



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Planning Department · Building Department · Code Enforcement

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Scott De Leon

Community Development Director

Tocarra Nicole Thomas

Community Development Deputy Director

April 22, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Thomas, Deputy Director
Prepared by: Sateur Ham, Assistant Planner

DATE: April 22, 2021

RE: **Alvarez Family Farms, Inc.**

- **Major Use Permit (UP 20-03)**
- **Initial Study (IS 20-02)**

Supervisor District Moke Simon
Planning Commissioner John Hess

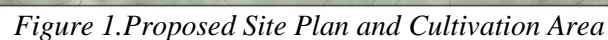
ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Proposed Site Plans
4. Proposed Conditions of Approval
5. Initial Study
6. Agency Comments

I. EXECUTIVE SUMMARY

Alvarez Family Farms, Inc. is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation (*the cultivation of commercial cannabis includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing*) at 12990 Spruce Grove Road, Lower Lake, CA on Lake County APN 012-067-40. The applicant's proposal includes three **(3) A-Type 3 "Outdoor" License**, outdoor cultivation for adult-use cannabis without the use of light deprivation and/or artificial lighting in the canopy area of one acre in size per licenses and one **(1) A-Type1C (Indoor)**, 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 within an existing 600 square feet structure. The cultivation area will take place in four site locations totaling up to 3.6 acres and include the following:

- **One (1) Type 13:** "Distributor Transport Only, Self-Distribution" License
- (4) 8' x 40' conex for storage
- (2) 10' x 10' fertilizer



II. PROJECT DESCRIPTION

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Flood Zone: “D”: Areas of undetermined, but possible, flood hazard

Submittal Date: January 14, 2020

Farmland of Local Importance: This proposed project is designated as “Other land” and is not located within 500’ of existing agricultural uses

III. PROJECT SETTING

Surrounding Uses and Zoning

The surrounding areas are primarily rural lands and rural residential zoning designation. The surrounding parcel ranges from approximately 17 acres to 472 acres in size. The parcel is currently being access through an easement from an adjacent parcel off of Spruce Grove Road. Most of the surrounding areas are mostly vacant with some rural residents. The nearest off-site residence is approximately 1,000 feet.

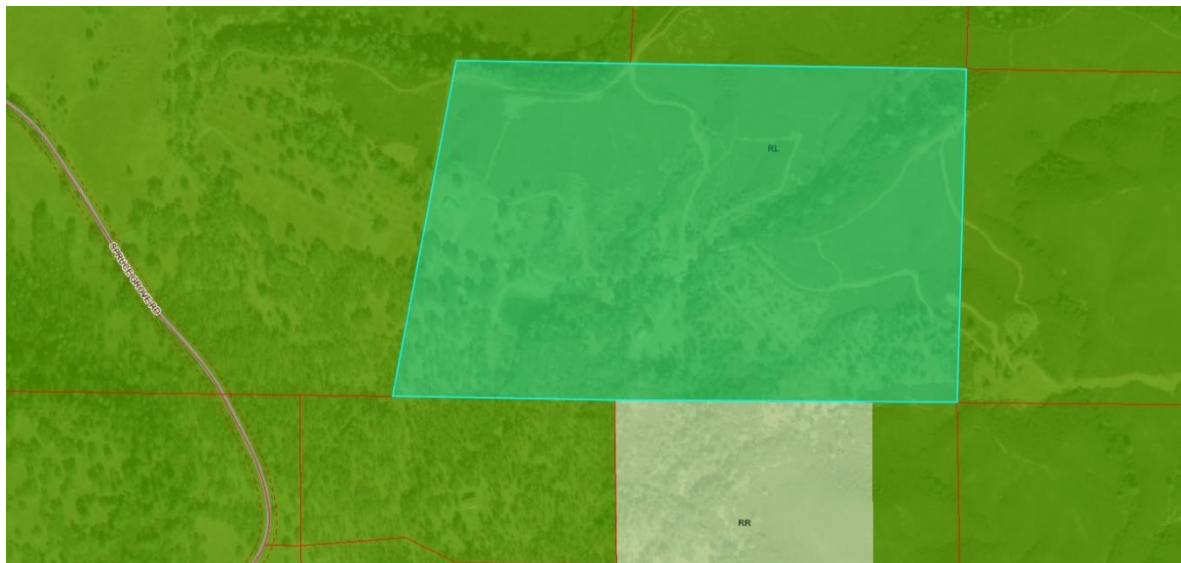


Figure 2. Zoning Map of Site and Vicinity



Figure 3. Aerial Photo of Subject Site

<u>Topography:</u>	The parts of the cultivation area are fairly flat with a slope of less than 10%, however, the average cross-slope of the parcels within the property boundary is between 30.78%.
<u>Soils:</u>	<p>The <u>project area</u> contains the following soil type:</p> <ul style="list-style-type: none">• Sobrante-Guenoc-Hambright complex (219)• Maymen-Etsel-Snook complex (169)• Skyhigh-Millsholm loams (209)
<u>Water Supply:</u>	Existing Well
<u>Sewage Disposal:</u>	On-site septic system.
<u>Fire Protection:</u>	Lake County Fire Protection District
<u>Vegetation:</u>	The cultivation area takes place within an area that was previously disturbed.
<u>Water Courses:</u>	Large pond and ephemeral drainages.

IV. PROJECT ANALYSIS

General Plan Conformance

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

The applicant is proposing commercial cannabis cultivation which applies to agricultural/ crop production with the Lake County General Plan (2008) for Rural Lands. The applicant is proposing a (3) A-Type 3 outdoor cannabis cultivation per 20-acre minimum lot size and (1) A-Type 1C indoors which allows up to a 131,180 square feet canopy area. The proposed sites are taken place within existing gardens and livestock enclosures. The applicant meets the general plan conformance for the allowable use under this designation.

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

Land Use

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, create future employment opportunities for residents and allow the expansion of industrial and non-industrial corporate developments. According to the applicant, the project will be a family-run business. The number of additional employees is not proposed for this project.

Lower Lake Area Plan Conformance

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

“**3.41:** Remaining wetland and riparian habitat should be protected.”

“**3.44:** Native plant surveys shall be required prior to the development of unsurveyed sites in accordance with the California Environmental Quality Act. Habitat containing a rare or endangered plant or any plant which is considered a candidate for rare or endangered status shall be protected in accordance with federal and state requirements.”

Per zoning ordinance, it is required that the project site is located in areas that would not adversely affect sensitive habitats or species and all waterways by setting buffer zones of 100

feet. A wildlife and botanical survey was conducted on the project and found no evidence of sensitive and unique biological resources within the project site and immediate surroundings. The project site consists of non-native vegetation. The proposed project site locations are chosen in existing disturbances on the property such as pig enclosures and existing gardens.

“3.52: Assistance should be provided to the local agricultural community in identifying ways to increase supplies while reducing demand for quality irrigation water in the Lower Lake area.”

Per the zoning ordinance, it is required that all applicants install a water meter to monitor water usage and provide an estimated water calculation for their particular cultivation area. Also, the project management plan includes proposed irrigation methods and includes a description of how the project will implement conservation techniques (see Attachment 2).

“3.91: The Lower Lake area contains one of the highest densities of prehistoric archaeological sites in northern California and the highest density of sites in Lake County. Archaeological surveys shall be required in accordance with state law whenever new development could potentially impact unique or significant cultural resources.”

An archeological study was conducted on the project site and concluded that there is no cultural resources sites were discovered as a result of the survey. The California Historical Resources Information System (CHRIS) has one (1) record of any previous cultural resources studies and identified no archaeological resources on the project area. A request for review with local tribes was sent on January 22, 2020, and a site visit was conducted with the local overseeing tribe on March 6, 2020. The overseeing tribe concluded no further action was taken.

Zoning Ordinance Conformance

Article 5 – Rural Lands Zoning District

The 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.

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 permit, minor or major use permit; in addition to any required building, grading, and/or health permits.

The cultivation of commercial cannabis is permitted within the Rural Lands zoning district upon issuance of a use permit, according to Section 27.13 (Table B) of the Lake County Zoning Ordinance. (3) A-Type 3 “outdoor” license allows up to 131,000 ft² of canopy per license and requires 20 acres. A-Type 1C “indoor” license allows up to 500 ft² of canopy area per 5-acre minimum lot size. The applicant meets this requirement with 65.08 acres of the total area for the parcel.

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 and 5 acres per A-Type 1C “Indoor”): *Complies, the lot is 80.14 acres in size. The applicant needs 65 acres for three (3) A – Type 3 licenses and one (1) A-Type 1C (indoor).*
- 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 over 800 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed enclosure is a 6 feet tall chain-linked fence.*
- Maximum Canopy Area (130,680 ft² maximum for a (3) A-Type 3 “Outdoor” and 2500 ft² maximum for A-Type 1C “Indoor”): *Complies; the proposed canopy area would be 131,180 ft² of total canopy area.*

General Requirements. There are several general requirements for cannabis cultivation listed in Section 27.13(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 27.13(at) 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 regarding cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, stormwater management, security, compliance monitoring, etc. Also, the applicant complies with the restrictions regarding the prohibited activities listed in Article 27, subsection 13(at), including but not limited to the removal of trees, illegally diverting water, producing excessive odors, cultivating within a Cannabis Exclusion Area, etc. The project does not propose any tree removal and will utilize a private well. The project will also be setback from the property line and is located over 200 feet away from an off-site resident to minimize odor through passive means. The project site will take on four locations with previous use such as garden area and pig enclosures.

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 20-02; Attachment 5) was prepared and circulated for public review in compliance with CEQA from **02/05/2021 to 03/15/2021**. The applicant submitted a Cultural Resource Assessment to the Community Development Department (CDD) dated September 29, 2019, which concluded negative findings for cultural resources, however, buried cultural resources still exist, and conditions are added to ensure it will be properly handled. Additionally, the local tribes were notified of the project and no adverse comments were received. Per biological resource assessment, the property has the potential for special status species, conditions are added to ensure the protection and minimize the potential adverse impact of migratory birds and Western Pond Turtles.

The Initial Study found that the project could cause potentially significant impacts:

Aesthetics. *The project has some potential to impact aesthetics. The following mitigation measures are added to reduce aesthetic-related impacts to 'less than significant' levels.*

- AES-1: An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and acceptance, or review and revision before cultivation.
- AES-2: All greenhouses/structures incorporating artificial lighting shall be equipped with blackout film/material to be used at night for the maximum light blockage to lessen the impact on the surrounding parcels and the dark skies. The applicant shall submit a Blackout Film/Materials Plan to the Community Development Department for review and approval before the issuance of any permits.

Air Quality. *The project has some potential to impact air quality. The following mitigation measures are added to reduce air quality-related impacts to 'less than significant' levels.*

- AQ-1: Before cultivation, the applicant shall submit an Odor Control Plan to the Community Development Department for review and approval, or review and revision.
- AQ-2: 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 to complete
- an updated Air Toxic emission Inventory.
- AQ-3: Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by the use of water or other acceptable dust palliatives to mitigate dust generation during and after site development.
- AQ-4: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. The applicant shall regularly use and/or maintain the graveled area to reduce fugitive dust generations.

Biological Resources. *The project has some potential to impact biological resources. The following mitigation measures are added to reduce biological resource-related impacts to 'less than significant' levels.*

- BIO-1: All waste and by-products shall be kept in plastic drums with tight-fitting lids so that water is not able to make contact with the contents and potentially leach into the environment.
- BIO-2: If project activities occur during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding bird survey no more than 14 days before project activities to determine if any birds are nesting in trees on or adjacent to the study area. This will include areas where water wells and security fence will be installed.

- BIO-3: If active nests are found close enough to the study area to affect breeding success, the biologist will establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual buffers. Once all young have become independent of the nest, vegetation removal and grading may take place in the former exclusion zone.
- BIO-4: If initial work is delayed or there is a break in project activities of greater than 14 days within the bird-nesting season, then a follow-up nesting bird survey shall be performed to ensure no nests have been established in the interim.
- BIO-5: Western pond turtle if present in the pond south and west of the proposed grow areas may use the adjacent lands to nest.
 - Work within 100 meters of the pond should be initiated outside the nesting season for pond turtles, which is from May to October 1. If work cannot be initiated outside the nesting season, then a pre-construction survey in all work areas within 100 meters of the lower pond is recommended. Alternatively, an exclusion fence may be placed between the pond and proposed activities if the fencing is installed prior to May 1.

Also, before construction, all workers on the crew should be trained by a qualified biologist as to the sensitivity of the turtle potentially occurring in the project area.

- BIO-6: Pesticides and fertilizer storage facilities shall be located outside of the Riparian Corridor setbacks for structures.
- BIO-7: Pesticide and fertilizer storage facilities shall not be located within 100 feet of a wellhead or 50 feet of identified wetlands.
- BIO-8: The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water vending machine, or a retail water facility is prohibited. The utilization of water that has been or is illegally diverted from any lake, springs, wetland, stream, creek, vernal pool, and/or river is prohibited. The applicant shall not engage in any unlawful or unpermitted drawing of surface water.
- BIO-9: The applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. A copy of all permits shall be included in the Annual Performance Report.

Cultural / Geologic (prehistoric) / Tribal Resources. *The project has some potential to impact Cultural / Geological (prehistoric) and Tribal resources.. The following mitigation measures are added to reduce project-related impacts to 'less than significant' levels.*

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s). The local overseeing Tribe(s) 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 the ground disturbance. If any artifacts or remains are found, the Middletown Rancheria 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: In the event of an unanticipated discovery of cultural resources during the implementation of the project, all work must be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified so that its potential significance can be assessed.

Geological Resources. *The project has some potential to impact Geologic resources.. The following mitigation measures are added to reduce project-related impacts to 'less than significant' levels.*

- GEO-1: Prior to any ground disturbance, the permittee shall submit erosion control and sediment plans to the Water Resource Department and the Community Development Department for review and approval. Said erosion control and sediment plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed areas. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.
- GEO-2: Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- GEO-3: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.
- GEO-4: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

Hydrology and Water Quality. . The project has some potential to impact Hydrologic and Water Quality-related resources.. The following mitigation measures are added to reduce project-related impacts to 'less than significant' levels.

- HYD-1: The applicant shall adhere to all Federal, State, and Local regulations regarding wastewater treatment and water usage requirements.
- HYD-2: Before this permit having any force or effect, the permittee(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The permittee shall contact the Lake County Division of Environmental Health for details.
- HYD-3: The applicant shall prepare a groundwater management plan to ensure that the groundwater resources of the County are protected used and managed sustainably. The plan would support the Integrated Regional Water Management Plan and include an inventory of groundwater resources in the County and a management strategy to maintain the resource for the reasonable and beneficial use of the people and agencies of the County.
- HYD-4: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring began at least three months before the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or upon made upon request.
- HYD-5: Prior to construction, the applicant shall provide a new site plan for the property to show all dimensions and setbacks to meet all federal, state, and local regulations and conform to all building codes.

Noise. The project has some potential to impact noise. The following mitigation measures are added to reduce project-related impacts to 'less than significant' levels.

- NOI-1: All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels.
- NOI -2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. 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 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

However, with the incorporation of the mitigation measures in Attachment 5, all impacts can be reduced to a less than significant level.

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.

Response: The proposed use of commercial cannabis cultivation operation is permitted in the Rural Lands zoning designation upon issuance of a Major Use Permit according to Article 27 of the Lake County Zoning Ordinance. The zoning ordinance provides specific details to incorporate measures that will alleviate potential detriments to the general welfare of the community such as buffer zones, installing security, road maintenance, and installing a water meter. The general requirement also includes providing specific plans such as security plans, erosion and sediment prevention plans, stormwater plans, water management plans, and other plans to ensure that the proposed use would address various factors that will impact the community. Additionally, the Community Development Department would conduct an annual compliance monitoring inspection 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.

Response: The proposed cultivation area is 3.6 acres and is spread among four site locations within the parcel; this represents 5.5% of the 65.08-acre site. The proposed project meets all siting and development standards for cannabis. That is, the site is adequate to accommodate the proposed project with the incorporation of all buffer zones due to physical characteristics to avoid sensitive biological resources and cultural resources as well as a setback from property lines and nearest off-site dwelling.

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

Response: The circulation system will not cause any additional impact on the roadway to the cultivation site. Per the Public Resource Code 4290 Fire Safe Requirements, the project will have to meet CalFire road standards before any construction that will require a building permit. The applicant must comply with all building codes once a building is constructed. This will include the access driveway is approximately 2,377.1 feet in length to the entrance of the cultivation site, with an approximate slope of 2% throughout the whole project boundary. At a minimum, the driveway will be twelve (12) feet wide with fourteen (14) feet of unobstructed horizontal clearance and fifteen (15) feet of unobstructed vertical clearance, but due to commercial standards, the proposed access driveway will be twenty (20) feet wide. The site will have six (6) parking stalls with one (1)

ADA parking space as well as turnouts at a minimum of twelve (12) feet wide and thirty (30) feet long, with a minimum twenty-five (25) feet taper on each end, placed at the midpoint.

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.

Response: This application was routed to all of the affected public and private service providers including the Department of Public Works, Special Districts, Environmental Health, Lake County Fire Department, Lake County Sheriff Department, and PG&E. No adverse comments were received. The applicant will be subjected to all agency requirements as part of any future developments and will be included as part of the conditions of approval. Also, there are adequate public services to accommodate the proposed project. Relevant comments are attached as 'Attachment 6'.

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.

Response: Since commercial cannabis cultivation is a permitted use for land designation Rural Lands within Article 27 of the local zoning ordinance, this proposal is consistent with the governing ordinance for cannabis cultivation in Lake County. The proposal, as conditioned, meets all requirements and development standards of the Zoning Ordinance. The General Plan and the Lower Lake Plan do not have any provisions for commercial cannabis, but both plans include either direct and/or indirect provisions for economic development and related policies that the project such as initiatives for potential economic growth within the county (see Section IV, Project Analysis, above).

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 public health, safety or general welfare basis.

Response: 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:

In addition to the findings required above for approval of a Major Use Permit, the following findings are required for approval of a cannabis-specific Use Permit and are found in Article 27 of the Lake County Zoning Ordinance, subsection (at):

1. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i. as outlined in this staff report.

Response: The purpose of this staff report is to evaluate compliance with all applicable standards and criteria found within Chapter 21 of the Lake County Code (Zoning Ordinance), as well as the adopted General Plan and Area Plan.

2. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g) as outlined in this staff report.

Response: The applicant has undergone and passed the required background check through the Lake County Sheriff's Department, and is qualified to make this application.

3. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

Response: This application complies with all submittal requirements for a commercial cannabis cultivation license based on the materials submitted, and based on the Conditions of Approval that were prepared for this license.

VII. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-02) for Major Use Permit (UP 20-03) with the following findings found in Attachment 5:**
 1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-2.
 2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-4.
 3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-9.
 4. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-3.
 5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-4.
 6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-5.
 7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
 8. This project is consistent with land uses in the vicinity.
 9. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Zoning Ordinance.
 10. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.

11. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-03 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 application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii and attachments 1 through 6.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Major Use Permit (UP 20-03)** applied for by **Alvarez Family Farm, Inc. (Freddie Alvarez)** on property located at **12990 Spruce Grove Road, Lower Lake, CA**, further described as **APNs: 012-067-40** 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 **April 22, 2021**.

Major Use Permit (UP 20-03)

I move that the Planning Commission find that the **Major Use Permit (UP 20-03)** applied for by **Alvarez Family Farm, Inc. (Freddie Alvarez)** on property located at **12990 Spruce Grove Road, Lower Lake, CA**, further described as **APNs: 012-067-40** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **April 22, 2021**.

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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.