



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

STAFF REPORT (Amended)

TO: Planning Commission

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

DATE: May 21, 2021

RE: Gustafson Farms, LLC

- Major Use Permit (UP 20-28)
- Initial Study (IS 20-33)

Supervisor District Tina Scott
Planning Commissioner Christina Price

ATTACHMENTS:

1. ~~Vicinity Map~~ **Memorandum**
2. Property Management Plan
3. Proposed Site Plans
4. **Proposed Conditions of Approval**
5. Initial Study
6. ~~Agency Comments~~ **State Permits/License & Comments**
7. **Amended Project Description and Site Plan**

I. EXECUTIVE SUMMARY

Gustafson Farms 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 4550 & 4460 George Road, Lakeport, CA on Lake County APN 008-031-60 and 008-032-44 which is recorded as one legal lot. The project is being proposed with 2 other contiguous parcels which are also recorded as one legal lot (APNS: 008-032-43 and 008-031-48) under "Parcel Map-123" (11 PM 47) to allow collocation/cluster of permits. The entire project site will only take place on one legal lot (008-031-60 and 008-032-44). However, the access to the project site will be through 4440 George Road into a private driveway to the cultivation site (008-031-48). The applicant's proposal includes ~~two (2) A-Type 3 "medium outdoor", (1) A-Type 1C "outdoor specialty cottage", two (2) A-Type 3A "Indoor", one (1) A-Type 1C "mixed-light specialty cottage", (1) A-Type 3B "mixed-light"~~ with greenhouses using light deprivation, and up to 22,000 square feet of immature plants solely used for cloning and propagation used for selling and distribution. The total of ~~441,620~~ **68,500** square feet of mature cannabis plants and up to 22,000 square feet of immature plants for nursery. The total cultivation area will be ~~237,220~~ **148,000** square feet. The ancillary facility will include the following structures:

- **One (1) Type 13:** “Distributor Transport Only, Self-Distribution” License
- 50,000 square feet processing facility
- 24,000 square feet of greenhouse nursery
- 50,000 square feet drying facility
- three 200 square feet storage sheds: fertilizer and pesticide storage, equipment and tools, and security room
- Parking lots with ADA parking
- Portable restrooms with a future proposed permanent restroom
- 24,000 square feet of greenhouse structure used for mixed light
- five 2,500 gallons water storage tank

The cultivation area will be conducted within an enclosed area secured by a fence approximately seven feet in height. The fence will be screened which will help reduce visibility from the surrounding area. According to the Project Management Plan (Attachment 2) and the well log, the existing well produces approximately 185 gallons per minute. The well near the northeast parcel boundary will be pumped underground to the water storage tanks proposed near the cultivation site in the southern portion of the property. Gustafson Farms will utilize underground water lines from the well to the storage tanks, which are a combination of PVC piping and black poly tubing. ~~Water use is projected to be approximately 234,000 gallons per month for the proposed mature canopy area.~~ **Using the water calculation provided in the applicant’s project management plan, the water use is projected to be approximately 135,000 gallons per month for the proposed mature canopy area.** According to the applicant’s comment, ~~the outdoor cultivation will last approximately six months~~ and approximately ten months for mixed-light throughout the year. The proposed cultivation method is in-ground with drip irrigation systems served by an existing permitted well.

The project's core business hours of operation will take place between 8:00 a.m.-6:00 p.m. with deliveries and pickups restricted to 9:00 a.m.-7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m.-5:00 p.m.

On December 15, 2020, the amendment of Chapter 21, Article 27.13, Section (at), involving outdoor cannabis cultivation and important farmland was amended and taken effect on January 14, 2021. The farmland protection zone is implemented to ensure the protection of all agricultural industries within the County of Lake, the following rules will apply when cannabis cultivation interfaces with Farmland Protection Zones. The grandfather clause is proposed for those applicants who are deemed complete after January 14, 2021. The applicant meets the grandfather clause, however, the applicant disclosed that he is willing to comply with all new local rules and regulations of the zoning ordinance within the three years through the sunset clause. Several conditions will be added to ensure compliance with the new ordinance and are reflected in Attachment four, bullet one, for written approval from the Community Development Director for a minor modification that does not result in increased environmental impact.

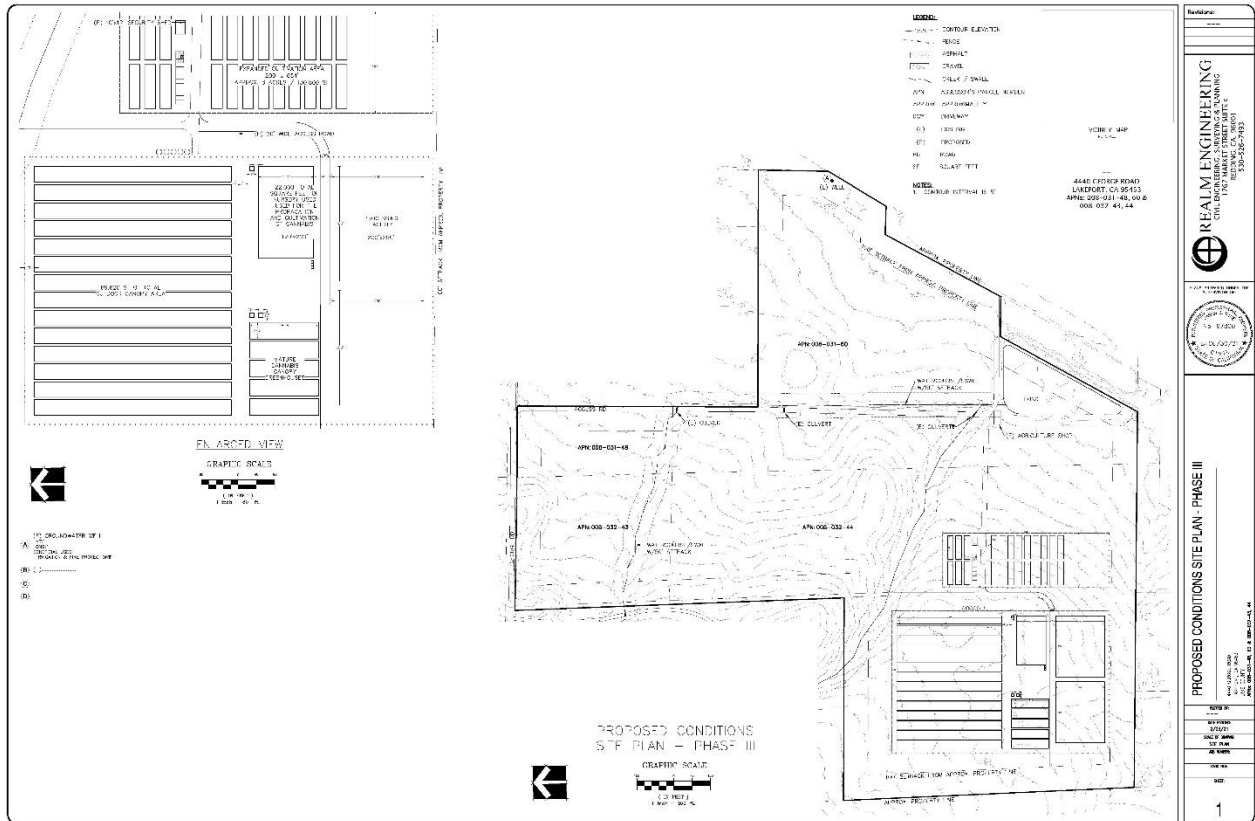


Figure 1. Proposed Site Plans and Cultivation Area

Staff is recommending approval of Major Use Permit, UP 20-28, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-33) with the incorporated Mitigation Measures and Conditions of Approval.

II. PROJECT DESCRIPTION

<u>Applicant:</u>	Gustafson Farms, LLC (Joseph Gustafson)
<u>Owner:</u>	Walter Stryker
<u>Location:</u>	4550 & 4460 [4440 & 4520] George Road, Lakeport, CA
<u>A.P.N.:</u>	008-031-60 and 008-032-44 [008-032-43 and 008-031-48]
<u>Parcel Size:</u>	87.29 acres
<u>General Plan:</u>	Agriculture
<u>Zoning:</u>	Agriculture-Waterway-Airport Approach District Combining
<u>Flood Zone:</u>	"X": Areas determined to be outside the 0.2% annual chance (500-year) floodplain
<u>Submittal Date:</u>	March 12, 2020

Farmland of Local Importance:

This proposed project is located within the newly created Farmland Protection Zone. However, this project was deemed completed by 12/15/2020 which was the deadline proposed and approved by the Board of Supervisors as a cutoff for projects which were in the queue for processing before the ordinance which created the FPZ

III. PROJECT SETTING

Surrounding Uses and Zoning

The property is surrounded by “A” Agriculture zoned properties, with some “APZ” Agriculture Preserve Zone in the west. The sizes of the parcels vary from just approximately .6 acres to over 50 acres. There are some residential dwellings to the north and south portion of the parcel boundary with a nearby off-site resident being approximately 500 feet away. An airstrip and active commercial cannabis manufacturing plant are immediately east of the proposed project. The overall zoning composition of the project location and the surrounding areas are walnut and grape vineyards.

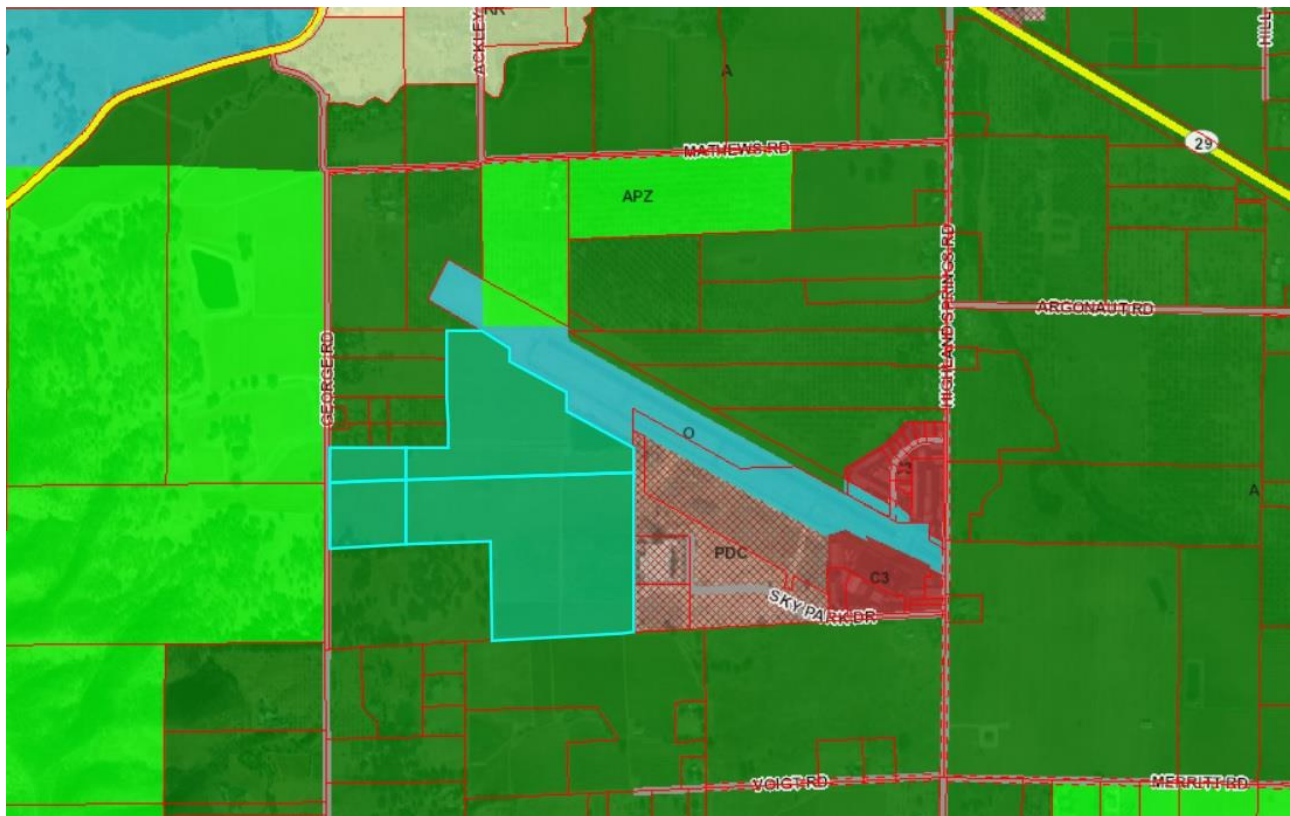


Figure 2. Zoning Map of Site and Vicinity



Figure 3. Aerial Photo of Subject Site

<u>Topography:</u>	The cultivation area is relatively flat with an average cross slope of approximately 5%
<u>Soils:</u>	The <u>project area</u> contains the following soil type: Wappo loam (242 & 243)
<u>Water Supply:</u>	Existing Well
<u>Sewage Disposal:</u>	On-site septic system.
<u>Fire Protection:</u>	Lakeport Fire Protection District
<u>Vegetation:</u>	The cultivation area will take place on a previous hemp field and extend to the previous grape vineyard northward.
<u>Water Courses:</u>	Watercourse, agriculture pond

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is Agriculture. The following General Plan policies related to site development in the context of this proposal:

Agriculture includes an area with prime farmland, vineyard soils, and grazing lands, along with areas characterized by steep slopes and limited services. One purpose of this land use category is to protect the County's valuable agricultural resources and to prevent development that would preclude its future use in agriculture. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive of the management of the natural infrastructure of the watersheds.

The applicant is proposing to engage in commercial cannabis cultivation which applies to agricultural/ crop production with the Lake County General Plan (2008) for Agriculture. The proposed cultivation site is located within the newly created Farmland Protection Zone. However, this project was deemed completed by 12/15/2020 which was the deadline proposed and approved by the Board of Supervisors on April 20, 2021, and goes into effect on May 20, 2021, as a cutoff for projects which were in the queue for processing before the ordinance which created the FPZ became effective. The applicant will not be expanding the square feet of the cultivation area than originally proposed but likely to decrease in size to meet all regulatory standards. The applicant meets the general plan conformance for the allowable use under this designation and meets the amended zoning ordinance through the grandfather clause.

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

Land Use

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

- Policy LU 1.3: "The County shall prevent the intrusion of new incompatible land uses into an existing community area.

Commercial cannabis cultivation is a growing agricultural use and it is allowable within an agriculture zoning district in Lake County. The proposed operation will not create an intrusion of new incompatible land use into the existing community because it is an agricultural commodity that can diversify the local economy. The cultivation of commercial cannabis is an allowable use within this zoning district upon issuance of a use permit.

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, there will be an estimate of 14 employees proposed for the operation. The number of employees can increase or decrease depending on the stage of the cultivation season this directly aligns with the goal as the hiring of employees stimulates the local economy.

Lakeport Area Plan Conformance

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

"3.2.1.b Design new development to conserve water usage through the use of drought-resistant vegetation, water flow restrictors and other conservation measures".

"3.2.1.c Design new development to maximize groundwater recharge and reduce offsite runoff to the greatest extent possible."

"3.2.1.e Provide assistance to the local agricultural community in identifying ways to increase supplies of and implement conservation techniques for irrigation water in the Lakeport Planning Area."

"3.4.1.h Provide assistance to the local agricultural community in identifying ways to increase supplies of and implementation of conservation techniques for, irrigation water."

Per the zoning ordinance, it is required that all applicants install a water meter to monitor water usage and provide an estimated water calculation based on the canopy size. The project management plan includes proposed irrigation methods and includes how their project will implement conservation techniques (see Attachment 2). Requiring all cultivators to install a water meter will encourage the local agricultural community to identify ways to increase and implement conservation techniques for irrigation water in Lakeport.

"3.4.1.d Preserve lands with agricultural soils classes I-IV for agricultural production."

"5.5.3b Preserve areas containing prime agricultural soils or demonstrating unique characteristics that allow for viable economic opportunities for the agricultural industry."

This project will help preserve lands with agricultural soils, as cannabis cultivation is inherently an agricultural crop; and the proposed use will maintain agricultural practices on agriculturally zoned lands. However, it is to be noted that this proposed project is located on what is now the newly created Farmland Protection Zone, so eventually, the project will have to convert to indoor cultivation. However, this is still in alignment with agricultural practices.

"3.4.1.j Encourage reduction of adverse air quality impacts, notably from particulate matter."

The applicant will conform to the new amendment and proposed enclosures for new cultivation operations to reduce the potential of adverse air quality through the use of filtration systems that prevents the movement of odors, pesticides, and other airborne contaminants out of or into the structure. A condition will be added to ensure compliance.

"4.3.1.h Adhere to the Fire Safe Guidelines adopted by the California Department of Forestry (CDF) in areas subject to high and very high fire hazards."

As part of the condition of the approval, the applicant shall adhere to all Fire-Safe regulations adopted by the California Department of Forestry in areas designated as a high or very high fire hazard by doing the following: installing a Knox box for easy entrance for emergency personnel, having onsite water storage for fire protection per NFPA 1142, maintaining proper setbacks from the property line, installing a driveway with a 10-foot wide road with a turnout at every 400 feet, and gravel road access surface to the cultivation site.

Zoning Ordinance Conformance

Article 5- Agriculture Zoning District

To protect the County's agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

This project will help preserve lands with agricultural soils, as cannabis cultivation is inherently an agricultural crop; and the proposed use will maintain agricultural practices on agriculturally zoned lands. However, it is to be noted that this proposed project is located on what is now the newly created Farmland Protection Zone, so eventually, the project will have to convert to indoor cultivation. However, this is still in alignment with agricultural practices.

Article 37- Waterway Combining District

To preserve, protect and restore significant riparian systems, streams, and their riparian, aquatic, and woodland habitats; protect water quality; control erosion, sedimentation, and runoff; and protect public health and safety by minimizing dangers due to floods and earth slides. These purposes are to be accomplished by setting forth regulations to limit development activities in significant riparian corridors and through the establishment of an administrative procedure for the granting of exceptions from such regulations.

Article 39- Airport Approach Combining District

To regulate and restrict the height of structures and objects of natural growth in the vicinity of the County's airports, to promote public safety and compatibility of adjacent uses with air navigation, and to establish approaches, conical, horizontal, and transition zones in the vicinity of County airports.

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 proposed project conforms with all zoning ordinance designation for Agriculture-Waterway-Airport Approach Combining District. Under Article 27.13(at), commercial cannabis cultivation is allowable upon obtaining a use permit under zoning designation for Agriculture. The applicant meets all development standards under Article 5 with further restrictions under Article 27.13 (at) regarding minimum setback requirements. The applicant meets Article 37 under Waterway Combining District to preserve, protect waterway within the property boundary with the required setbacks of 50 feet and further limiting the setbacks under Article 27 to 100 feet from all watercourses.

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, 20 acres per A-Type 3B, 5 acres per A-Type 1C, 20 acres per A-Type 4): *Complies, the parcel is 87.29 acres in size. The applicant needs 85 acres for (2) A-Type 3, (1) A-Type 3B, (1) A-Type 1C (outdoor), and (1) A-Type 4 license.*

The applicant qualifies for the grandfather clause due to meeting the qualifications set by the Board of Supervisors. However, the applicant is willing to conform with the amended Ordinance 3101 by complying with the sunset clause to shift from an outdoor canopy area to an enclosed structure equipped with an air filtration system within three years. The applicant is proposing not to phase from outdoor and modifying the use in the future, instead, the applicant is proposing full enclosures prior to operation to further meet the amended Ordinance 3101 to protect the farmland protection zone.

- 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 approximately 500 feet away from the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the proposed enclosure is a 7 feet tall fence for screening.*
- Maximum Canopy Area (111,620 68,500 ft² maximum for a (2) A-Type 3, (2) A-Type 3A, (1) A-Type 1C (mixed-light), (1) A-Type 3B, (1) A-Type 1C (outdoor), and (1) A-Type 4): *Complies; the proposed canopy area would be 111,620 ft² of canopy area with a total of 89,620 square feet of outdoor canopy, 22,000 square feet of “mixed-light” and up to 22,000 square feet of immature plants (no canopy area). The applicant complies with the previous ordinance. However, with the amended ordinance, the applicant is willing to comply with the sunset clause to shift to indoors within three years. The applicant complies with the amended ordinance 3101.*

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, completing 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 from the previous and the amended Ordinance (3101). If the requirements have not yet been met, a condition has been added to ensure compliance with the local zoning ordinance.

The applicant has 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. The applicant complies with the restrictions regarding the prohibited activities

listed in Article 27, subsection 13(at), as 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.

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 20-33; Attachment 5) was prepared and circulated for public review in compliance with CEQA from **2/16/2021 to 03/22/2021**. The applicant submitted a Cultural Resource Assessment to the Community Development Department (CDD) dated March 2020, which concluded that there is no significant impact to cultural resources due to negative findings. However, if there is an event of an unanticipated discovery, all work must be halted and a qualified archaeologist must be notified, this is included within the conditions of approval (Attachment 4). Additionally, the local tribes were notified of the project and no adverse comments were received.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Geology/Soils
- Hydrology/Water Quality
- Hazards & Hazardous Materials
- Wildfire
- Utilities/Service Systems
- Noise

However, with the incorporation of the mitigation measures in Attachment 5, all impacts can be reduced to a less than significant level. Therefore, the staff is recommending a Mitigated Negative Declaration be adopted.

VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

The proposed use of commercial cannabis cultivation operation is permitted in the Agriculture 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 and minimize various factors that will potentially impact the neighboring areas. The amended ordinance will be incorporated within the project scope to further alleviate potential impacts that meet the above statement of this section. The

Community Development Department will 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.

The proposed cultivation area is ~~237,220~~ 148,000 ft²; this represents 0.6% of the 86.34-acre site. The proposed project meets all siting and development standards for cannabis; 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 the nearest off-site dwelling.

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

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.

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.

Since commercial cannabis cultivation is a permitted use for land designation Agriculture 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 Lakeport Area 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). **The applicant qualifies under amended zoning ordinance 3103 to phase from outdoor cultivation to indoor, however, the applicant is proposing complete indoor without phasing into enclosures. This would further conform to the newly amended zoning ordinance and addresses public concerns.***

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.

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

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

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i. as outlined in this staff report.
8. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii as outlined in this staff report and Attachments 1 through 6.

VII. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. **Adopt Mitigated Negative Declaration (IS 20-33) for Major Use Permit (UP 20-28) 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-3.
 2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-5.
 3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6.
 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 and 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-6.
 6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-7.

7. 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.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Lakeport Area Plan, and Zoning Ordinance.
11. 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.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-28 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, Lakeport Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to apply for the permit described in Chapter 21, Article 27, Section 1.ii.(g)(h).
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 amended **Major Use Permit (UP 20-28)** applied for by **Gustafson Farms, LLC (Joseph Gustafson)** on property located at **4550 & 4460 [4440 & 4520] George Road, Lakeport, CA**, further described as **APNs: 008-031-60 and 008-032-44 [008-032-43 and 008-031-48]** 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 **May 21, 2021**.

Major Use Permit (UP 20-28)

I move that the Planning Commission find that the amended **Major Use Permit (UP 20-28)** applied for by **Gustafson Farms, LLC (Joseph Gustafson)** on property located at **4550 & 4460 [4440 & 4520] George Road, Lakeport, CA**, further described as **APNs: 008-031-60 and 008-032-44 [008-032-43 and 008-031-48]** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [i, ii(g), I (ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **May 21, 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.*