



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
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Item 6
9:30 AM
June 10, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Prepared by: Michael Taylor, Assistant Planner

DATE: June 10, 2021

RE: Pat Smythe (Mighty Tasty Farms)

- **Major Use Permit (UP 19-32)**
- **Initial Study (IS 19-50)**
- **Early Activation (EA 19-62)**

Supervisor District 1, 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

Pat Smythe (Mighty Tasty 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 19697 and 19713 East Road, Lower Lake, CA on Lake County APN 012-049-17 and 012-049-18. The applicant's proposal includes one (1) A-Type 3 "outdoor" License, one (1) A-Type 3B "Mixed-Light" License, and one (1) Type 13 Self-Transport Distribution License to allow a total of 41,796 square feet of commercial cannabis canopy area, within a 44,121 square feet cultivation area and include the following:

- 32,076 square feet outdoor cultivation area
- (3) 30' x 108' greenhouses, total of 9,720 square feet of indoor cultivation
- One (1) 525 square foot storage structure including private security room and restrooms
- One (1) 1,225 square foot concrete pad to hold nine (9) 1,500-gallon water storage tanks and three (3) 3,500-gallon water storage tanks

- Existing 30' x 60' building as a proposed processing facility

Mighty Tasty Farms is proposed as a fully organic cultivation using mostly dry fertilizers and liquid fertilizers as needed. The dry fertilizers include Max Sea, Beastie Bloom and Cha Ching and the liquid fertilizers include Rapid start and Cal Mag Plus. Mighty Tasty Farms will be using fertilizers and pesticides that are in compliance with the California Department of Food and Agriculture (CDFA) for use on cannabis plants, and will be stored in secondary containment structures in the manufacturer's original containers secured in a storage building.

The proposed cultivation will be irrigated via an existing water well (Well Permit Number WE-5329 AG) located approximately 130 feet west of the cultivation area. On May 25 and 26, 2021 a well analysis was conducted and results prepared. According to the analysis the well produces 18 gallons per minute with a static water level of 100 feet. The well recovered at 100 feet in 24 hours after a water level drop of 70 feet. The Property Management Plan indicates that total water usage for the cultivation growing season to be 485,007.60 gallons. Based on the well production report the well is capable of producing approximately 9,450,000 gallons of water a year. Given that the total water usage per grow season is 485,000.60 gallons only 5 percent of the total gallons of water produced per year is utilized. The well water will be pumped through underground pipes and stored in nine (9) 1,500-gallon water storage tanks and three (3) 3,500-gallon water storage tanks and a drip irrigation system used to conserve water.

Mighty Tasty Farms will utilize all-natural sunlight to cultivate 32,076 square feet of outdoor cannabis and 9,720 square feet of indoor cultivation with mixed light from both the sunlight and artificial lighting below 25 watts per square foot. All electricity for the project will be supplied from PG&E and used mainly for the processing facility as well as the security system. The applicant is proposing a backup generator to be used in emergency situations when electricity cannot be supplied by PG&E. The project does not propose the storage or use of any hazardous materials. All organic waste will be placed in the designated composting area within the cultivation area.

The project property is accessed from an existing gravel access easement (East Road) via Spruce Grove Road. The site access driveway currently has an electric gate with an emergency lock box. The gate will be locked outside of core operating business hours and whenever personnel are not present. Only approved managerial staff and emergency service providers will be able to unlock the gates. The cultivation area will be conducted within an enclosed area secured by a chain-link fence approximately six (6) feet in height. The fence will be screened with a privacy mesh, which will help reduce visibility within the surrounding area.

The proposed business hours of operation will be between 8:00 am and 6:00 pm with deliveries and pickups restricted to 9:00 am to 7:00 pm Monday through Saturday and Sunday from 12:00 pm to 5:00 pm. The Project Property is accessed directly off East Road which can be accessed from Spruce Grove Road in Lower Lake.

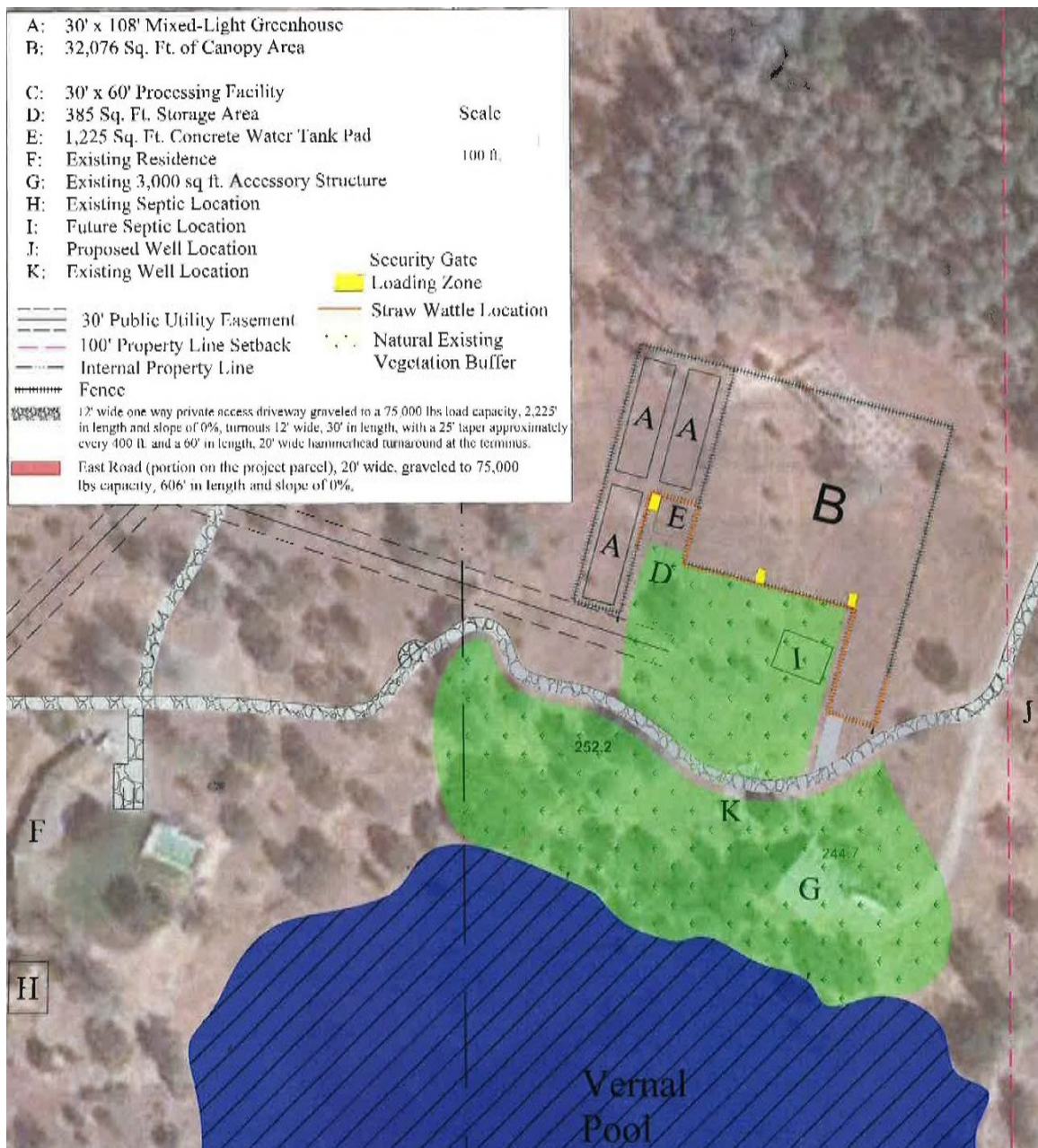


Figure 1. Proposed Site Plan and Cultivation Area

Staff is recommending approval of Major Use Permit, UP 19-32, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-50) with the incorporated Mitigation Measures and Conditions of Approval.

II. PROJECT DESCRIPTION

Applicant: Pat Smythe

Owner: Pat Smythe

Location: 19697 and 19713 East Road
Lower Lake, CA 95457

A.P.N.: 012-049-17 (24.44 acres) and 012-049-18 (31.51 acres)

<u>Parcel Size:</u>	55.95 acres in total
<u>General Plan:</u>	RL (Rural Lands)
<u>Zoning:</u>	RL-W (Rural Lands– Wetlands Combing District)
<u>Flood Zone:</u>	“D”: Areas of undetermined, but possible, flood hazard
<u>Submittal Date:</u>	September 23, 2019
<u>Farmland:</u>	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 designations. The surrounding parcels range in size from approximately 2 acres to 472 acres. North and east of the project parcel is designated Rural Lands, mostly vacant lots, with the closest residential structure approximately 1300 feet from the cultivation area. To the south and west are parcels designated as Rural Residential with sparse development with the closest residential structure approximately 1,200 feet from the cultivation area.

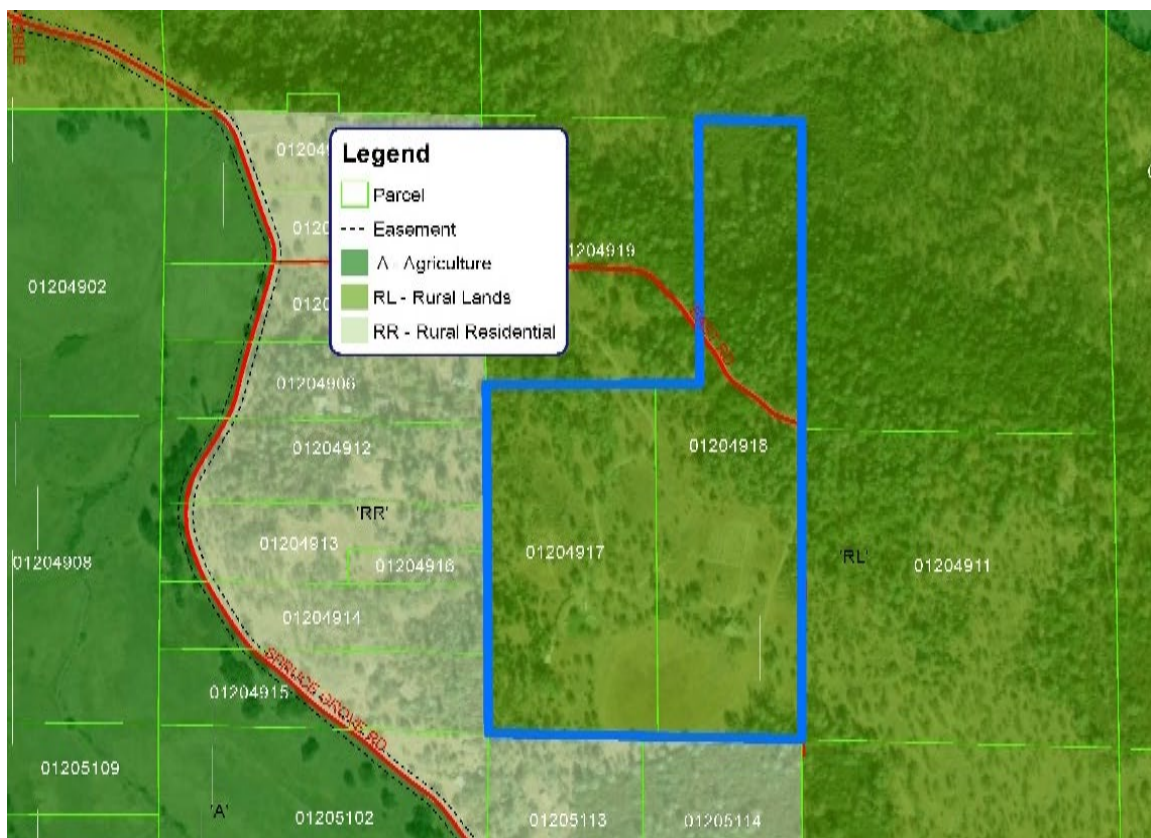


Figure 2. Zoning Map of Site and Vicinity

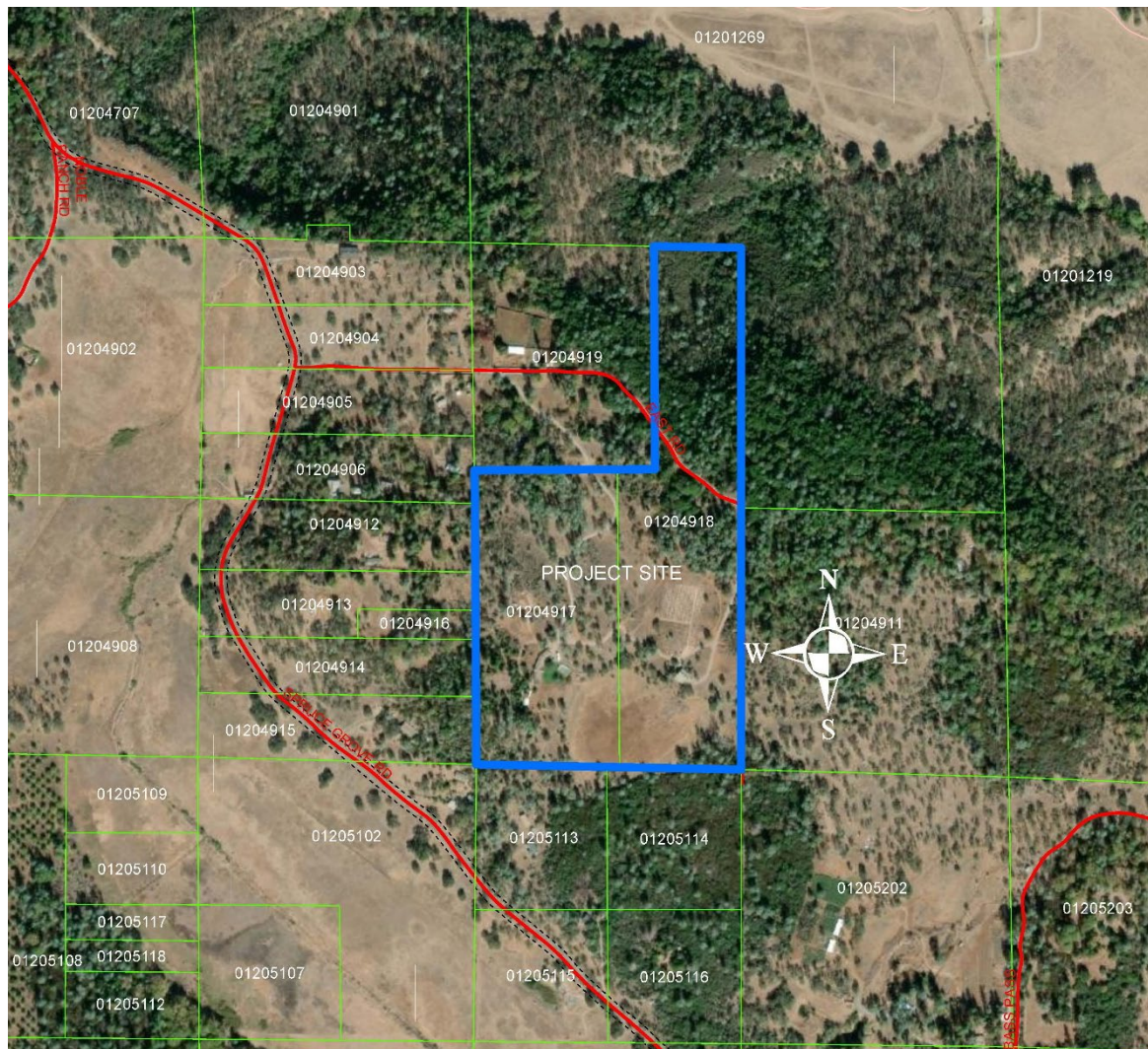


Figure 3. Aerial Photo of Subject Site

Topography: The cultivation area is on shallow slopes of less than 10%. The average cross-slope of the parcels within the property boundary is between 4.9 and 19.9%.

Soils: The project area contains the following soil types:

- 127 Collayomi-Aiken-Whispering complex, 5 to 30% slopes
- 152 Konocti-Hambright complex, 5 to 15% slopes (Cultivation Area)
- 209 Skyhigh-Millsholm loams, 15-20% slopes
- 216 Sobrante-Collayomi-Whispering association, 15 to 30% slopes

Water Supply: Existing Well

Sewage Disposal: On-site septic system.

Fire Protection: Lake County Fire Protection District

Vegetation: In 2015 project area was graded and cleared of vegetation for a vineyard cultivation operation.

Water Courses: None

Vernal Pool: Located approximate 240 feet south of the cultivation area.

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 is consistent with agricultural/crop production permitted in the Rural Lands of the Lake County General Plan (2008). Also, the applicant is proposing one (1) A-Type 3 outdoor cannabis cultivation per 20-acre minimum lot size and one (1) A-Type 3B "Mixed Light" cannabis cultivation per 20-acre minimum lot size. The applicant meets the general plan conformance for the allowable use under this designation.

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.

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."

A vernal pool located to the south of the cultivation area. Per the biological assessment no impacts are anticipated. The cultivation area is located approximately 240 feet from the vernal pool and

Best Management Practices (BMPs) are proposed as extra precaution. In light of the facts provided, staff determined that no impacts will occur from the project.

“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 the Lake County zoning ordinance, Article 27(at), Section 2, i, (b), b, (10), it is required that the project site be located in an area that would not adversely affect sensitive habitats or species and all waterways by setting buffer zones of 100 feet. A reconnaissance-level field survey was conducted on July 9, 2019. Per the biological field assessment no impacts to special-status species are likely to occur, and is also recommended that a formal delineation of jurisdictional waters be performed before construction work, or ground disturbance is performed near any drainage or wetland.

“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. For this project, a meter will be installed and attached to the water system and all data will be recorded and maintained for a minimum of 5-years. Also, the project management plan proposes a drip irrigation system as a method of water conservation.

“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.”

A cultural resources evaluation of the project parcels dated June 22, 2015 concluded that there is some evidence of cultural resources present in the project area, however, it is not considered significant by the Public Resource Code. Additionally, The California Historical Resources Information System (CHRIS) identified a previous study that covered 75 percent of the project parcels, identified isolated artifacts but are not considered significant cultural resources as defined in the Public Resources Code. .

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.

According to Section 27.11 (Table B) of the Lake County Zoning Ordinance the cultivation of commercial cannabis is permitted within the Rural Lands zoning district upon issuance of a use permit. The applicant meets this requirement and will be cultivating 41,796 square feet of canopy area.

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): *Complies, the lot is 80.14 acres in size. The applicant needs 80 acres for an (4) A – Type 3 license.*
- 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 200 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 (65,560 square feet): *Complies; the proposed canopy area would be 41,796 square feet 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.

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, storm water management, security, compliance monitoring. Also, the applicant complies with the restrictions regarding the prohibited activities listed in Article 27, subsection 11(at), including, but not limited to, illegally diverting water, producing excessive odors, and cultivating within a Cannabis Exclusion Area.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Please refer to Initial Study IS 19-50 (Attachment 5) for the full Environmental Analysis of the proposed commercial cannabis project. Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified as having potential environmental impacts:

Aesthetics

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

Air Quality

1. All Mobile diesel equipment used for construction and/or maintenance shall be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as Lake County Noise Emission Standards.
2. Construction and/or work practices that involve pavement, masonry, sand, gravel, grading, and other activities shall be managed by adequate dust control to mitigate airborne emission during and after site development.
3. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads. Also, any manufacturing and delivery operations must comply with Lake County Air Quality Management District (LCAQMD) rules and regulations.
4. 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.
5. The applicant shall have the primary access and parking areas surfaced with chip seal as a temporary measure, and asphalt or an equivalent all weather surfacing for long term occupancy to reduce fugitive dust generation. All areas subject to semi-truck/ trailer traffic shall require asphaltic concrete paving or equivalent to prevent fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
6. All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly maintain and require palliative treatment at the graveled area to reduce fugitive dust generations.

Biological

1. Trees must be inspected for the presence of active bird nests before tree felling or ground clearing. If active nests are present in the project area during construction of the project, CDFW should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

2. If tree felling is performed, a pre-construction nesting bird survey is recommended.
3. If clearing of natural habitat is performed, a pre-construction special-status species survey is recommended.
4. The applicant shall enroll and comply with Cannabis Cultivation Order WQ 2017-0023-DWQ which will ensure that cultivation operation will not significantly impact water resources. A formal delineation of jurisdictional waters shall be required before construction work, or ground disturbance, near any wetland or drainage.

Cultural and Tribal Resources

The applicant submitted a Cultural Resource Assessment to the Community Development Department (CDD) dated June 22, 2015, which concluded that there are scattered isolated artifacts, however, the report found that these finds were not significant as defined in the Public Resource Code. Additionally, the local tribes were notified of the project and no adverse comments were received. In light of the fact that the local Cultural and Historical Tribe and the developer have agreed on mitigation measures, Staff recommends the following additional mitigations be adopted.

1. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training prior to initiation of ground disturbance activities on the Project. The training must address the potential for exposing subsurface resources and procedures if a potential resource is identified consistent. The Project applicant will coordinate with the Culturally Affiliated Tribe on the adequacy of the cultural resource sensitivity training.
2. 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 applicant shall notify the local overseeing Tribe, and a qualified archaeologist 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, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
3. The applicant shall halt all work and immediately contact the Lake County Sheriff's Department, Middletown Rancheria, and the Community Development Department if any human remains are encountered.
4. Prior to initial ground disturbance, the applicant and the Tribe shall coordinate and jointly select a Tribal Cultural Advisor designated by the Tribe to facilitate mitigation measures related to tribal cultural resources of the Project in coordination with the applicant.

Geology and Soils

1. Prior to any ground disturbance, the permitted shall submit Erosion Control and Sediment Plans to 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. All BMP's shall be maintained for the life of the project.

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.
3. The permit holder shall monitor the cultivation area during the rainy season (October 15 to May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

Hazards and Hazardous Materials

- 1.
2. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.
3. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.
4. If there will be storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division, California Regional Water Quality Control Board, and Air Quality Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.
5. The project design shall incorporate appropriate Best Management Practices (BMPs) consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.

Noise

1. All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.
3. The operation of the emergency backup generator shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

Transportation

1. Prior to this use permit having any force or effect, the applicant will be required to submit and have approved a timeline to make all necessary road improvements to comply with Public Resource Code (PRC) section 4290 and 4291. The building official will inspect this road following completion of the road to assure PRC compliance.

V. MAJOR USE PERMIT FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (Lake County Zoning Ordinance, 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 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, security measures, road maintenance, and installing a water meter. The general requirements also include providing 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 environment. 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.

The proposed cultivation area is 44,121 square feet which represents approximately 2% of the 55.95 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 setbacks from property lines and nearest off-site dwellings.

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

The site is served by East Road (access easement) via Spruce Grove Road a county maintained road. The Building Division determined that the project will need to comply Public Resources Code 4290/4291 road standards (please refer to Attachment 6 – Agency Comments). The site requires minimal improvements to become compliant with Public Resources Code 4290/4291.

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 Public Works, Special Districts, Environmental Health, and PG&E. No adverse comments were received.

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 lands designated as 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.

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 applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g) as outlined in this staff report.
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i) as outlined in this staff report.

VI. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 19-50) for Major Use Permit (UP 19-32) 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-6.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-4.
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-5.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-3.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-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. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures TRANS-1.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Lower Lake 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 19-32 with the following findings:

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

proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways, and pedestrian facilities 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 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 **Major Use Permit (UP 19-32)** applied for by **Pat Smythe** on property located at **19697 and 19713 East Road, Lower Lake, CA**, further described as **APNs: 012-049-17 and 012-049-18** 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 27, 2021**.

Major Use Permit (UP 19-32)

I move that the Planning Commission find that the **Major Use Permit (UP 19-32)** applied for by **Pat Smythe** on property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APNs: 012-049-17 and 012-049-18** 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 27, 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.*