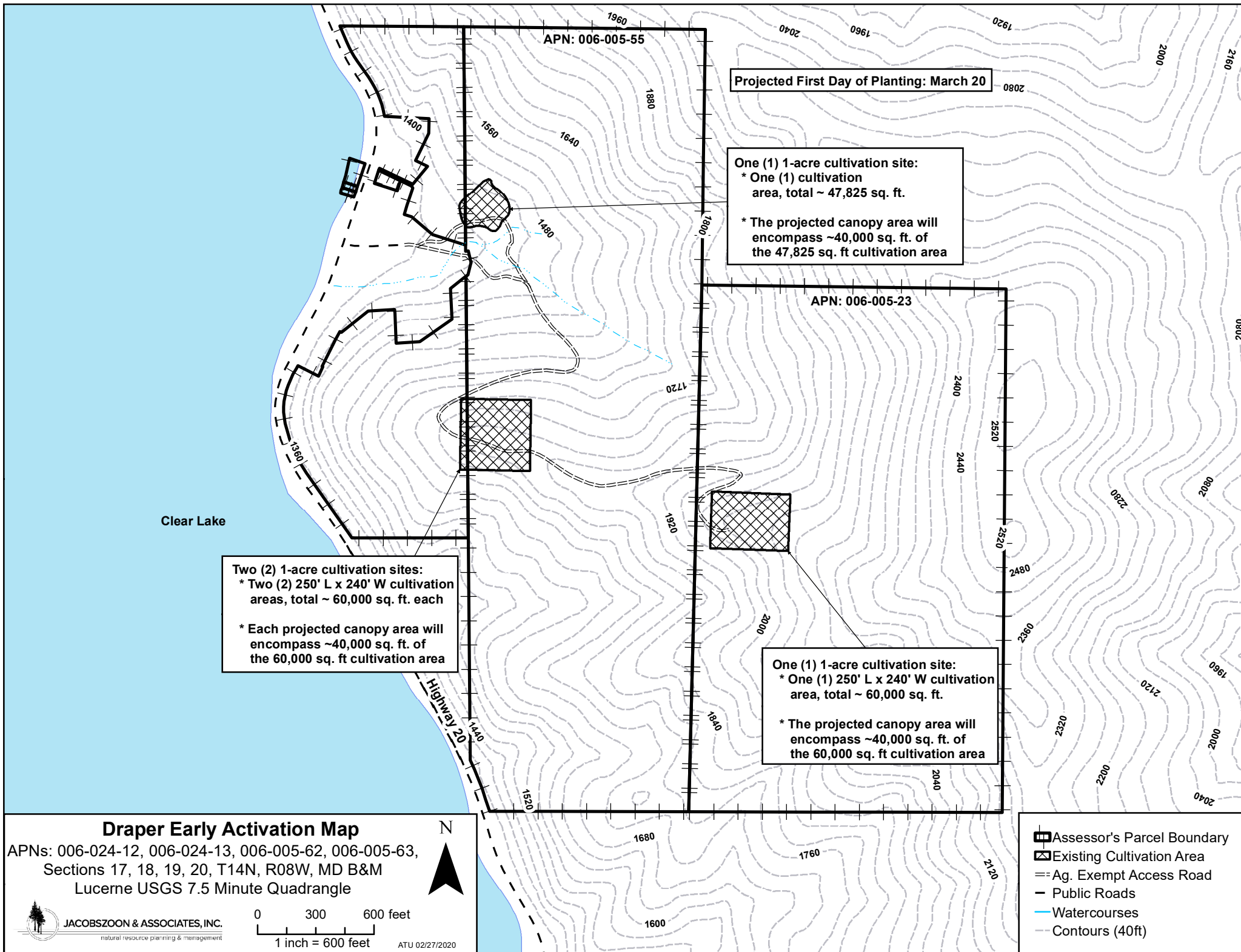


**JACOBSZOOM & ASSOCIATES**  
NATURAL RESOURCE PLANNING & MANAGEMENT  
117 CLARA AVE UKIAH, CA 95482 707-485-5544

Drawn By: SLW 11/13/2017

Manafian Plot Plan  
Applicant: Jason Manafian  
Address: 7004 and 7242 State HWY 20  
Lucerne, CA 95458  
APN: 006-005-230, 006-005-550, 006-024-090, 006-025-130  
Acres: 242  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle



2 one acre cultivation sites

537 ft.

3.5 acres /  
perimeter:  
1,560ft

There will be  
two 250' x 240'  
fenced in areas  
which each will  
equal 60,000 square feet

461 ft.

1 one acre  
cannabis  
cultivation  
site

1.5 acres /  
perimeter:  
1,050ft

250' x 240'  
fenced in  
area for  
a total of  
60,000 square  
feet

396 ft.

755 ft.





Property Owner: Mary Draper  
Owner Address: 9475 Bottle Rock Road, Kelseyville, CA 95451  
Owner Contact Information: 209-915-8963, marydraper55@yahoo.com

Applicant: Jason Manefian  
Applicant/Property Address: 7004 & 7242 State HWY 20, Lucerne, CA 95458  
Applicant Contact Information: Unavailable



DANOR INVESTMENTS LLC



**JACOBSZOOM & ASSOCIATES, INC.**

natural resource planning & management

Drawn By: SLW 11/13/2017

### DRAPER ~~MANEFIAN~~ Site Plan

Property Address: 7004 & 7242 State HWY 20, Lucerne, CA 95458  
APN: 006-005-290, 006-005-550, 006-024-090, 006-025-130

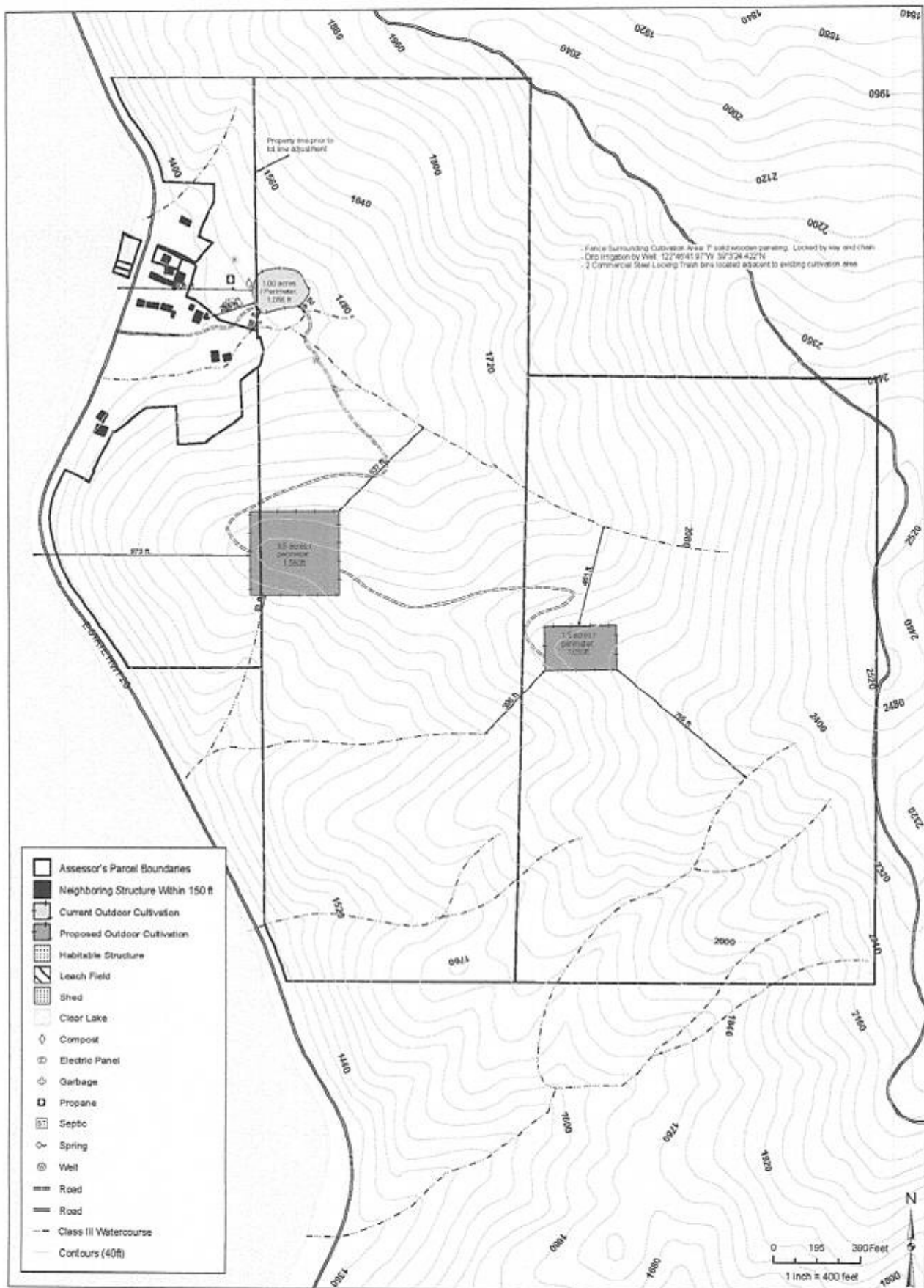
Area of Parcel: 242 Acres  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle

0 1,000 2,000 Feet







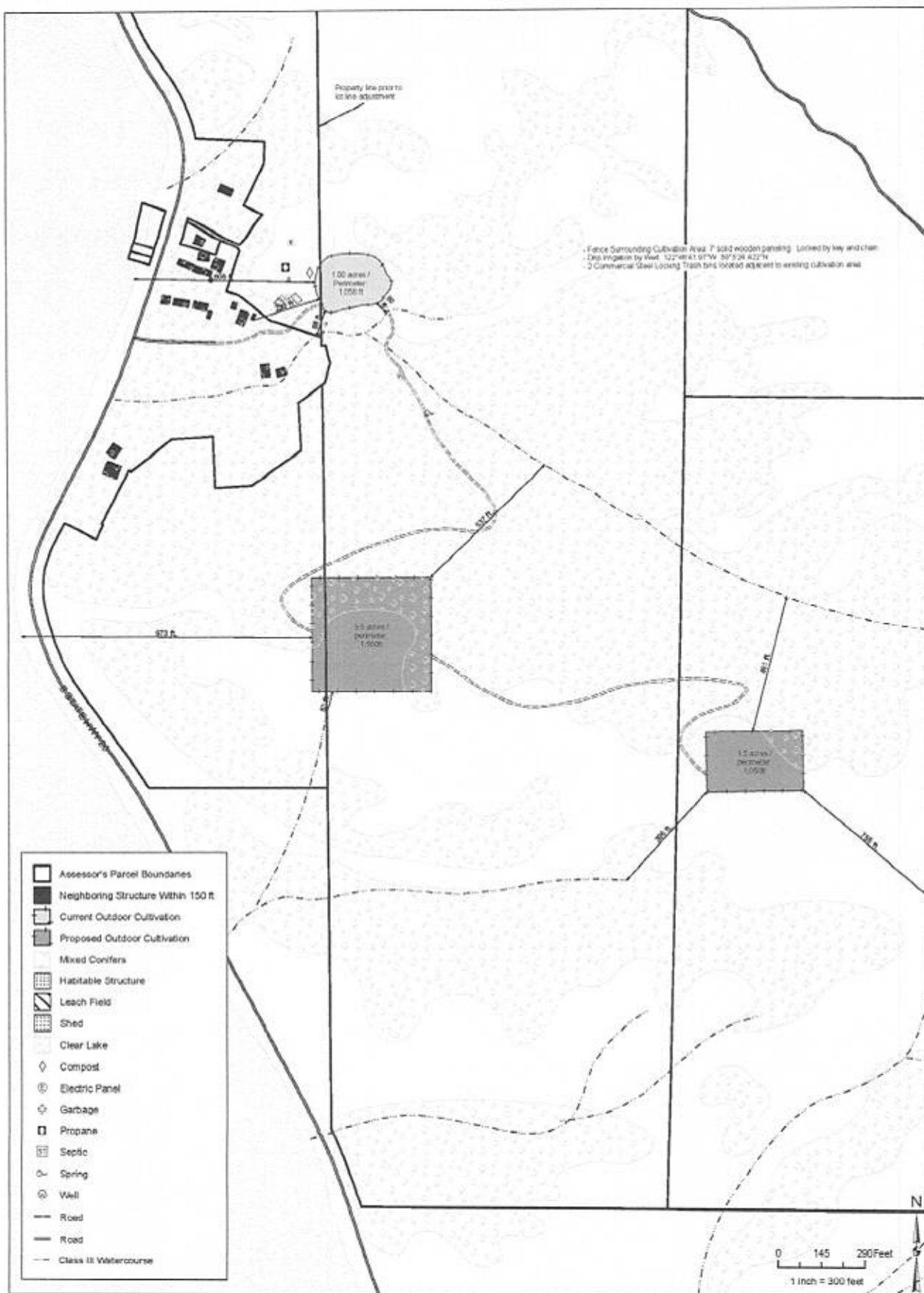


**JACOBSZOOM & ASSOCIATES, INC.**  
natural resource planning & management

Drawn By: SLW 11/27/19

Manafian Sheet 3 Contours  
Applicant: Jason Manafian  
Address: 7004 and 7242 State HWY 20  
Lucerne, CA 95458  
APN: 006-005-230, 006-005-550, 006-024-090, 006-025-130  
Acres: 242  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle



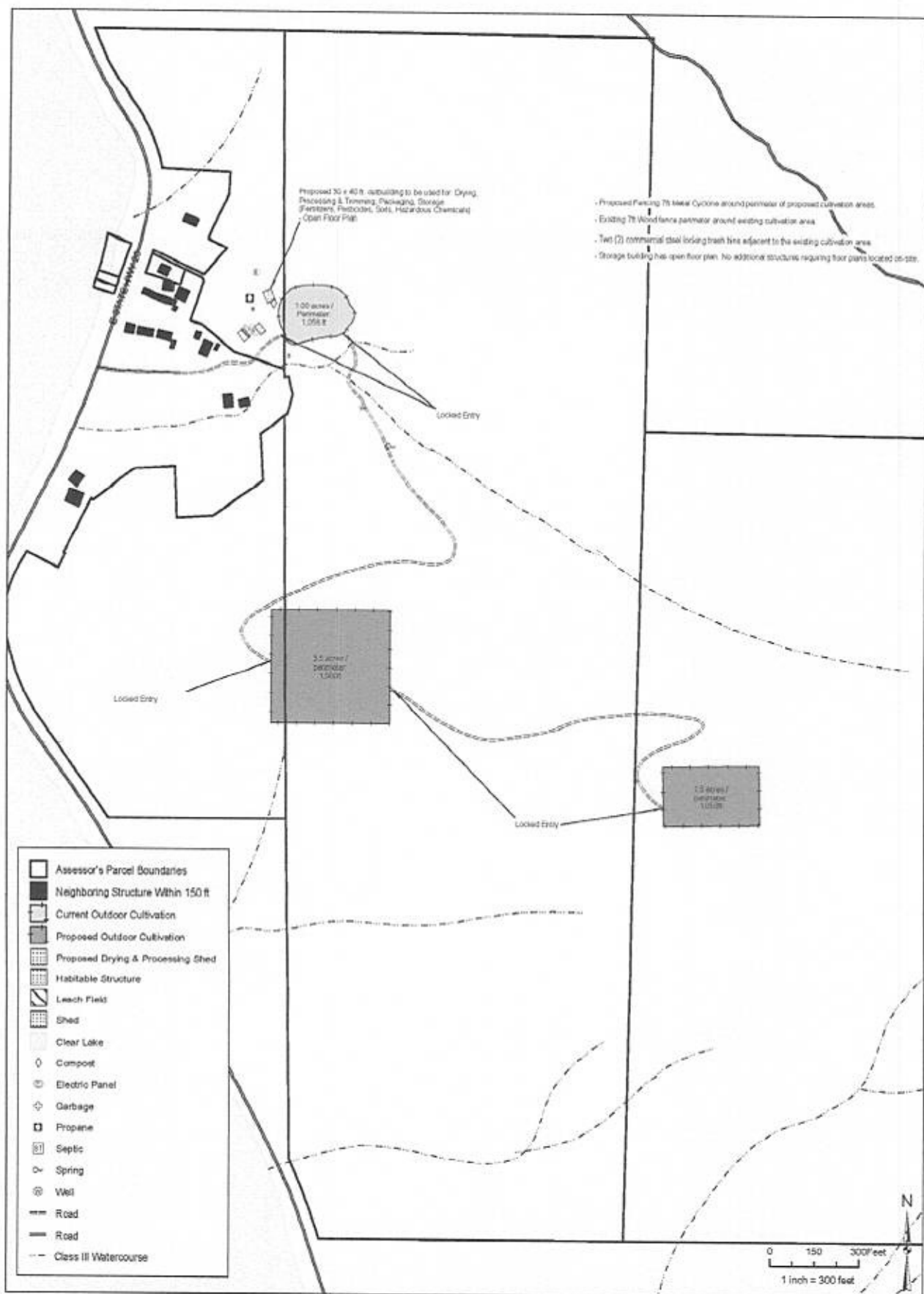


**JACOBSZON & ASSOCIATES, INC.**  
natural resource planning & management

natural resource planning &amp; management

Drawn By: SLW 11/27/19

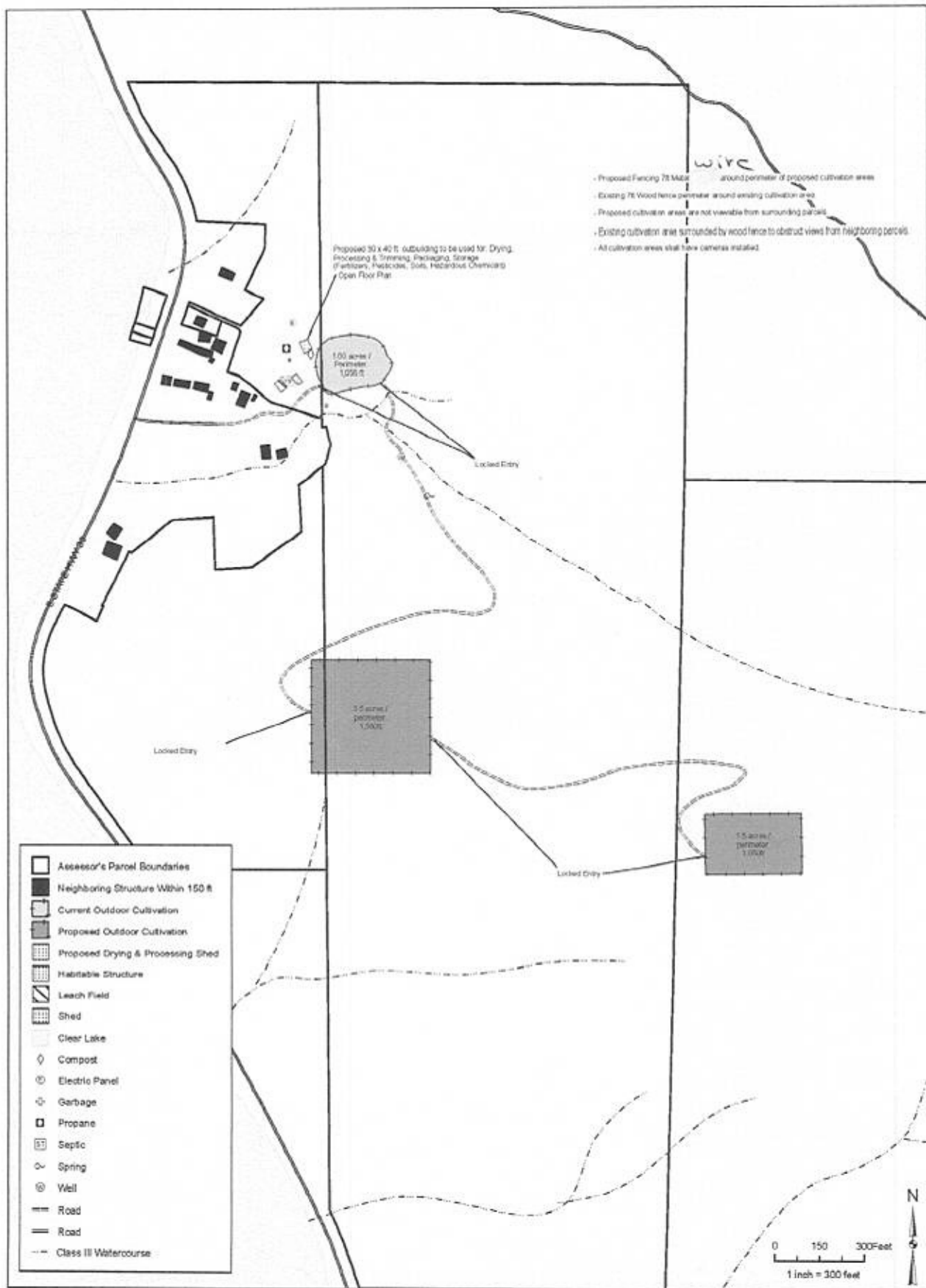
Manafian Sheet 3 ZOOM  
Applicant: Jason Manafian  
Address: 7004 and 7242 State HWY 20  
Lucerne, CA 95458  
APN: 008-005-230, 008-005-550, 008-024-090, 008-026-130  
Acres: 242  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle



**JACOBSZOOM & ASSOCIATES, INC.**  
natural resource planning & management

Drawn By: SJW 11/27/19

Manafian Sheets 5 & 6  
Applicant: Jason Manafian  
Address: 7004 and 7242 State HWY 20  
Lucerne, CA 95458  
APN: 006-005-230, 006-005-550, 006-024-060, 006-025-130  
Acres: 242  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle



**JACOBSZOOM & ASSOCIATES, INC.**  
natural resource planning & management

Drawn By: SLW 11/27/19

Sheet 7  
Applicant: Jason Manafian  
Address: 7004 and 7242 State HWY 20  
Lucerne, CA 95458  
APN: 006-005-230, 006-005-550, 006-024-090, 006-025-130  
Acres: 242  
Section 21, T14N, R08W, MDB M  
Lucerne USGS 7.5 Minute Quadrangle



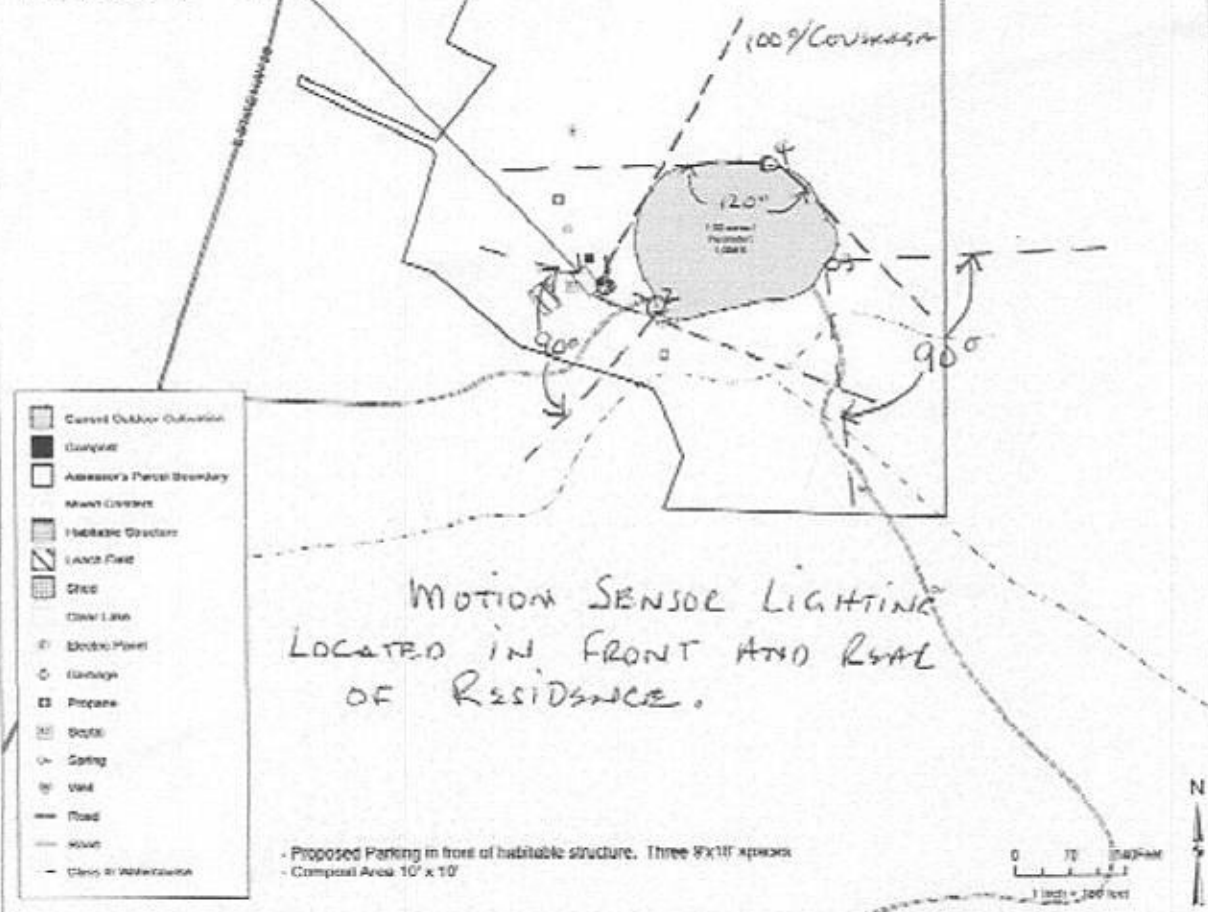


## - CAMERA SECURITY -

- 1) CAMERA #1 LOCATED ON ROOF OF RESIDENCE WITH 100° OBSERVATION
- 2) CAMERA #2 LOCATED AT GATE TO GROW WITH MOTION SENSOR AND AZIMUTH 90° COVERAGE
- 3) CAMERA #3 LOCATED AT BACK GATE WITH MOTION SENSOR AND AZIMUTH CAPABILITY 90°
- 4) CAMERA #4 LOCATED AT ROOF OF GROW WITH ABILITY TO VIEW ENTIRE GROW AREA 120° VISIBILITY.

RECORDING EQUIPMENT  
LOCATED INSIDE RESIDENCE

DATA GOES TO  
A PHONE!

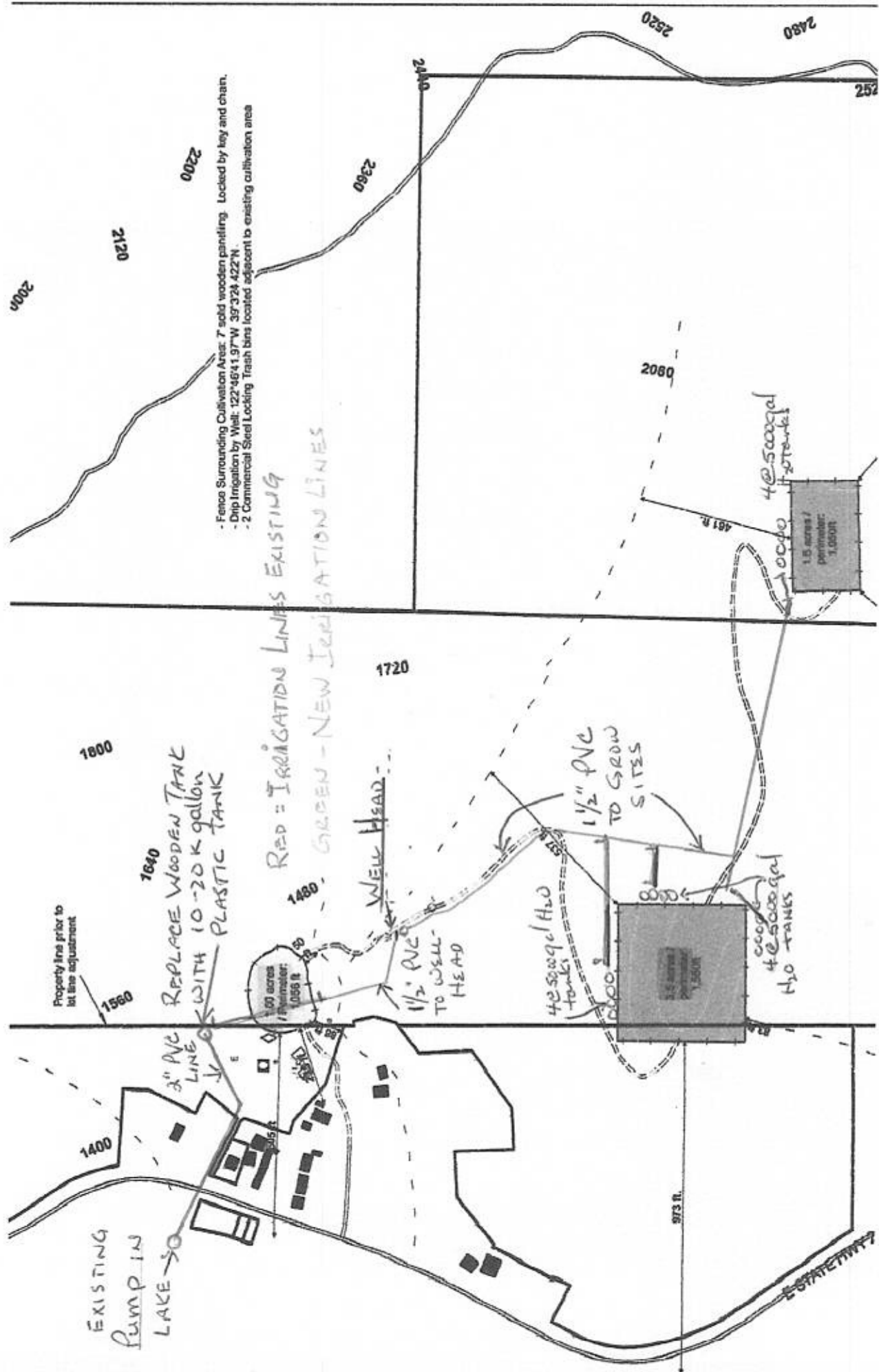


**JACOBSZOON & ASSOCIATES, INC.**  
natural resource planning & management

Drawn By: SJW 2/11/13

Robert Draper  
Applicant: Draper  
Address: 7104 State HWY 20  
Lucerne, CA 95658  
APN: 006-024-080  
Acres: 9  
Section 21, T14N, R06W, M06M  
Lucerne USGS 7.5 Minute Quadrangle





# ENVIROSTOR

7004 E. Hwy 20 Lucerne, CA

## Cleanup Sites

- ☒ ☐ Federal Superfund
- ☒ ☐ State Response
- ☒ ☐ Voluntary Cleanup
- ☒ ☐ School Cleanup
- ☒ ☐ Evaluation
- ☒ ☐ School Investigation
- ☒ ☐ Military Evaluation
- ☒ ☐ Tiered Permit
- ☒ ☐ Corrective Action

## STATUS

All Statuses

## Permitted Sites

- ☒ ☐ Operating
- ☒ ☐ Post-Closure
- ☒ ☐ Non-Operating

Other Sites

GIS Layers

[TAKE A TOUR](#)[SHARE THIS MAP](#)

Church of Christ

E Hwy 20, Lucerne, CA 95458, USA

SITES WITHIN 3000 FEET OF THIS LOCATION

[REMOVE SEARCH RADIUS](#)

Lucerne Pharmacy

Pepperwood  
Grove

The "Chill Spot"

Google

200 m

[Map](#) • [Report a map error](#)[EXPORT THIS LIST TO EXCEL](#)

PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
--------------	--------	--------------	---------	------



## ENVIROSTOR

7004 e. hwy 20 lucerne, ca

Map Address

## Sites and Facilities

## Cleanup Sites

- ☒ Federal Superfund
- ☒ State Response
- ☒ Voluntary Cleanup
- ☒ School Cleanup
- ☒ Evaluation
- ☒ School Investigation
- ☒ Military Evaluation
- ☐ Tiered Permit
- ☒ Corrective Action

## STATUS

All Statuses

## Permitted Sites

- ☒ Operating
- ☒ Post-Closure
- ☒ Non-Operating

## Other Sites

## GIS Layers

## Tools

[TAKE A TOUR](#)[SHARE THIS MAP](#)

E Hwy 20, Lucerne, CA 95458, USA

SITES WITHIN 1000 FEET OF THIS LOCATION 60

Pepperwood  
Grove

Glenhaven

Buckingham  
ParkClear Lake  
State Park

Google

1 km

Map | Report a map error

SITES CURRENTLY VISIBLE ON MAP

0 SITES LISTED

[EXPORT THIS LIST TO EXCEL](#)

PROJECT NAME

STATUS

PROJECT TYPE

ADDRESS

CITY



## 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 3

9:15 AM

December 10, 2020

## STAFF REPORT

**TO:** Planning Commission

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

Prepared by: Eric Porter, Associate Planner

**DATE:** September 24, 2020

**RE:** **Mary Draper (Lucerne Property); Major Use Permit (UP 19-01) and Initial Study (IS 19-03).** APNs: 006-024-12 and 13; 006-005-62 and 63

Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plans
6. Initial Study IS 19-03
7. Tree Removal Plan

### **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):

- Four (4) A-Type 3 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. The applicant is proposing 260,000 sq. ft. of cultivation area with an estimated 220,000 sq. ft. of canopy area. The applicant is proposing four individual cultivation areas; three of the areas are each 60,000 sq. ft., and the fourth is 47,825 sq. ft.
- One (1) A-Type 13 Self Distribution license.
- Two (2) 1,500 sq. ft. sheds to use as drying buildings.
- One (1) 1,350 sq. ft. Agriculture Exempt barn.

- 6' tall security fencing to enclose the cultivation areas.
- Twelve (12) 5,000 gallon water tanks.
- One (1) 10,000 gallon water tank.

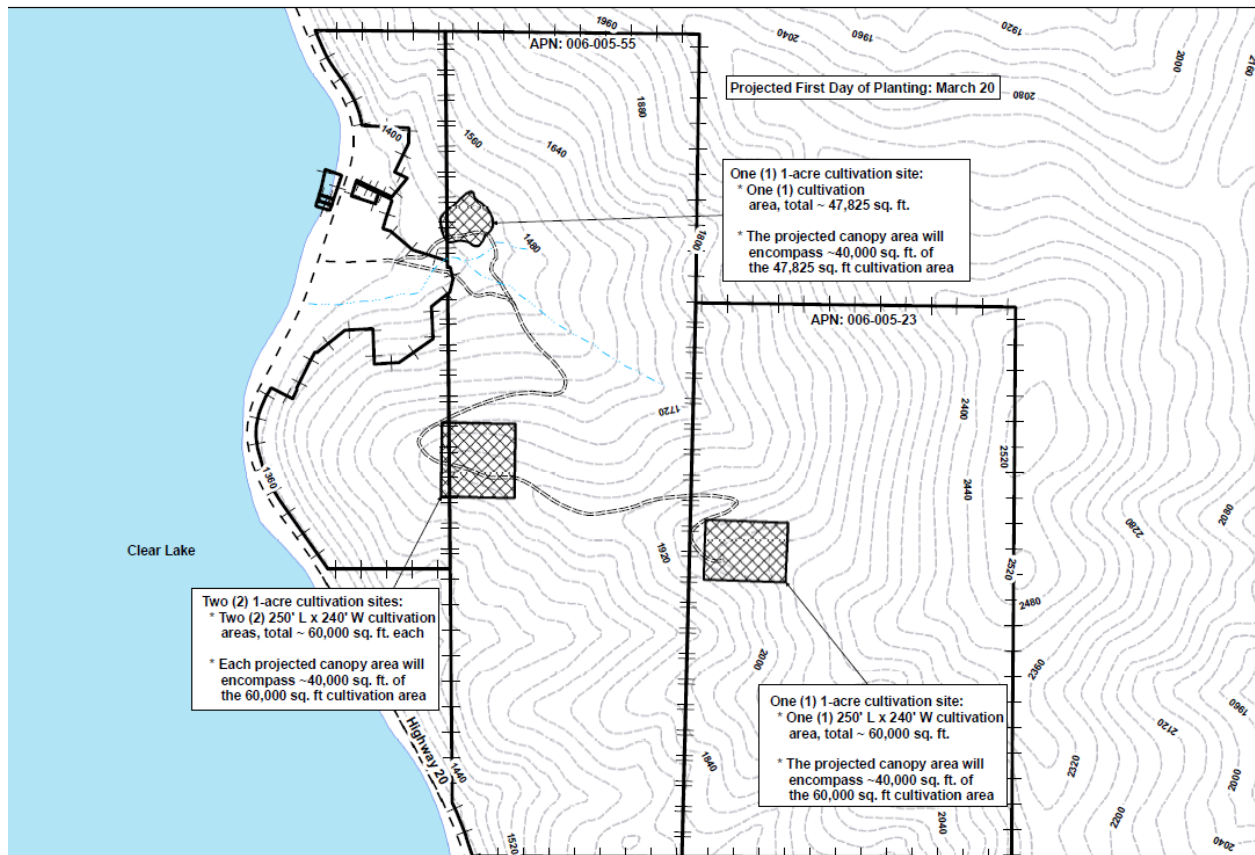
### **Water Usage**

The cultivation areas will be served by a drip irrigation system. The applicant is proposing twelve 5,000 gallon water storage tanks, and one 10,000 gallon water storage tank. Water sources include an on-site well and 1898 water rights to water from Clear Lake.

A Water Availability Analysis was conducted on January 9, 2020 by Lake County Pump and Water Services. The test consisted of a four hour well run that took intermittent well level and flow readings. The rate of flow varied from 37.87 gallons per minute at the end of the four hour run, to 70 gallons per minute at the start of the run. The water level started at 2.47 feet, and dropped to 100.32 feet near the end of the test. No recharge rate level test was conducted at the end of the well run.

Estimated water usage is between 1,000,000 and 2,000,000 gallons per harvest season. Using a median figure of 50 gallons per minute flow rate, the well is capable of producing up to 12,960,000 gallons of water over a six month (estimated) harvest period of time. This is not including water rights that the applicant has to Clear Lake water, identified as the 'backup water source'.

The backup water source, Clear Lake, is included within a Grant Deed dated August 27, 1898, and which allows water to be taken from Clear Lake for irrigation purposes. The amount of prescribed water allowed per year is not defined within this grant deed. The applicant has stated in an email dated September 2, 2020 that there is no limit to the amount of water prescribed in this grant deed.



The applicant is proposing the removal of 18 coastal oak trees that are within the boundary area of 'Garden 4'. Article 27, subsection (at)(iii), "Prohibited Activities", states that tree removal should be avoided. The specific wording is as follows:

*(a) Tree Removal*

*The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* species) or Tan Oak (*Notholithocarpus* species.) for the purpose of developing a cannabis cultivation site **should be avoided and minimized**. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.*

Staff has addressed this by adding Mitigation Measure AES-1, which requires tree replacement at a 5 to 1 ratio, with 5 new trees being required for each oak tree that is removed.

Staff is recommending **Conditional** approval of Major Use Permit (UP 19-01).

## **II. PROJECT DESCRIPTION**

Applicant: Mary Draper  
Owner: D and R Investments  
Location: 7004 and 7232 E. Highway 20, Lucerne, CA



A.P.N.s: 006-024-12 and 13; 006-005-62 and 63  
Parcel Size: 275 acres  
General Plan: Rural Lands  
Zoning: “RL-SC” – Rural Lands – Scenic Combining  
Flood Zone: X  
Cultivation Area: 260,000 square feet of cultivation area  
Canopy Area: Estimated to be 220,000 sq. ft. canopy area  
Cultivation Start Date: Approved for early activation in April 2020.  
Submittal Date: January 15, 2019

### **III. PROJECT SETTING**

Existing Uses and Improvements: The parcels are about 275+ acres in size, well over the minimum required 80 acre size. The property contains a house, a well and septic system; a one-acre cultivation area permitted for medicinal cannabis cultivation in 2017, and two 1,500 sq. ft. sheds to be used as drying buildings. The applicant / owner has water rights from 1898 to use water directly from Clear Lake for irrigation purposes, and has on-site well and twelve 5,000 gallon water tanks for water storage.

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

- North, South, East: Large lots, mostly over 40 acres and generally undeveloped
- West: Suburban Residential zoned lots, mostly developed as town of Lucerne

Topography: Varied; the cultivation sites are relatively flat; less than 10%.

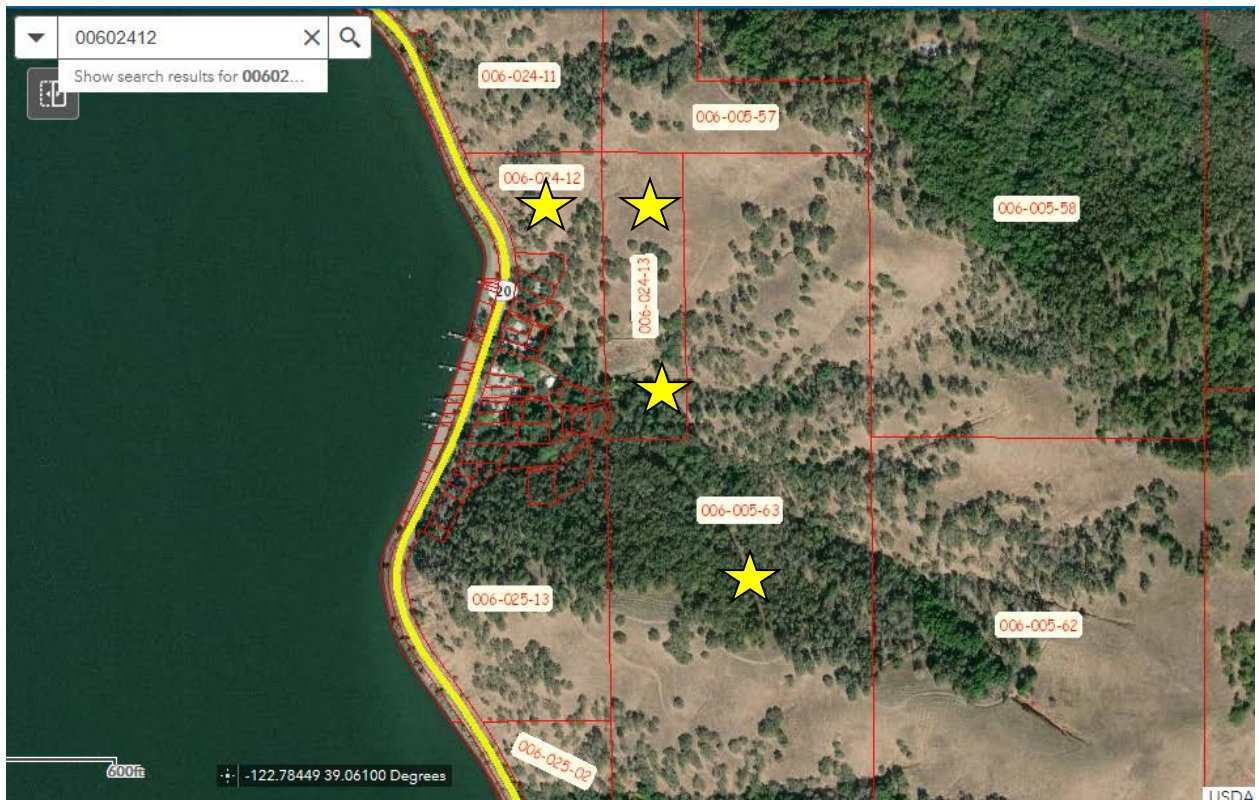
Soils: The cultivation areas contain soil type 182, “Neice-Sobrante-Hambright complex, 30 to 75 percent slopes”. This soil type is highly prone to erosion, and is poorly suited for crop production.

Water Supply: Existing well and 1898 water rights for water from Clear Lake

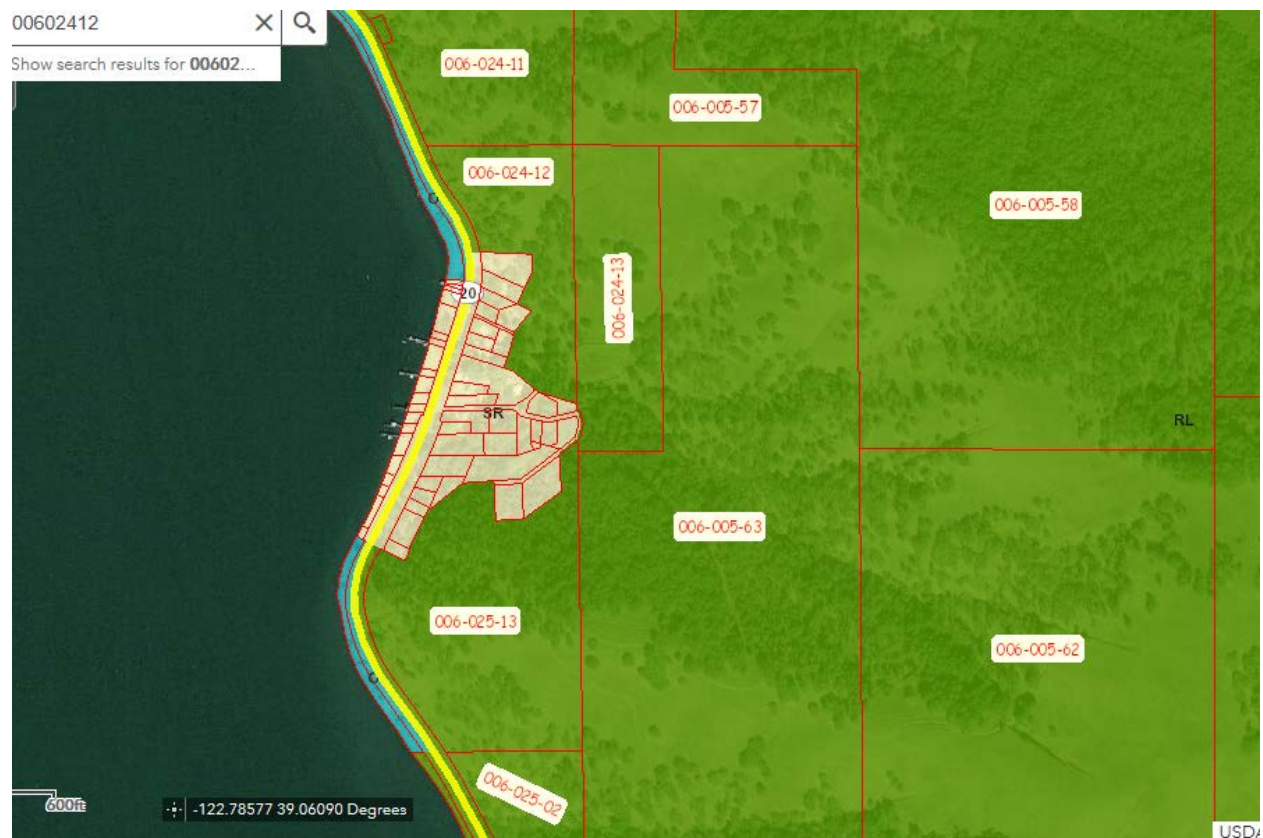
Sewage Disposal: Existing On-Site Septic

Fire Protection: Northshore Fire Protection District

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



**Vicinity Map (yellow stars represent cultivation sites)**



**Zoning of Sites and Surrounding Lots**

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

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

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

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 cannabis operations.

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

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 Lands zoning district. The project meets all development standards and regulations intended to ensure land use compatibility.*

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 over 2,000 feet from the nearest 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 project meets all of the aforementioned setbacks.*

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.*

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

*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. The immediate area consists of lots that range in size from less than 1 acre to over 100 acres. The lots to the west of the subject site are mostly developed with dwellings; the lots to the north, east and south of the subject site are generally large and undeveloped. Trees removed as a result of the project will be planted at a ratio of 1 to 5.*

### **Upper Lake - Nice Area Plan Conformance Analysis**

The subject site is within the Upper Lake - Nice Area Plan's boundary. The Plan does not contain policies that apply to commercial cannabis cultivation, although there are policies that apply to economic development, and this applicant would have up to 10 employees during peak harvest times. The following text applies to economic development in this area.

**Economic Development** - The issues of general economic development for Lake County should be addressed by diversification and strengthening of the agriculture and tourism industries. The attraction of non-agriculture or tourism related business would help to provide a more stable, year-around economic base.

**Agriculture** - Agricultural lands are a major contributor to the economic base and beauty of Lake County. The County's agricultural potential is largely determined by the availability of soils with few natural limitations on their use, but also depends on topography, availability of water, climate, market conditions, and the technical expertise of the grower. The Lake County General Plan defines agricultural lands as those having soil capability ratings of Class I - IV, based on the Lake County Soil Survey.

**5.1 Economy** - A high priority should be placed on increasing local opportunities for employment. Adequate amounts of land should be designated commercial and manufacturing to accommodate future growth. A long-rang plan needs to provide adequate land use allocations to meet the community's needs while at the same time protecting vital natural resources.

**5.1.1c** Coordinate efforts with the Lake County Business Outreach and Response Team to attract “clean industries” to the area.

*The growing of commercial cannabis is a ‘clean industry’. No waste can be burned on site; the cultivation activity uses organic chemicals (fertilizers and pesticides). There will be minimal construction traffic. There will be an estimated 1,000 pounds of cannabis plant waste taken to the landfill annually, however there is adequate capacity at the landfill to accommodate several years’ worth of new waste, and according to the Director of this landfill, there is adequate room for future expansion when needed.*

### **Zoning Ordinance Conformance**

Article 7 – Rural Lands (RL). Purpose: 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.

*Commercial cannabis cultivation is permitted in the RL zoning district provided a use permit application is reviewed and approved, and that all regulations within Article 7 and 27(at) are met or adequately mitigated.*

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 (80 acres for four A-Type 3 medium outdoor licenses): *Complies; the subject site is 275 acres in size. The applicant has applied for (4) A-Type 3 (medium outdoor) cultivation licenses. The applicant has also applied for a Type 13 ‘Self Distribution License’, which is under consideration herein, and is not dependent on any minimum sized land area or lot.*
- 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 estimated to be 220,000 sq. ft. in size.*



**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 all of the General Requirements outlined in Article 27.11(at) of the Lake County Zoning Ordinance. If the requirements have not yet been met, a condition has been added to ensure compliance.*

*The applicant will be removing 18 coastal oak trees. The conditions of approval contain a condition that requires a 5:1 tree replacement ratio. Article 27, subsection (at)(iii) states that the removal of oak trees should be avoided if possible, but this section does not prohibit tree removal.*

*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 Subsection (at) of Article 27 of the Zoning Ordinance, 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. An Initial Study and Mitigated Negative Declaration (IS 19-03; Attachment 6) was prepared and circulated for public review in compliance with CEQA from June 18, 2020 to July 25, 2020. No comments opposing the project were received.

The Initial Study found that the project could cause potentially significant impacts to Aesthetics, Air Quality and Biological Resources. However, with the incorporation of the mitigation measures below, all impacts can be reduced to a less than significant level. The following areas were identified as having potential environmental impacts:

**Aesthetics.** *This project has the potential of creating visual impacts through the loss of 18 native oak trees. The applicant has provided a map and text (please see attachment 7) that shows a replanting plan with a re-planting ratio of 5 new trees for each tree that is removed. The following mitigation measure addresses this impact:*

- AES-1: Within six (6) months of this permit being active, the applicant shall replace the 18 oak trees that will be removed on a 5:1 ratio on the site. The replacement trees shall be no less than 5 gallon trees at the time of planting. The applicant shall maintain these trees over the life of the cannabis permit, including irrigation.

**Air Quality.** *This project has some potential to cause air quality-related impacts during and after construction. The following mitigation measures are added to reduce air quality-related impacts:*

- 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: 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 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.

**Biological Resources.** *This project has some potential of causing some impacts to biological resources. The Biological Study submitted recommended several mitigation measures to reduce potential impacts to the biological resources as follows:*

- BIO-1: If project activities occur during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding survey no more than 14 days prior to project activities to determine if any birds are nesting in trees on or adjacent to the study area. This shall include areas where water wells and security fencing will be installed.

If active nests are found close enough to affect breeding success, the qualified biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual buffers.

- BIO-2: If initial ground disturbance occurs during the bat maternity roosting season (April 1 through September 1), a qualified biologist shall conduct a bat roost assessment of trees within 100 feet of the proposed construction. If bat maternity roosts are present, the biologist shall establish an appropriate exclusion zone around the maternity roost.
- BIO-3: Prior to any development, the project area shall be surveyed by a qualified biologist to determine if there are any active fisher dens within 250 feet of the project footprint. If an active den is found, California Department of Fish and Wildlife shall be consulted to determine appropriate mitigation measures, which may include relocation of the den or establishing a suitable buffer zone.

**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 homes that are located at least 2000 feet away from the nearest cultivation site. As previously discussed, the potential impacts resulting from this proposal are Aesthetics, Air Quality and Biological Resources. However, all of these potentially significant impacts have been adequately addressed mitigated to less than significant.*

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 combined 260,000 sq. ft. of outdoor cultivation area. The Lake County Cannabis Ordinance allows Type 1, 2, 3 and 4 cultivation operations on Rural Lands-zoned property when it meets the size and locational criteria and standards. The applicant seeks five licenses, which requires an 80 acre minimum. The subject properties combined are over 275 acres in size, large enough to allow the cultivation licenses that has been applied for. The self-distribution license is also included, but has no direct relationship with the property size.*

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

*The site is served by E. Highway 20, a designated scenic State Highway. The highway is adequate to safely accommodate the proposed use; there are no capacity issues with*

*Highway 20, and it has two to four foot wide shoulders that can accommodate bicycles and pedestrian use at this location.*

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, Northshore Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Relevant comments are attached as 'Attachment 3'. No adverse comments were received. The site is served by a private highly productive well, and by 1898 water rights to water coming from Clear Lake. The site is served by on-grid power, and has an existing septic system that can be used for restrooms. There is an existing on-site driveway, and the site has been evaluated for 4290 / 4291 Public Resource Code compliance and meets the terms of PRC 4290 and 4291. The site has adequate services to accommodate 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.

*Since commercial cannabis cultivation is named as a permitted use in the Rural Lands zoning district within the Commercial Cannabis ordinance, and the project complies with all regulations and development standards contained therein, this proposal is consistent with the governing ordinance for cannabis growing in the Lake County. The General Plan and the Upper Lake - Nice 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

*This report identifies the development standards that apply to cannabis cultivation in Lake County. The applicant is fully compliant with the development standards.*

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

*The applicant and her 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) The application complies with the qualifications for a permit described in Section 1.ii.(i)

*This application complies with all qualifications for a permit described in Section 3.ii.(f). The applicant is proposing five cannabis-related licenses; four for the outdoor cultivation site totaling 260,000 sq. ft., and a ‘self-distribution’ license (Type 13). The subject site is 275 acres in size, large enough to support the cultivation license; the applicant also qualifies for the Type 13 ‘Self Distribution’ license.*

## **VIII. RECOMMENDATION**

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

#### **A. Adopt mitigated negative declaration (IS 19-03) for Use Permit (UP 19-01) with the following findings:**

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measure AES-1.
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, AQ-4, AQ-5, AQ-6 and AQ-7.
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, and BIO-3.
4. As mitigated through specific mitigation measures and conditions of approval, this project will result in less than significant environmental impacts.
5. Any changes to the project will require either an amended Use Permit and/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 19-01 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.
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:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 19-03)** applied for by **Mary Draper** on property located at **7004 and 7232 E. Highway 20, Lucerne**, and further described as **APN: 006-024-12 and 13; 006-005-62 and 63** 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 **September 24, 2020**.

**Major Use Permit (UP 19-06)**

I move that the Planning Commission find that the **Use Permit (UP 19-06)** applied for by **Mary Draper** on property located at **7004 and 7232 E. Highway 20, Lucerne**, and further described as **APN: 006-024-12 and 13; 006-005-62 and 63** 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 24, 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:\_\_\_\_\_