



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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Lakeport, California 95453

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## STAFF REPORT

**TO:** Planning Commission

**FROM:** Carol Huchingson, Chief Administrative Officer  
David Boesch, Managing Consultant

Prepared by: Eric Porter, Associate Planner

**DATE:** July 8, 2021

**RE:** Voigt Road Holdings LLC; Major Use Permit (UP 19-41) and Initial Study (IS 19-60)

Supervisor District 4

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 19-60
7. Public Comments (none submitted)

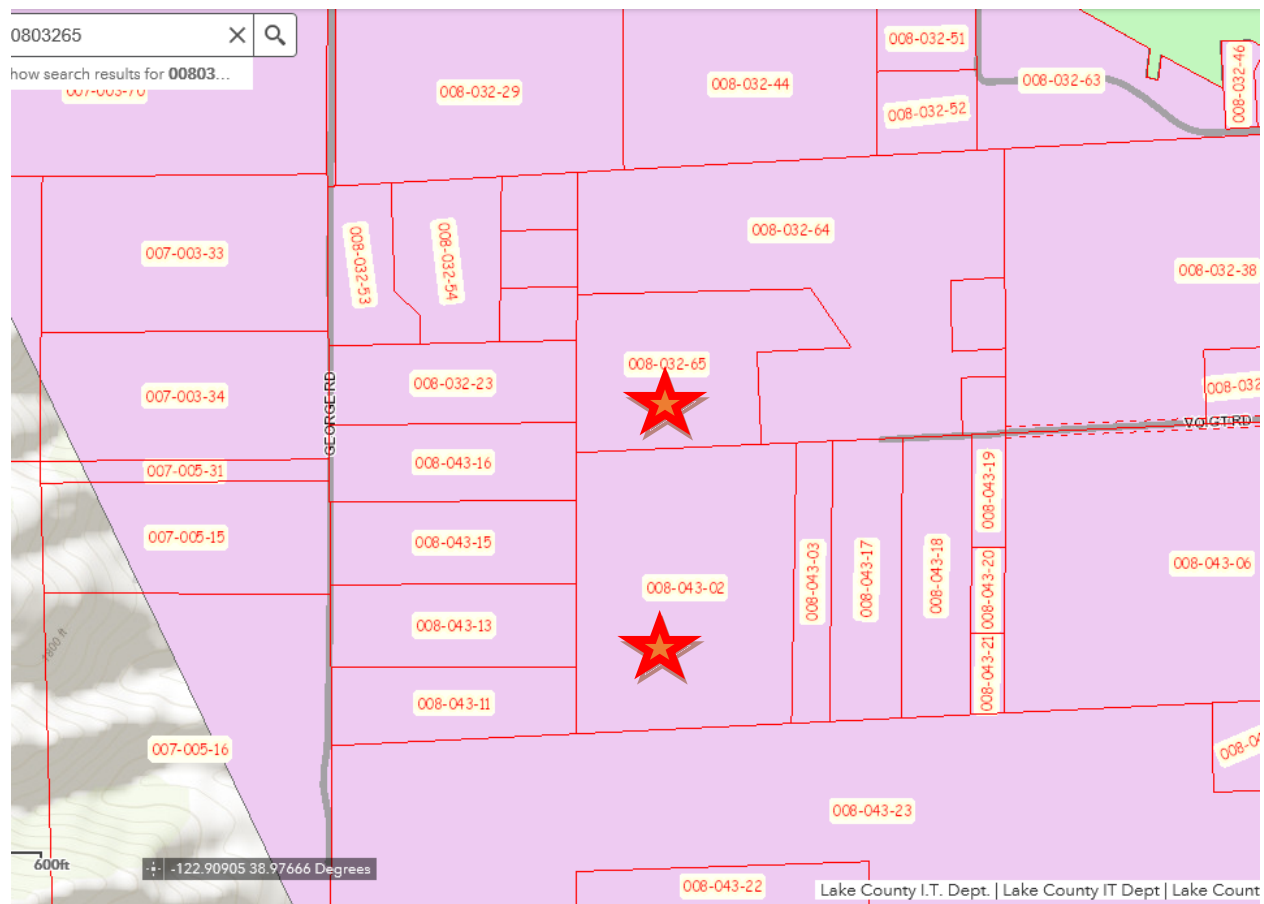
### **I. EXECUTIVE SUMMARY**

The applicant is requesting a major use permit for **two (2) A-Type 3B “medium mixed light” licenses** consisting of 124,800 square feet (sq. ft.) of cultivation area and 44,000 sq. ft. of canopy area to be completed in three phases, and an **A-Type 13 Self Distribution license**, however the property is located within a mapped Farmland Protection Area which requires greenhouses as the exclusive growing venue for cannabis per County Ordinance No. 3103. The applicant is aware of this and is proposing greenhouse cultivation. The property is located at 425 and 500 Voigt Road, Lakeport, and is APNs: 008-032-65 and 008-043-02. The applicant is proposing:

- Phase I: One (1) 240' x 120' greenhouse (28,800 sq. ft.)  
One (1) 50' x 75' drying building (3,750 sq. ft.)
- Phase II: One (1) 240' x 120' greenhouse (28,800 sq. ft.)  
One (1) 50' x 75' drying building (3,750 sq. ft.)
- Phase III: Two (2) 240' x 120' greenhouses (56,600 sq. ft.)

## Construction

- Phased construction of the site would take place over a three year period
- Phase I (2021) would consist of a 95' x 50' metal utility building and 30' x 120' greenhouses, and Improvements to interior driveway to meet PRC 4290 and 4291 road standards
- Phase II (2022) would consist of a 2nd 95' x 50' metal utility building, 30' x 120' greenhouses, and two blocks of 30' x 120' greenhouses for use as nurseries (immature plants)
- Phase III (2023) would consist of two blocks of 30' x 120' greenhouses.
- Projected construction-related estimated daily trips would range between four and eight trips per day, primarily to bring construction-related supplies to the site (structures, fencing, restroom items, fabric pots, soil).



## FARMLAND PROTECTION AREA

## Post Construction Cultivation Activities

- Self-distribution; an A-Type 13 self-distribution is requested
- On-site drying, trimming and packaging is proposed

- 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
- The remaining containers are returned to the supplier.
- 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 two and four following construction.

Staff is recommending **Approval with Conditions** of **UP 19-41**.

## **II. PROJECT DESCRIPTION**

Applicant: Voigt Road Holdings LLC  
Owner: Voigt Ranch Holdings LLC  
Location: 425 and 500 Voigt Road, Lakeport  
A.P.N.s: 008-032-65 and 008-043-02  
Parcel Size: 40 acres  
General Plan: Agriculture  
Zoning: “A-WW-AA” – Agriculture – Waterway – Airport Overlay Zone  
Flood Zone: X  
Cultivation Area: 124,800 sq. ft. at the end of phase 3  
Canopy Area: 44,000 sq. ft. at the end of phase 3  
Mapped Farmland Protection Area: Yes

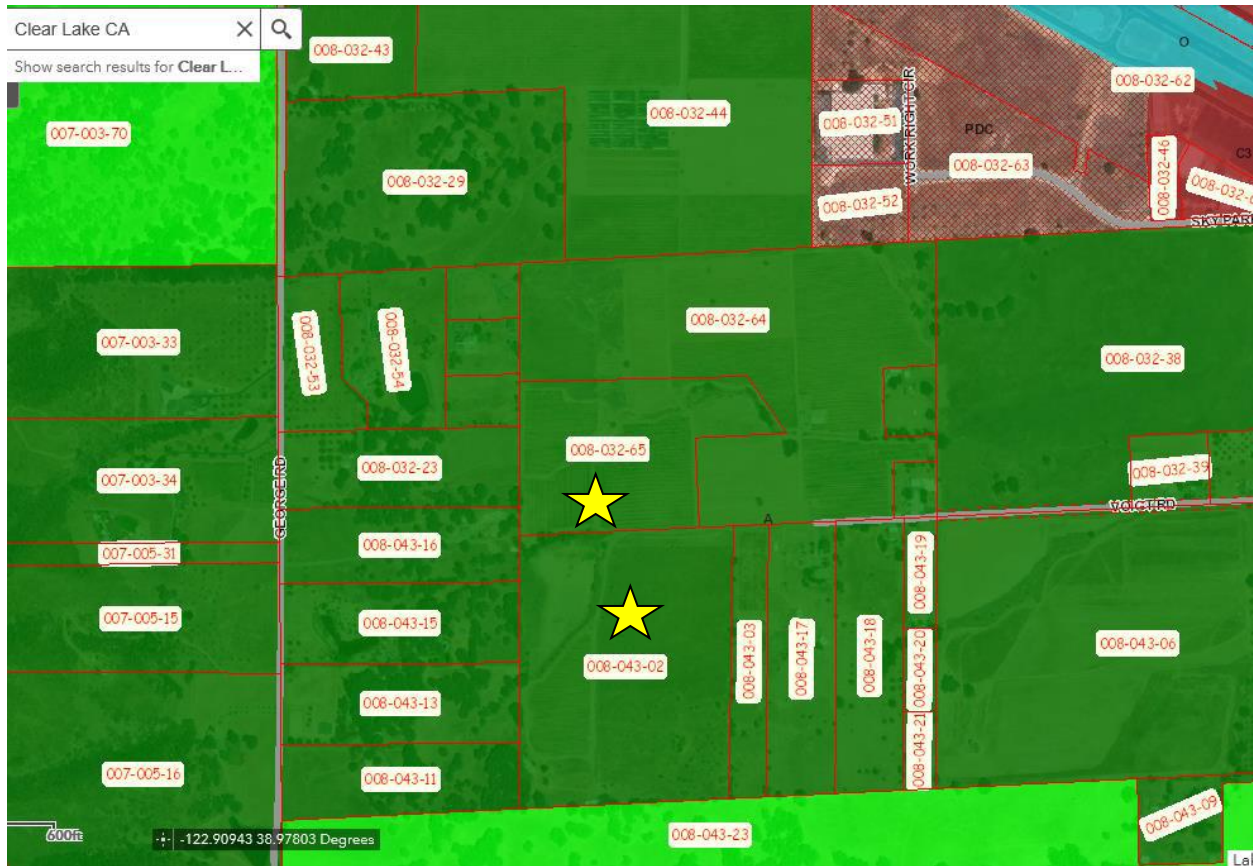
## **III. PROJECT SETTING**

Existing Uses and Improvements: The parcels are 40 acres in size, the minimum required size for the proposed cultivation licenses. The property contains a house, a 36’ x 90’ barn, a vineyard, a well and septic system.

### ***Surrounding Uses and Zoning***

- North, East and West: “A” Agriculture; parcels range between 10 and over 20 acres in size. The adjacent properties contain established agricultural uses. All adjacent lots developed with dwellings. The nearest off-site dwelling is located about 760 feet east of the cultivation area.

- South: “APZ” Agricultural Preserve zoning; 126 acre lot containing a walnut orchard.



## ZONING MAP OF SITE AND VICINITY

Topography: Flat

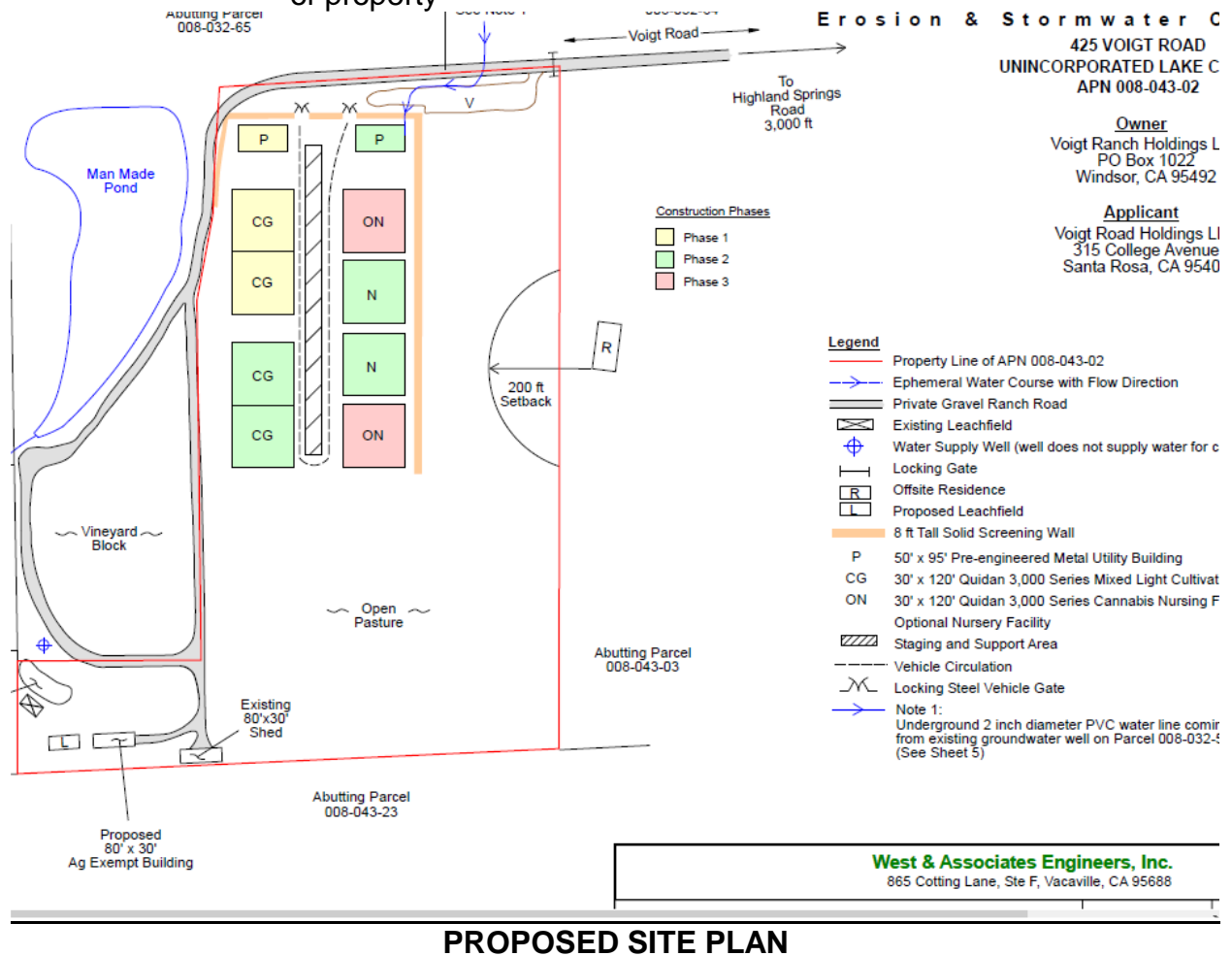
Soils: The soil at the cultivation site is Type **242-Wappo loam, 2 to 8 percent slopes**. The shrink-swell potential in the subsoil is high. This unit is used mainly for livestock grazing. It is also used for vineyards, hay and pasture, and homesite development. The production of forage is limited by the susceptibility of the soil to compaction when moist. The very slow permeability and the hazard of erosion are the main limitations. Because of the very slow permeability, irrigation water needs to be applied slowly to minimize runoff.

Water Supply: Existing well

Sewage Disposal: Septic and portable bathrooms

Fire Protection: Lakeport Fire Protection District

Vegetation: Mostly introduced vegetation, vineyard; several oaks around edge of property



#### IV. PROJECT ANALYSIS

##### **General Plan Conformance**

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

##### Economic Development

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, create future employment opportunities for local residents and allow the expansion of industrial and non-industrial corporate developments.*

### **Lakeport Area Plan Conformance**

The subject site is within the Lakeport Area Plan's boundary. The Plan contains no policies that are subject to consistency review for commercial cannabis cultivation.

### **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. The following regulations shall apply in all "A" districts.

#### 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 per license): *Complies; the subject site is over 40 acres in size according to County GIS maps. The applicant has applied for two A-Type 3B (medium mixed light) licenses and a Type 13 'self-distribution' license. Both A-Type 3B licenses require a 40 acre land minimum.*
- Setback from Property Line (100 feet): *Complies, the cultivation site is 100 feet from the nearest (northern) property line.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling is located about 206 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 (22,000 sq. ft. for each A-Type 3B license): *The estimated canopy area is 44,000 sq. ft. in size, which complies with Article 27, Table B.*
- Maximum Cultivation Area: *The maximum cultivation areas allowed by license were removed from the Lake County Code, Article 27. The applicant is proposing 124,800 sq. ft. of (taxable) cultivation area. While this is much greater than the*

*allowable canopy area, there is no prohibition to this much cultivation area being proposed.*

- Farmland Protection Zone: Yes. The applicant is required to cultivate inside greenhouses in this mapped Farmland Protection Zone.

**General Requirements.** *The applicant meets all of the General Requirements outlined in Section (at) of Article 27 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 operation and deliveries, access requirements, etc. 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.*

## **V. 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 20-01* (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 adverse impacts related to aesthetics based on the hoop houses proposed. The following mitigation measure will minimize these impacts.*

- AES-1: Prior to cultivation occurring in each phase of development, the applicant shall install blackout screening in all greenhouses to block light from migrating and being visible outside of each greenhouse. Blackout screening shall be maintained for the life of the project.
- AES-2: All cannabis-related buildings shall be screened from view from neighboring lots and public roads by a minimum 6' tall screening fence.
- AES-3: Prior to any phase, all cultivation areas shall incorporate a vegetative plant screening consisting of trees being planted at 25' intervals. Vegetation screening shall be irrigated; shall consist of native trees, and shall be maintained in good health for the life of the project.

***Air Quality.*** *The proposed project has some potential for air quality-related impacts during and after construction. The following mitigation measures will reduce impacts to less than significant levels related to air quality.*

- 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: The applicant shall apply water to the ground during any and all site preparation work that is required for the greenhouses and drying building.

***Cultural / Geological / Tribal Resources.*** *The project has some potential to have impacts related to Cultural, Geological and Tribal resources due to the site preparation needed for greenhouses / drying building. The following mitigation measures will reduce 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 culturally affiliated 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 culturally affiliated 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 culturally affiliated 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.** *This project has some potential for noise during and after construction. The following mitigation measures will reduce noise-related impacts to less than significant levels.*

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am 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.

## **VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4**

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 agricultural lots, several with homes that are located at least 200 feet away from the nearest cultivation site. As previously discussed, the potential impacts resulting from this proposal are Aesthetics, Air Quality, Cultural / Geological / Tribal Resources and Noise. All of these significant impacts have been adequately addressed, within conditions of approval for the reasons previously stated.*

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 was for 44,000+ sq. ft. of mixed light canopy area. The Lake County Cannabis Ordinance allows Type 3B cultivation licenses on Agriculture-zoned*

*property when it meets the size and locational criteria and standards. The applicant seeks three licenses; two are for greenhouse cultivation, and one is for an A-Type 13 Self Distribution license. The subject site is 40 acres in size, large enough to allow the cultivation licenses that have been applied for.*

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

*Response: The site is served by Voigt Road, an unpaved but well-maintained County road with 10' wide travel lanes and no wide shoulders. The site is also served by a private on-site driveway that is generally flat and well maintained.*

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, Lakeport Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Relevant comments are attached as 'Attachment 4'.*

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 Table B of Article 27, the Commercial Cannabis ordinance, this proposal is consistent with the governing ordinance for cannabis growing in the County. The Lake County General Plan and the Lakeport Area Plan do not have any specific provisions for commercial cannabis, but do have provisions for 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.*

## **VII. 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 will be compliant with the development standards including CalFire Road Standards (Public Resource Code sections 4290 and*

4291) after the entry gate is replaced by a wider gate that complies with PRC 4290 and 4291 width standards for a gate.

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

*Response: The applicant and her known employees have passed 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) with change to the use type described herein. The applicant is proposing three cannabis-related licenses; two for the cultivation site (two A-Type 3B licenses), and one for a 'self-distribution' license (Type 13). The subject site is over 40 acres in size based on the maps and legal documents provided by the applicant and on County GIS maps. This is large enough to support the two A-Type 3B cultivation licenses as well as the Type 13 'Self Distribution' license.*

## **VIII. RECOMMENDATION**

### **Staff recommends the Planning Commission:**

#### **A. Adopt mitigated negative declaration (IS 19-60) for Major Use Permit (UP 19-41) with the following findings:**

1. Potential impacts to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1, AES-2 and AES-3.
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, and AQ-7.
3. Potential environmental impacts related to Cultural / Geological / Tribal Resources can be mitigated to less than significant levels 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 Major Use Permit UP 19-41 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for with the change to the license type described herein 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 Section 1.i
8. The applicant is qualified to make the application described in Section 1.ii.(g)
9. The application complies with the qualifications for a permit described in Section 1.ii.(i)

### **Sample Motions:**

#### **Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 19-60)** applied for by **Voigt Road Holdings LLC** on property located at **425 and 500 Voigt Road, Lakeport**, and further described as **APNs: 008-032-65 and 008-043-02** 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 **July 8, 2021**.

#### **Major Use Permit (UP 19-41)**

I move that the Planning Commission find that the **Major Use Permit (UP 19-41)** applied for by **Voigt Road Holdings LLC** on property located at **425 and 500 Voigt Road, Lakeport**, and further described as **APNs: 008-032-65 and 008-043-02** 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 **July 8, 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's decision, 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 Planning Commission's final determination.*