

## Memorandum

**To: Lake County Planning Commission**

**From: Sateur Ham**

**Date: May 20, 2021**

### **Summary:**

During the Planning Commission Meeting Hearing held on April 22, 2021 for the project located at 4550 & 4460 George Road, Lakeport, CA, there was public concerns regarding the proposed cannabis operations, including but not limited to odors and the Farmland Protection Zone. Due to public concerns, the applicant has coordinated with the Lake County Community Development Department to address these concerns by reducing the project size significantly and by challenging the license type from outdoor cultivation to indoor cultivation within the proposed processing structure. All structures and greenhouses will be fitted with air filtration systems to prevent the movement of odors, pesticides, and other airborne contaminants. Thus, further minimizing any potential adverse impact.

The project was originally for 111,620 square feet of canopy area within 237,220 square feet outdoor cultivation area **and has been reduced to** canopy area is 68,500 square feet canopy area within a 148,000 square feet of cultivation area. All cultivation will occur within engineered and/or hybrid greenhouses. All other structures remain as proposed. Refer to Attachment 7 - Revised Project Description/Site Plans for details.

Additionally, further environmental analysis is not required for this project as the applicant has significantly reduced the project size within the original footprint of the project. All potential environmental impacts have been reduced to less than significant. Refer to Attachment 5 for details.

## ADDENDUM

Due to some of the concerns from the neighbors, the applicant would like to address some of the issues and work with the assigned planner to amend the project. The applicant would like to propose a new project description that would further minimize the environmental impacts, alleviate public concerns, and also further conform with the newly amended ordinance 3101.

The original canopy area is 111,620 square feet within 237,220 square feet cultivation area.

The amended canopy area is 68,500 square feet canopy area within a 148,000 square feet of cultivation area.

The applicant proposed project description of the **89,620 square feet outdoor canopy area**—an A-Type 3 (outdoor) needing a total of 45 acres to sustain the proposed canopy area will change to **44,000 square feet indoor canopy area- an A-Type 3B (indoor)** which will need a total of 40 acres to sustain. The applicant proposes to allocate the 5 acres from the total acreage of the parcel to propose an A-Type 1C (specialty cottage) for a 2,500 square feet canopy area in a proposed greenhouse that was originally for the proposed nursery.

*Please see the applicant's attachment and site maps for review.*

The CEQA environmental analysis is not necessary for the amended project as the physical environmental impact has already been addressed. All proposed structures will remain the same. However, the assigned planner will go through each section and will provide a brief analysis of why all categories of the environmental analysis had been addressed and will remain the same or further lessen the impact and can be used as a “worst-case scenario”.

**AESTHETIC:** The analysis with the report addressed all structures from the first proposal and will remain the same in the amended proposal. The applicant will provide a lighting plan to address the new light sources from the proposed building to be reviewed, revised (if necessary), and approved. This section will remain the same.

**AGRICULTURE and FORESTRY RESOURCES:** The designation of the project site location remains the same—that the location is within “Grazing land and “Unique Farmland”. No impact

**AIR QUALITY:** The air quality section addresses short-term and long-term air quality impacts from preparation/construction and operations. The potential effects had been addressed. However, the project will no longer have an outdoor cultivation component to it which would include tillage, plowing, disking, harrowing of such that would be considered a “long-term” air quality impact. This would allow the operation to become a lesser impact in this regard. In addition, the greenhouses and structures that were proposed (and remains in the amended project) address air filtration systems to prevent the movement of odors, pesticides, and other airborne contaminants. Thus, further minimizing any potential adverse impact in this section.

**BIOLOGICAL RESOURCES:** The project is located within an existing grape vineyard. There are no sensitive species or habitats were identified during the site survey.

**CULTURAL RESOURCES:** A cultural report was conducted and resulted in no indication that the project will impact any unique archeological resources as defined in CEQA Section 21083.2(g).

**ENERGY:** The energy usage remains the same and required that the applicant complies with the local ordinance for indoor cultivation and mixed-light cultivation light to not exceed 1,200 watts and shall conform to all applicable electrical codes. All new buildings, alterations, additions, and commercial buildings in California must comply with the Building Energy Efficiency Standards according to Title 24, Part 6 of the California Code of Regulation. This will be addressed when the applicant submits the building plans to be reviewed and has already made as conditions of approval (Attachment 4) in the original draft condition.

**GEOLOGY:** The potential impact addresses sediment runoffs and erosion hazards. The land topography remains the same—that is, it is still located at the same position and is relatively flat. The best management practices and the mitigation measures remain the same for the construction, general measures incorporated will still apply to the proposed structures and no longer applies to the outdoor cannabis canopy area because it is no longer there. The applicant is proposing raised planters with imported soil to be used indoors. Thus, leading to a lesser geological impact.

**HAZARDOUS and HAZARDOUS MATERIALS:** The hazardous and hazardous materials address fertilizer and pesticide concerns but also include biological, chemical, and physical hazards. The applicant had already proposed organic fertilizer and pesticides in the project management plan and will remain the same use of material. The potential impact of hazards that can be involved in cannabis operation is addressed in general.

**HYDROLOGY and WATER QUALITY:** The original outdoor cultivation is closest to the nearest watercourse, however, it meets all regulatory setbacks from the state and local regulation—the removal of the outdoor canopy area to indoor will provide a more generous setback from the nearest watercourse. This would then further minimize the potential degradation of water quality. The location of the well and structures remains the same, thus, the mitigation and assessment will remain the same. In addition, the area of the impervious surface remains the same because no additional structures are proposed other than the one originally proposed. Therefore, the hydrological and drainage patterns will remain the same.

**NOISE:** The noise impact addresses construction for site preparation and the construction of the proposed structures. That is, that it will create a short-term impact with the mitigation measures to remain the same.

**TRANSPORTATION:** The number of full-time employees will be slightly less due to the decrease in size by half of the full outdoor canopy area taken in the proposed indoor structure due to fewer employees for site preparation. Therefore, it will be a lesser transportation impact.

## VIOLATIONS

*To continue from the previous public hearing to address the issue regarding violations.*

There are **NO VIOLATIONS** of chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property which is ***one of six findings required for the approval per Lake County Zoning Ordinance Section 51.4. The applicant still meets all the same findings in Zoning Ordinance Section 51.4.***

Under Zoning Ordinance 27.13 (at), it does not address state violations as a determinant to approve or deny a project. However, under general requirements (ii) a person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County major use permit, a state cannabis cultivation license, and applicable permits such as from the Department of Fish and Wildlife, Department of Pesticide Regulation, the State Water Resource Control Board. This is already made as a condition and the applicant is made fully aware of this condition.

In addition, several conditions are included and are made standard in all conditions of approval for cannabis cultivation to ensure regulatory compliance with the local, state, and federal are in place or otherwise revoked if these conditions are not met. The following included in the conditions of approval are the following:

1. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district, or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
2. **Prior to operation and construction**, the applicant shall obtain permits from all necessary Federal, State, and local agencies for the construction/development of any infrastructure.
3. **Prior to operation**, all necessary permits shall be obtained from all applicable federal, state, and county agencies having jurisdiction over this project. Said permits shall be maintained for the life of the project.
4. **Prior to this use permit being valid, vested, or operative**, all necessary permits shall be obtained from all applicable federal, state and county agencies having jurisdiction over this project including but not limited to the Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs. Said permits shall be maintained for the life of the project.
  - *A copy of said permits shall be submitted to the Lake County Community Development Department for review and approval. If permits are not required, the applicant shall obtain*

*written documentation from each agency and submit said documentation to the Community Development Department.*

- *If there is a change in name of permit operator(s), the new permit operator(s) shall be responsible for ensuring all applicable permits are up to date.*