on how large the cultivation activity is, and the extent of site preparation needed. In this case the footprint is about 52,000 square feet, or about 1% of the 79+ acre property.*

### Economic Development

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”.

**Response:** *The proposed Commercial Cannabis Operation, would create diversity within the local economy, create future employment opportunities for local residents and allow the expansion of industrial and non-industrial corporate developments.*

### **Middletown Area Plan Conformance**

The Middletown Area Plan does not contain policies that address cultivation of commercial cannabis, however it does contain several objectives and policies related to Agriculture and Economic Development, including but not limited to the following: follows:

#### Economic Development Objective

According to the Lake County Economic Development Plan approved in 2002: “Overall local feeling will lead the economic development effort to concentrate on recruiting small cottage businesses (typically with 20 or fewer employees), distance arrangements (home and online offices), residential and golf course development, resort and tourism related businesses (where the factors the community wants to keep in place are also important to bringing in visitors), and retail shops to keep the spending within the community.”

**5.1.5** Encourage comprehensive economic development efforts for the long-term benefit of the Planning Area aimed at increasing local employment opportunities.

**Response:** *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. The number of employees can increase or decrease depending on the stage of the cultivation season.*

### Service Systems

**5.4.1d** Development proposals shall be carefully reviewed to ensure that sewage capacity is adequate and that developments can be adequately served or improved to accommodate the development.

**Response:** *The proposed operation has access to an on-site restroom that relies on an existing on-site septic waste management system, which is able to support the proposed number of employees.*

### **Zoning Ordinance Conformance**

The site is zoned “RL-WW” - Rural Lands – Waterway.

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.

**Response:** *The site was evaluated for compliance with the RL zoning district requirements and found to be consistent with all applicable regulations. The commercial cannabis use is allowed in the RL zoning district subject to review and compliance with Article 27, subsection (at) commercial cannabis regulations, and subject to compliance with all sub-zoning districts including the “WW” Waterway subzone.*

Article 37 Waterway (WW). The purpose of this zoning designation is to protect, preserve, and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats, including but not limited to protecting water quality; erosion control through best management practices, and protecting the public health and safety.

**Response:** *Pursuant to Article 27 of the Lake County Zoning Ordinance, the proposed use must be a minimum 100 feet away from top of bank of any waterway (seasonal or year-round. According to the applicant Property Management Plan and Site Plans, the proposed use has met this requirement. Additionally, the applicant has provided engineered drainage and erosion control plans that show the cultivation area will not inadvertently have chemical spillage occurring through stormwater runoff or any other obvious means. Conditions of Approval and/or mitigation measures have been incorporated to reduce any potential impact to less than significant.*

### Article 27 – Commercial Cannabis Cultivation

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.

**Response:** *The cultivation of commercial cannabis is an allowable use within the rural lands zoning designation upon issuance of a minor or major use permit, pursuant to Article 27, Section 27.11 (Table B) of the Lake County Zoning Ordinance [Type A-Type 3 license allows up to 43,560 square feet of canopy per license and requires 20 acres]. The project is proposing one A-Type 3 license and is compliant with all requirements listed in Article 27 (see below).*

**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 79 acres in size. The applicant has applied for one A-Type 3 (medium outdoor) cultivation license and one Type 13 ‘Self Distribution License’, which is under consideration herein.*
- Setback from Property Line (100 feet): *Complies; the applicant owns both adjoining lots, so the cultivation area is allowed to cross over the property line as shown on the site plan. The nearest property line associated with the outer lot boundary is over 500 feet from the cultivation area.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling unit is located approximately 1,500 feet away from the cannabis cultivation area.*
- Fence Height between Six (6) and Eight (8) Feet: *Complies, the proposed fence height is eight (8) feet.*
- Maximum Canopy Area (43,560 square feet): *The proposed canopy area is 43,560 square feet (one acre) in size.*
- Maximum Cultivation Area (65,000 square feet): *Complies. The applicant is proposing 52,190 square feet of outdoor cultivation area.*

## **General Requirements**

Section (at) of Article 27 of the Lake County Zoning Ordinance lists General Requirements for application submittal. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner(s) approval, complying with hours of operation and deliveries, access requirements, etc.

***T Response:** he applicant has submitted all necessary application materials (Property management Plan, Site Plans, etc.) and Conditions of Approval have been incorporated to insure continuous compliance.*

## **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. The Community Development Department has conducted an environmental analysis (Initial Study- Attachment 6) and has determined that 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.

**Air Quality.** The project is located in a rural area of the County and protected by the natural steep topography, the proposed use of Commercial Cultivation of Cannabis has the potential to result in high air quality impacts to the surrounding area. Additionally, dust and fumes may be released as a result of the proposed cannabis operation, vegetation removal, grading, vehicular traffic, including small delivery vehicles and/or use of

construction and routine maintenance equipment. Therefore, the implementation of the mitigation measures below would reduce any potential Air Quality impacts to less than significant.

- AQ-1: Prior to cultivation, the applicant shall submit an Odor Control Plan to the Community Development Department for review and approval.
- AQ-2: All Mobile diesel equipment used for construction and/or maintenance shall 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.
- AQ-3: Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by use of water or other acceptable dust palliatives to mitigate dust generation during and after site development.
- AQ-4: 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 to the Lake County Air Quality Management District.
- AQ-5: 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.
- AQ-6: 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.
- AQ-7: All areas subject to infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.
- AQ-8: No more than a maximum speed limit of 15 mph will be permitted.

**Biological Resources.** According to the application material submitted, Center Grow conducted a biological site survey with the assistance of the North Coast Resource Center in June, 2018. The project has the potential to affect nesting birds in areas of high tree density, and the oak trees in the surrounding area provide a potential nesting habitat. The applicant, in consultation with a registered biologist, will protect any active nests with a 50 to 100 foot buffer. The project will maintain all existing and naturally occurring vegetative cover and does not propose the removal of any vegetation. Additionally, implementation of mitigation measures below would further reduce impacts to less than significant.



- BIO-1: A qualified biologist will conduct a breeding bird survey no more than 14 days prior to any project activities, including any ground disturbance that occurs within the breeding season (February 1 through August 31). If active nests are found close enough to the study to affect breeding success, the biologist will create an appropriate exclusion zone around the nest based upon species requirements.
- BIO-2: Prior to construction all workers on the crew shall be trained by a qualified biologist as to the sensitivity of the turtle potentially occurring in the project area.
- BIO-3: Hazardous materials such as fuels, oils, solvents, etc., will be stored in sealable containers in a designated location at least 200 feet from all aquatic habitats. All fueling and staging of equipment will occur at least 200 feet from any aquatic habitat. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils or solvents.

***Cultural / Tribal Cultural Resources and Geological Resources.*** A Cultural Resources Evaluation was conducted for the subject parcel involved with this proposal by Jay Flaherty of Flaherty Cultural Resource Services (FCRS) on August 9, 2019.

According to the Cultural Resource Evaluation there was a previous archaeological survey conducted in 1990 and one prehistoric site was discovered at that time. In 2019 the area was once more surveyed and the same 1990 site was discovered. The current area that is fenced off for the proposed commercial cannabis grow has already impacted a portion of the historic site. Flaherty Cultural Resource Services was told that there will be no further ground disturbance as the growing method will be strictly above ground. It is recommended to avoid any additional ground disturbing activities. It is also recommended that any project development activity be monitored by a Native American and archaeologist to assure that no future disturbance occurs on the archaeological site.

- 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 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 with California Health and Safety Code section 7050.5.
- 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 Middletown Rancheria or other 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.
- CUL-3: No further ground disturbance can occur within the identified

archaeological site(s).

- CUL-4: Any ground disturbing activities shall be monitored by the local overseeing Tribe and a licensed Archaeologist to assure that any significant artifacts or remains discovered are respectfully relocated and/or interred.

**Noise.** Short-term increases in ambient noise levels to uncomfortable levels could be expected during project grading and/or construction. Therefore, the implementation of the mitigation measures below would reduce any potential noise impacts to less than significant.

- NOI-1: All construction activities including engine warm-up shall be limited to 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.
- NOI-2: Maximum non-construction related sound 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.
- NOI-3: 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.

**Wildfire Resources.** *The project parcel is located in a rural area of the County and is located within the State Responsibility Area (SRA). Upon review, the Community Development Department conducted a 4290/4291 site inspection to insure compliance with the applicable federal, state and local agency requirements.* Therefore, the implementation of the mitigation measures below would reduce any potential wildfire impacts to less than significant.

- WILD-1: All regulations in the California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, and Article 1 through 5 shall apply to this application/construction.
- WILD-2: All regulations in the California Building Code, Chapter 7 A, Section 701 A, 701 A.3 .2.A.
- WILD-3: All regulations in the California Government Code, TITLE 5. LOCAL AGENCIES [50001 - 57550], DIVISION 1. CITIES AND COUNTIES [50001 - 52203], PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5], CHAPTER 6.8. Very High Fire Hazard Severity Zones [51175 - 51189], Section 51182.
- WILD-4: This shall include, but not be limited to property line setbacks for structures that are a minimum of 30 feet, addressing on site water storage for fire protection, driveway/roadway types and specifications based on designated

usage, all weather driveway/roadway surfaces engineered for 75,000lb vehicles, maximum slope of 16%, turnouts, gates (14 foot wide minimum), gate setbacks (minimum of 30 feet from road), parking, fuels reduction including a minimum of 100 feet of defensible space. If this property will meet the criteria to be or will be a CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291 .3 requiring 300 feet of defensible space and fuels reduction around said structure.

[http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_codes](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes)

## **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:

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 project is located in a rural area of the County and the nearest off site residential dwelling unit is approximately 1,500 feet away to the north-west. The Community Development Department has conducted an environmental analysis (Initial Study - Attachment 6) and has determined that the proposed use would not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood as all potential impacts have been reduced to less than significant with the incorporated mitigation measures and conditions of approval. Potential impacts identified are related to air quality, biological resources, cultural / tribal / geologic resources, noise and wildfire.*

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 52,190 square feet of outdoor cultivation area and an A-Type 13 Self Distribution license. The Lake County Cannabis Ordinance allows Type 1, 2, 3 and 4 cultivation operations on rural lands zoned properties when it meets the various size and locational criteria and standards. The applicant seeks one cultivation license, which requires a 20 acre minimum. The subject site is over 79 acres in size, and exceeds the minimum lot size to obtain the requested license type.*

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

*The proposed site is currently accessible through a private access way located off of Jerusalem Grade Road, an unpaved road that is County-maintained up to the bridge. On May 31, 2020, the Community Development Department*

*conducted a 4290/4291 inspection and determined the project meets the requirements to be classified as exempt from the 4290/4291 requirements as there are no structures onsite that would be used as part of 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.

*The project parcel is currently served by an existing permitted onsite waste management system (septic) and existing private well. The private well produced approximately 37 gallons per minute.*

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 proposed use is in conformance with the applicable provisions and policies of the Lake County Zoning Ordinance as the cultivation of commercial cannabis is an allowable use within the “RL” Rural Lands Zoning Designation upon securing a minor/major use permit pursuant to Article 27 of the Lake County Zoning Ordinance. On July 6, 2018 the applicant submitted a major use permit to the Community Development Department for processing. The General Plan and the Middletown Area Plan do not have any specific provisions for commercial cannabis, but the General Plan 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.

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

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

- (1) The proposed use complies with all development standards described in Section 1.i

**Response:** *This staff report identifies the development standards that apply to cannabis cultivation in Lake County. The cultivation of commercial cannabis is permitted within Rural Lands districts upon issuance of a use permit, pursuant to Section 27.11 (Table B) of the Lake County Zoning Ordinance. The applicant meets all of the General Requirements outlined in Section (at) of Article 27 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 operation and deliveries, access requirements, etc. If the requirements have not yet been met, a condition has been added to assure compliance.*

- (2) The applicant is qualified to make the application described in Section 1.ii.(g)

**Response:** *The applicant has passed a ‘live scan’ background check, and are qualified to undertake a commercial cannabis cultivation activity subject to approval of this use permit.*

- (3) The application complies with the qualifications for a permit described in Section 1.ii.(i)

**Response:** *This application complies with all qualifications for a permit described in Section 3.ii.(f) as the applicant(s) is requesting approval of a major use permit pursuant to Article 27 of the Lake County Zoning Ordinance to the cultivation of commercial cannabis.*

## **VIII. RECOMMENDATION**

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

#### **A. Adopt Mitigated Negative Declaration (IS 18-40) for Use Permit (UP 18-32) with the following findings:**

1. 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, AQ-4, AQ-5, AQ-6, AQ-7 and AQ-8.
2. 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 and BIO-3.
3. Potential environmental impacts related to Cultural, Tribal Cultural Resources and Geological resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, CUL-3 and CUL-4.
4. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
5. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measure WILD-1, WILD-2, WILD-3 and WILD-4.
6. This project is consistent with land uses in the vicinity.
7. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
8. As mitigated through the aforementioned mitigation measures and specific conditions of approval, this project will result in less than significant environmental impacts.

9. Any changes to the project will require an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

**B. Approve Use Permit UP 18-32 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.

**Sample Motions:**

***Mitigated Negative Declaration***

I move that the Planning Commission find that the **Initial Study (IS 18-40)** applied for by **Center Grow LLC** on property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, and further described as **APNs: 013-017-62 & 013-017-66** will not have a significant effect on the environment with mitigation measures described therein, and therefore a mitigated negative declaration and associated mitigation monitoring reporting program shall be approved with the findings listed in the staff report dated **September 1, 2020**.

***Major Use Permit (UP 18-32)***

I move that the Planning Commission find that the **Use Permit (UP 18-32)** applied for by **Center Grow LLC** on property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, and further described as **APNs: 013-017-62 & 013-017-66** 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 **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: \_\_\_\_\_