



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Planning Department · Building Department · Code Enforcement

707/263-2221 · FAX 707/263-2225

Item # 2
June 24, 2021

STAFF REPORT

TO: Planning Commission

FROM: Prepared by: Eric Porter, Associate Planner

DATE: June 24, 2021

RE: **LDM Enterprises II LLC; Major Use Permit (UP 19-20) and Initial Study (IS 19-35).** APN: 007-021-23

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plans
6. Initial Study IS 19-35
7. Public Comments

I. PROJECT DESCRIPTION

The applicant is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation which includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing. The applicant seeks approval of the following license(s) and improvements:

- **(One) A-Type 3 (medium outdoor) cultivation area** consisting of up to 22,500 square feet (sq. ft.) of canopy area
- **(One) A-Type 13 Self Distribution license**
- **(Two)** 120 sq. ft. sheds to be used for chemical / pesticide storage and for security data storage
- **(One)** 20' wide interior driveway with designated parking spaces

The proposed use is located at 7295 Adobe Creek Drive, Kelseyville, CA and is APN: 007-021-23. The applicant will use above-ground fabric pots for the cannabis plants.

Applicant: LDM Enterprises II, LLC
Owner: Albert and Marjorie Boyles
Location: 7295 Adobe Creek Road, Kelseyville, CA
A.P.N.s: 007-021-23
Parcel Size: 23+ acres
General Plan: Agriculture
Zoning: “A-WW-FF-SC” – Agriculture – Waterway – Floodway Fringe - Scenic Combining
Flood Zone: A and X
Natural Hazards: Dam Failure Inundation zone, High Fire Area (SRA)
Canopy Area: 22,500 square feet (sq. ft.)
Submittal Date: July 5, 2019

Staff is recommending **approval** of Major Use Permit (**UP 19-20**) **subject to conditions.**

II. PROJECT SETTING

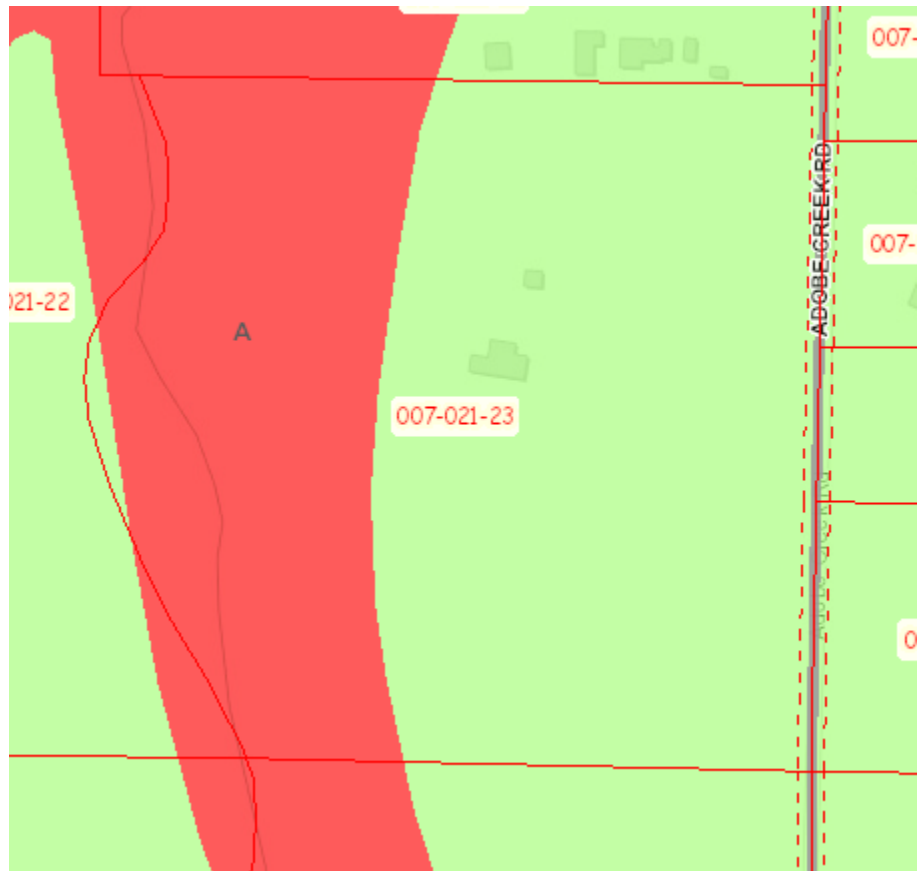
Existing Uses and Improvements: The parcel is about 23+ acres in size, over the minimum required 20 acre size. The property contains a house, a well and septic system. The property was approved in 2018 for medicinal cannabis cultivation.

Access to the property is taken from Adobe Creek Road, a paved but narrow County-maintained road with less than 20’ width and no shoulders. The interior of the site is presently served by a 12’ to 24’ wide gravel and dirt driveway. Some improvements to this driveway will be needed to make it ‘CalFire (Public Resource Code [PRC] 4290 and 4291) compliant in order to support the weight of a 50,000 pound CalFire tractor hauling a bulldozer. The interior access driveway is flat, and improving it to meet CalFire width and surface material will be relatively easy.

Surrounding Uses and Zoning

North, South, West and portion of South-East: “A” Agriculture; parcels range between 10 and over 20 acres in size. The adjacent south-east property contains an established agricultural area. All adjacent lots developed with dwellings. The nearest off-site dwelling is located about 380 feet south of the cultivation area. The eastern property contains an established agricultural use that is about 350 feet away from the cultivation area.

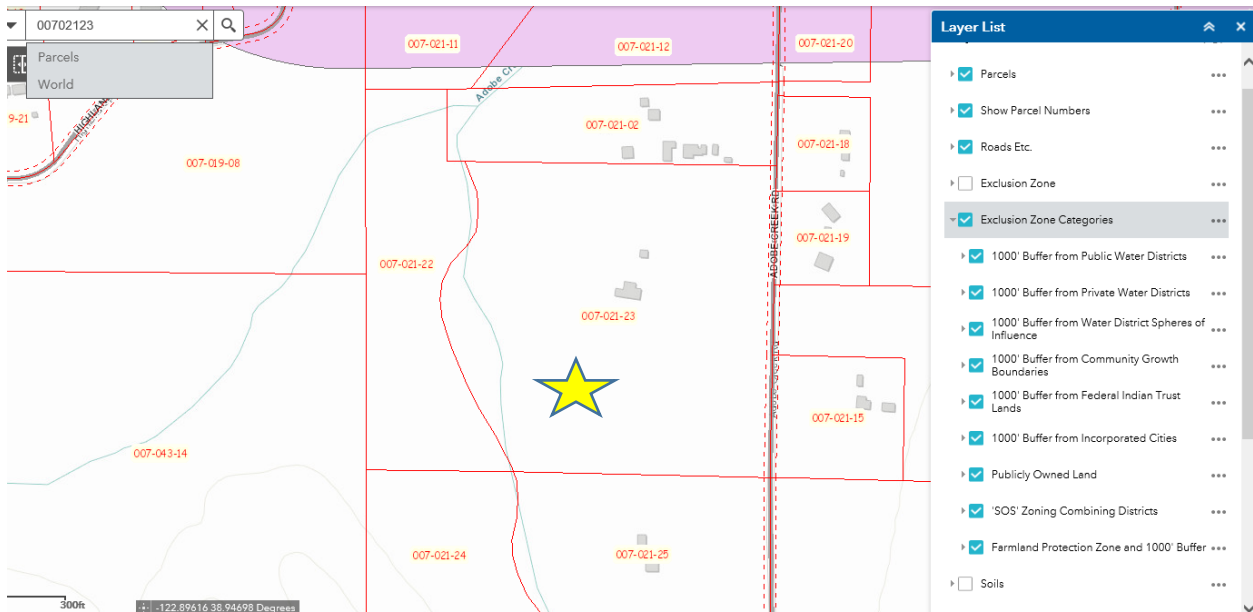
North-East: “RR” Rural Residential zoning; several lots are 2+ acres in size and developed with dwellings.



FLOOD PLAIN ON SITE



SITE PLAN



EXCLUSION AREA MAP

Topography: Flat, less than 10%.

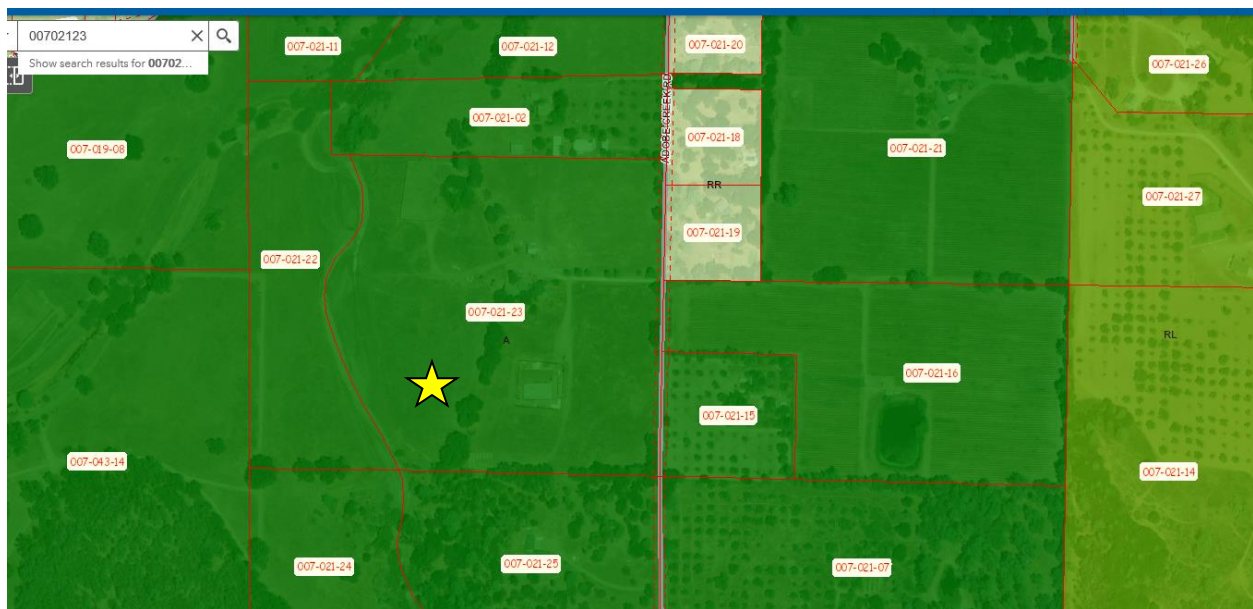
Soils: The cultivation area contains type 233 (Still loam, stratified substratum, 0 to 2% slope) and 235 (Still-Talmage complex, 2 to 8% slope), Neither soil type has a high potential for erosion.

Water Supply: Existing well

Sewage Disposal: Existing On-Site Septic

Fire Protection: Kelseyville Fire Protection District

Vegetation: Several varieties of oak trees along the creek, grass and a pre-existing medicinal cannabis cultivation area



Zoning of Site and Surrounding Lots

The applicant is requesting approval for (1) A-Type 3 (medium outdoor) commercial cannabis cultivation license that would include a 22,500 sq. ft. cultivation area enclosed in a 6 foot tall fence, and for (1) A-Type 13 ‘Self Distribution’ license. Lake County Zoning Ordinance,

Article 27, subsection (at) in part regulates cannabis cultivation in Lake County. The 20+ acre property is large enough to support the requested licenses. The applicant is not within an “exclusion overlay district”, and the applicant is pre-enrolled with the Regional Water Board. The applicant must meet all requirements for commercial cannabis cultivation. The site will be served by an on-site well and a water map that shows surface water sources; however the applicant has not provided well data for the on-site well.

The Planning and Building Department conducted a site inspection on Tuesday November 26, 2019 to determine the following: (1) whether compliance with Public Resource Codes (PRC) 4290 and 4291 were met; (2) whether the site plan accurately depicted the site layout, and (3) whether any buildings were present that were not accounted for on the site plan submitted.

Construction

- Construction of the site would take place over a two to four week period
- Constructing a fence for the cultivation area
- Importing fabric pots and soil for the cannabis plant growing medium
- Improvements to interior driveway
- Construction-related estimated daily trips would range between four and eight trips per day, primarily to bring construction-related supplies to the site (fencing, restroom items, fabric pots, soil).

Post Construction Cultivation Activities

- Self-distribution; an A-Type 13 self-distribution is requested
- Off-site drying, trimming and packaging
- The applicant and has provided well data showing the adequacy of the water table in this location.
- Fertilizer is packed in five-gallon, resealable containers and stored in a secondary storage container located in a locked storage shed adjacent to the canopy site. Fertilizer is entirely organic
- Only enough product will be kept on site for ongoing cultivation purposes.
- The remaining containers are returned to the supplier.
- There are no other “chemicals” stored on site. There will be no use of chemical pesticides, rodenticides, or herbicides.
- The facility is open for delivery and pick-ups Monday through Saturday, 7:00 AM to 7:00 PM, and Sunday 12:00 PM to 5:00 PM.
- Up to two employees working on the site during peak harvest times, and between one and two employees working on non-peak harvest times.
- Estimated daily vehicle trips would range between four and eight following construction.

III. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is Agriculture. The General Plan states the following about Agriculturally-zoned land:

Agriculture. This land use category includes areas 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. Wineries and the processing of local agricultural products such as pears and walnuts are encouraged within this designation. 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 to the management of the natural infrastructure of the watersheds.

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

Chapter 3 - Land Use

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

- Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.

Response: *Cannabis cultivation is allowed upon issuance of a major or minor use permit depending on its size and characteristics of the property within the Agriculture zoning district. The site is within 1000 feet of established / traditional agricultural uses, so screening is required. The site is not within a Farmland Protection Area, so greenhouses are not required.*

Goal LU-2: is to clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

- Policy LU-2.4 Agricultural/Residential Buffer. The County shall require adequate setbacks between agricultural and non-agricultural uses. Setbacks shall vary depending on type of operation and chemicals used for spraying.

Response: *In reference to the Lake County Zoning Ordinance Article 27, Section 27.11 (at), the county requires a minimum 100 foot setback from all property lines of the subject property, and a minimum of 200 foot setback from any off-site residences. The nearest off-site residence is located approximately 380 feet from the cultivation site. Additionally, commercial cannabis cultivation is prohibited within a 1,000 feet of Community Growth*

Boundaries, licensed child care facilities, churches, or youth-oriented facilities. The area does not contain any known such facilities within 1000 feet of the cultivation site.

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”.

Response: *The proposed Commercial Cannabis Operation, would create diversity within the local economy, and create future employment opportunities for local residents. According to the application material submitted, there are a total of two (2) employees proposed at peak shift. The number of employees can decrease depending on the stage of the cultivation season.*

Kelseyville Area Plan Conformance Analysis

The subject site is within the Kelseyville Area Plan’s boundary. The Plan contains policies that apply to agricultural uses and economic development as follows:

Policies

Agricultural Uses

- **3.5a:** Development shall be directed to areas which will minimize impacts to prime farmland.

Response: *The proposal has its own access to Adobe Creek Road, a narrow paved County-maintained road at this location. The proposed number of vehicle trips associated with this project are estimated at between four and eight daily trips; this level of trip generation would not directly impact nearby agricultural uses regarding access to Adobe Creek Road. The proposal will use organic fertilizers and pesticides in order to meet State quality control standards for cannabis, and has provided erosion control measures to minimize potential stormwater impacts to neighboring lots.*

- **3.5e:** The County should encourage the widespread use of erosion control programs and techniques in erodible agricultural areas, in cooperation with the local Resource Conservation District.

Response: *The applicant has provided erosion control measures (straw wattles to retain stormwater within the cultivation area) to minimize potential stormwater impacts to neighboring lots.*

- **5.1b-1:** A high priority should be given to providing service and employment opportunities locally in the Kelseyville Planning Area in order to boost economic development and reduce travel distances.

Response: *This applicant would have up to two employees. In addition to the income made by these two employees, the applicant will provide State-controlled product to local cannabis retail stores, further enabling more local employment.*

Zoning Ordinance Conformance

Article 5 – Agriculture (A). Purpose: To protect the County’s agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permits, minor or major use permits in addition to any required building, grading and/or health permits.

Development Standards, General Requirements and Restrictions. This application meets the following Development Standards, General Requirements and Restrictions as specified within Article 27, subsection (at) of the Lake County Zoning Ordinance.

Development Standards

- Minimum Lot Size (20 acres): *Complies; the subject site is over 23 acres in size. The applicant has applied for one A-Type 3 (medium outdoor) cultivation license and one A-Type 13 ‘self-distribution’ license’ which is under consideration herein.*
- Setback from Property Line (100 feet): *Complies, the cultivation site is about 215 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling is located about 380 feet away from the nearest cannabis cultivation area.*
- Fence Height between Six (6) and Eight (8) Feet: *Complies, the proposed fence height is six (6) feet.*
- Maximum Canopy Area (43,560 sq. ft.): *The proposed canopy area is estimated to be 22,000 sq. ft. in size.*
- Located in a flood plain: *The cultivation site is located about 100 feet from the edge of the ‘A’ flood plain.*
- Located in a Mapped Farmland Protection Area? *The site is located about 500 feet from the edge of the nearest mapped Farmland Protection Area.*

General Requirements. Subsection (at) of the Lake County Zoning Ordinance general requirements and restrictions for cannabis cultivation including, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operation and deliveries, access requirements, etc.

The proposed project meets all general requirements outlined in Article 27 of the Lake County Zoning Ordinance. If the requirements have not yet been met, a condition has been added to assure compliance.

The applicant has also submitted a Property Management Plan, outlining compliance with all regulations pertaining to cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security, compliance monitoring, etc. In addition, the applicant complies with the restrictions pertaining to the prohibited activities listed in Subsection (at) of Article 27 of the Zoning Ordinance, including but not limited to the removal of trees, illegally diverting water, producing excessive odors, cultivating within a Cannabis Exclusion Area, etc.

IV. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. The County submitted the Initial Study (IS 19-35) to the State Clearinghouse for state agency comments on 2/19/2021. The 30 day review period ended on 3/25/2021, and no adverse comments were received by the County from notified State agencies. Please refer to *Initial Study IS 19-35* (Attachment 6) for the Environmental Analysis of the proposed cannabis cultivation action. 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. *The project has some potential to have visual impacts to public roads and neighboring lots. The following mitigation measures will reduce these impacts to 'less than significant levels':*

- AES-1: Prior to cultivation under this permit, the applicant shall submit a screening plan that shows screening along the exterior of the 150' x 150' cultivation area in order to screen the cultivation site from public view; this plan shall be submitted to the Lake County Community Development Department for approval. The vegetation screening shall consist of woody vegetation or trees that grow to no less than 20 feet tall. The species of woody vegetation or trees to be used may be chosen by the applicant but should be suited to localized soil and site conditions. Native plant species are encouraged as are plantings which will benefit local fauna. Plantings must be perennial and hardy in the local climate zone as specified in scientific literature or garden catalogs. The plan shall detail the woody vegetation or tree type, quantity, and placement as well as a maintenance and monitoring program to ensure the screen will be maintained through the life of the project.
- AES-2: The applicant shall maintain the 6' tall screening fencing year round for the life of this use permit. Screening shall be removed following the expiration of this permit within 90 days. If any breaches occur within the fencing, they shall be repaired immediately.

Air Quality. *The project has some potential to impact air quality during and after construction. The following mitigation measures are established to reduce air quality impacts to 'less than significant levels' as follows:*

- AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions.
- AQ-2: All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines.
- AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.
- AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- AQ-6: All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.
- AQ-7: Prior to this permit having any force or effect, the applicant shall plant fragrant plants around the perimeter of the cultivation area spaced no further than 3 feet apart. These fragrant plants shall be irrigated and maintained in a health state over the life of the use permit.
- AQ-8: Prior to cultivation under this permit, the applicant shall submit an Odor Control Plan that shows how odors will be masked or eliminated from migrating to neighboring properties. Acceptable method is planting fragrant plants along the perimeter of the cultivation area. If this method is used, plants shall be irrigated and maintained in a healthy state for the duration of this use permit.

Cultural / Geological (pre-historic) / Tribal Resources. *The project has some potential to adversely impact cultural / geologic (pre-historic) and Tribal resources. The following mitigation measures are established to reduce potential 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 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.
- CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Noise. *The project has some potential to generate noise during and after construction occurs. The following mitigation measures are established to reduce potential noise levels to 'less than significant' levels during and after construction:*

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm 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.
- NOI-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.
- NOI-3: Generators shall only be used as Emergency Power Backup supply and shall not be used for regular power provision to this facility.

V. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4a

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

Response: *The immediate area contains agriculturally-zoned land with several homes that are located about 380 feet away from the nearest cultivation site. As previously discussed, the potential impacts resulting from this proposal are Aesthetics, Air Quality, Cultural / Geologic / Tribal Resources and Noise. All of these significant impacts have been adequately addressed within the mitigation measures expressed through the*

conditions of approval in a manner that will reduce the potential impacts to less than significant levels.

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 proposal is for combined 22,500 sq. ft. of outdoor canopy area. The Lake County Cannabis Ordinance allows Type 3 cultivation licenses on Agriculturally zoned property when it meets the size and locational criteria and standards. The applicant seeks two licenses, one of which requires a 20 acre minimum. The subject site is over 23 acres in size, large enough to allow the A-Type 3 cultivation license that has been applied for. The self-distribution license is also included, but has no direct relationship with the property size specifically.*

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

Response: *The site is served Adobe Creek Road, a paved but narrow County-maintained public road. There are no known capacity issues associated with Adobe Creek Road. The operation of the project is projected to generate up to four average daily trips post-construction, which is below the threshold for requiring a traffic study. Daily on-site activity will occur Monday through Saturday between 7:00 am and 7:00 pm, likely from April to early November during the cultivation season.*

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 CAL FIRE, Kelseyville Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Relevant comments are attached as 'Attachment 3'. No adverse comments were received. The proposed water source is an existing agricultural well that produces 30 gallons per minute, and water will be stored in on site water storage tanks. The well test administered for the existing well was run for four hours, and the water table dropped by a total of six feet during the four hour run. There was nearly 100% recharge during a one-hour period of inactivity following the four hour well test. The site is served by an existing septic system and power is supplied by PG&E.*

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 named as a permitted use in the Agriculture zoning district within the Commercial Cannabis ordinance (Article 27, Table B and subsection (at)), this proposal is consistent with the governing ordinance for cannabis growing in the Lake County. The Lake County General Plan and the Kelseyville Area Plan do not have any specific provisions for commercial cannabis, but do have provisions for agriculture uses and economic development.*

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Response: *The site does not have any violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.*

VI. USE PERMIT FINDINGS FOR APPROVAL Article 27, subsection (at):

- (1) The proposed use complies with all development standards described in Section 1.i

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

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

Response: *The applicant and employees are required to pass a 'live scan' background check, and are qualified to undertake a commercial cannabis cultivation activity subject to approval of this use permit.*

- (3) The application complies with the qualifications for a permit described in Section 1.ii.(i)

Response: *This application complies with all qualifications for a permit described in Section 3.ii.(f). The applicant is proposing two cannabis-related licenses; one for the outdoor canopy site totaling 22,500 sq. ft., and a 'self-distribution' license (Type 13) that would enable legal on- and off-site cannabis transportation. The subject site is 23+ acres in size, large enough to support the cultivation license; the applicant also qualifies for the Type 13 'Self Distribution' license.*

VII. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 19-35) for Use Permit (UP 19-20) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7 and AQ-8.

3. Potential environmental impacts related to Cultural / Geologic / Tribal Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures CUL-1 and CUL-2.
4. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
5. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
6. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Use Permit UP 19-20 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 19-35)** applied for by **LDM Enterprises LLC** on property located at **7295 Adobe Creek Road, Kelseyville**, and further described as **APN: 007-021-23** 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 **June 24, 2021**.

Major Use Permit (UP 19-20)

I move that the Planning Commission find that the **Use Permit (UP 19-20)** applied for by **LDM Enterprises LLC** on property located at **7295 Adobe Creek Road, Kelseyville**, and further described as **APN: 007-021-23** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **June 24, 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 fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.