



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 22, 2021

RE: **Pasta Farms; Major Use Permit (UP 20-11) and Initial Study (IS 20-11)**
Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 20-11
7. Public Comments

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for **(11) A-Type 3 (medium outdoor) cultivation areas, four of which would convert to greenhouse (A-Type 3B) licenses over a four year time-frame in four phases.** Project specifics are as follows:

- **Phase Ia** – Early activation consisting of nine (9) acres of canopy (outdoors) – year 2021. **585,000 sq. ft.** of outdoor cultivation area.
Phase Ib – 2021 (post approval) – 479,160 sq. ft. of outdoor canopy; 715,000 sq. ft. of outdoor cultivation, plus 47,201 sq. ft. of nursery / drying building for a total of **762,201 sq. ft.** of outdoor cultivation area.
- **Phase II** – 2022 - conversion of Area 9 from outdoor to greenhouse (eliminates 65,000 sq. ft. of outdoor cultivation area and adds 26,901 sq. ft. of mixed light cultivation area).

Year 2022 (Phase II) Totals:

697,201 sq. ft. of outdoor cultivation area

26,901 sq. ft. of mixed light cultivation area

- **Phase III** – Conversion of Area 8 from outdoor cultivation to mixed light (greenhouse) cultivation.

Year 2023 (Phase III) totals:

632,201 sq. ft. of outdoor cultivation area

53,802 sq. ft. of mixed light cultivation area

- **Phase IV** – Conversion of Areas 6 and 7 from outdoor cultivation to mixed light (greenhouse) cultivation.

Year 2024 (Phase IV) totals:

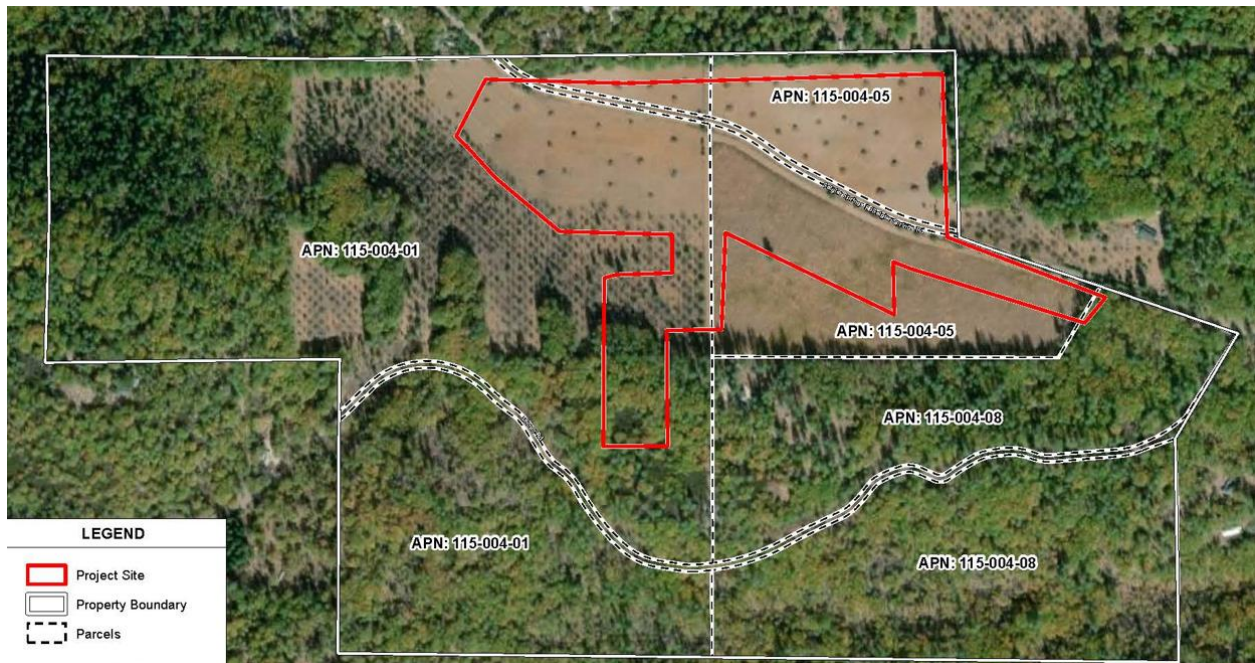
502,201 sq. ft. of outdoor cultivation area

107,604 sq. ft. of mixed light (greenhouse) cultivation area

The applicant is also proposing the following structures, areas and site improvements:

- One (1) 22,000 sq. ft. agricultural building (existing)
- One (1) 27,201 sq. ft. nursery area (proposed); greenhouses for immature plants
- Four (4) 22,000 sq. ft. greenhouses for Areas 6, 7, 8 and 9
- One hundred thirteen (113) hoop houses

The property is located at 10750 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville, and consists of APNs: **115-004-05; 115-004-08; 115-004-01.**



AERIAL OF SITE AND PROPERTY BOUNDARIES

II. PROJECT DESCRIPTION

<u>Applicant:</u>	Peter Simon
<u>Owner:</u>	DiCesare Vineyards
<u>Location:</u>	10750 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville
<u>A.P.N.s:</u>	115-004-01, 05 and 08
<u>Parcel Size:</u>	235+ acres
<u>General Plan:</u>	Agriculture, Rural Residential and Rural Lands
<u>Zoning:</u>	“A” Agriculture and “RL” Rural Lands; B-5 (frozen)
<u>Flood Zone:</u>	None
<u>Cultivation Area:</u>	Varied; see pages 1 and 2 for breakdown by phase and by type
<u>Canopy Area:</u>	Varied; see pages 1 and 2 for breakdown by phase and by type
<u>Cultivation Start Date:</u>	April 2020 and 2021 via early activation
<u>Mapped Farmland Area:</u>	No

III. PROJECT SETTING

Existing Uses and Improvements: The parcels are about 235+ acres in combined size, large enough for the proposed eleven A-Type 3 / 3B (medium) licenses. The property contains a vineyard, a house, a well and septic system, however water is taken from a neighboring well (O’Gorman property) via shared water easement; this is discussed at greater length later in this report. Approximately 20 acres of vineyard would be removed by this proposal, as well as approximately 100 walnut trees.

Surrounding Uses and Zoning

- North: Parcels to the north are zoned RR (Rural Residential) and RL (Rural Lands) District. These parcels contain scattered rural residences within mixed forest lands.
- South: Parcels to the south are zoned RR (Rural Residential) and RL (Rural Lands) District. These parcels contain scattered rural residences within mixed forest lands.
- West: RL, RR, TPZ Parcels to the west are zoned RR, RL, and TPZ (Timberland Preserve) District. These parcels contain scattered rural residences within mixed forest lands.
- East: Parcels to the east are zoned RL District. These parcels contain scattered rural residences within mixed forest lands and some orchard areas.

Topography: Relatively flat; mostly less than 10%.

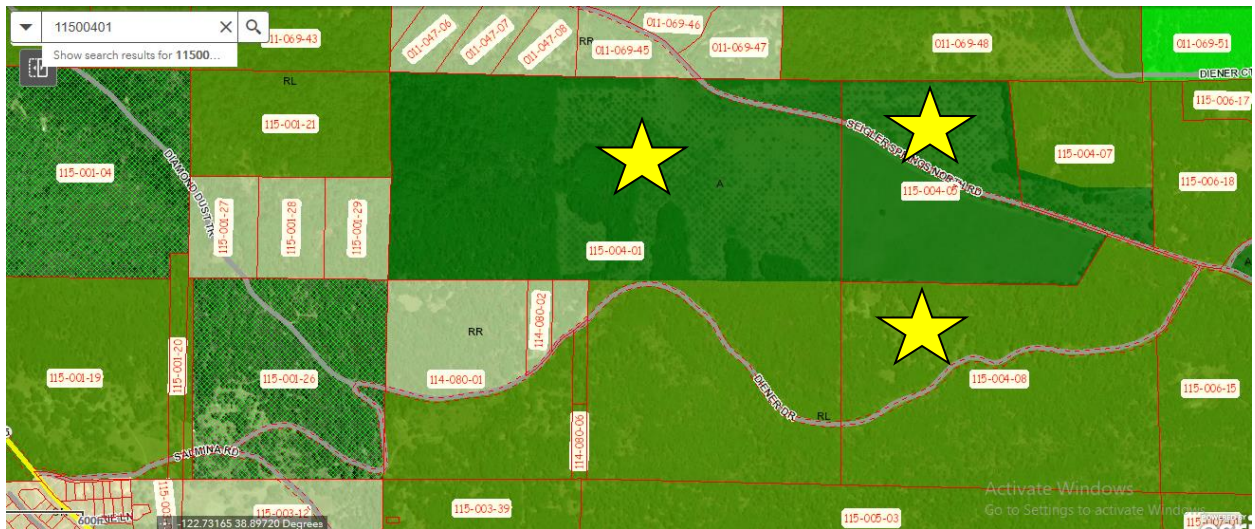
Soils: The cultivation areas contain soil type **127 Collayomi-Aiken-Whispering complex, 5 to 30 percent slopes**. Permeability of the Collayomi soil is moderate. Surface runoff is rapid, and the hazard of erosion is moderate. The Aiken soil is very deep and well drained. Permeability of the Aiken soil is moderately slow. Surface runoff is rapid, and the hazard of erosion is moderate. The Whispering soil is moderately deep and well drained. Permeability of the Whispering soil is moderate. Surface runoff is rapid, and the hazard of erosion is severe.

Water Supply: Shared well

Sewage Disposal: Existing On-Site Septic

Fire Protection: Kelseyville Fire Protection District

Vegetation: Several varieties of oak trees, grass and some manzanita brush



Zoning of Site and Surrounding Lots

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:

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 in the Agriculture zoning district.*

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 365 feet to the north of the nearest 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 nearest youth-oriented facility is located approximately eight (8) miles southeast from the cultivation site. There are no public parks within 1000 feet of the cultivation site, and all other uses that have separation requirements are located more than 1000 feet from the cultivation site.*

The cultivation site is about 500 feet from neighboring traditional agricultural uses to the South, and about 150 feet from neighboring traditional agricultural uses to the North. There is an active vineyard on the subject site proposed for commercial cannabis cultivation that would remain, however approximately 20 acres of vineyard would be removed, as well as approximately 100 oak trees.

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 by providing employment to up to 20 persons according to the application materials submitted, and by providing cannabis products to local retailers who will also have employees. Persons directly and indirectly employed by this cultivator will spend money locally on food, gas, rent and other commodities. The number of employees can increase or decrease depending on the stage of the cultivation season.*

Chapter 9 - Open Space

- Goal OSC-1 Biological Resources. To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.

Response: *The applicant has had a Biological Study done for this property. The Biological Study submitted did not identify any specific threatened or endangered species within the study area, however the Study provided several mitigation measures to protect any species that might be present but were not observed. Those measures are within the Biological Mitigation Measure ‘BIO-1’.*

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 Seigler Springs North Road and would not directly impact nearby agricultural uses regarding access, so there would be no vehicular conflicts with nearby agricultural uses. The relatively close proximity of established / traditional agricultural uses may affect the cannabis cultivation through the use of pesticides and fertilizers on the adjacent vineyards. The proposed cannabis cultivation areas are set back about 500 feet from the neighboring vineyard to the south (under the same ownership), and about 150 feet from the neighboring vineyard to the north on tax lot 011-069-48. The site is not located within a mapped High Value Farmland area. The proposal will use organic fertilizers and pesticides in order to meet State quality control standards for cannabis, and has provided engineered erosion control plans 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 engineered erosion control plans that show Best Management Practices that will minimize potential stormwater impacts to neighboring lots. The Erosion Control Plan shows straw wattles to be used to channel stormwater runoff, and there are no creeks or watersheds located within 100 feet of the cultivation area that might otherwise be impacted by stormwater runoff. The plans submitted appear to effectively minimize potential stormwater runoff issues that might otherwise be associated with this project.*

- **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 will employ up to 20 employees who reside locally. In addition to the income made by these five employees, the applicant will provide State-controlled product to local cannabis retail stores, further enabling more local employment in the retail cannabis sector, although the retail outlets will likely not be*

located in the town of Kelseyville. The employees will spend earned income in the Kelseyville area on food, gas and rent, further aiding the local economy.

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 cultivation sites are all located within Agriculture-zoned portions of two tax lots.

Article 7 – Rural Lands (RL). 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 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 (220 acres): *Complies; the subject site is over 235 acres in size. The applicant has applied for (11) A-Type 3 (medium outdoor) cultivation licenses, each of which require 20 acres. Four of the A-Type 3 licenses would transition to A-Type 3B (medium mixed light) cultivation licenses over a four year time-frame and in four phases. The applicant has also applied for a Type 13 ‘Self Distribution License’, which is under consideration herein.*
- Setback from Property Line (100 feet): *Complies, the cultivation site is over 100 feet from the nearest property line.*
- Setback from Off-Site Residence (200 feet minimum): *Complies, the nearest neighboring residential dwelling is located about 365 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. per A-Type 3 license and 22,000 sq. ft. for each A-Type 3B license): *The proposed canopy area varies depending on the phase. Please see pages 1 and 2 for the square footage breakdown by phase. The applicant meets the spatial requirements for all phases for total canopy area.*
- Mapped Farmland Protection Area: *None*

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 sand 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 listen 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. The applicant's consultant prepare the *Initial Study (file no. IS 20-11 - Attachment 6)* which was vetted by County planning staff prior to being uploaded to the State Clearinghouse for agency review. The Initial Study was intended 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

- AES-1: Prior to greenhouse cultivation, all greenhouses shall be equipped with blackout screening in a manner that no lighting shall be visible from any public road or neighboring residence.

Note: the County adopted a policy following the submittal of this Initial Study to the State that requires screening around the perimeter of the cultivation area(s) when the site is within 1000 feet of an established traditional agricultural use. This will be reflected in the Conditions of Approval, but was not addressed in the mitigation measures submitted to the State Clearinghouse.

Air Quality

- AQ-1: The following control measures shall be implemented during construction:
 - a) During construction, emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source.
 - b) When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving

operations shall be suspended and inactive disturbed surface areas shall be stabilized.

- c) Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart (or 40 percent opacity).
 - d) All exposed soils be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property.
 - e) All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - f) All vehicle speeds on unpaved roads shall be limited to 25 mph.
 - g) During construction the contractor shall, where feasible, utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
 - h) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling time is limited to a maximum of 5 minutes.
- AQ-2: 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.

Biological Resources

- BIO-1: Should work commence during the nesting season (February 1 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 48 hours prior to the start of ground disturbing activities. Areas on and within 500 feet of construction shall be surveyed as possible for active nests. Should an active nest be identified, a "disturbance-free" buffer shall be established by the qualified biologist based on the needs of the species identified and clearly marked by high-visibility material. The buffer shall remain in place until the biologist determines that the nest is no longer active. Construction activities, including removal of trees, shall not occur within the buffer. Should construction cease for a period of five days or more, an additional pre-construction nesting bird survey shall be conducted.

Cultural Resources

- **CR-1:** Prior to the initiation of ground-disturbing activities, all construction personnel shall be trained in the protection of cultural resources, the recognition of buried cultural remains, and the notification procedures to be followed upon the discovery of archaeological materials, including Native American burials. The training shall be presented by an archaeologist who meets the Secretary of Interior's Standards for Prehistoric and Historic Archaeology and by a Native American representative and should include recognition of both prehistoric and historic resources. Personnel shall be instructed that unauthorized collection or disturbance of artifacts or other cultural materials is illegal, and that violators will be subject to prosecution under the appropriate laws. Supervisors shall also be briefed on the consequences of intentional or inadvertent damage to cultural resources.
- **CR-2:** Prior to beginning of work, the applicant shall ensure that the boundaries of the archaeological sites are clearly described and illustrated in the final design plans. Prior to the commencement of project construction, demolition, grading, preparation, or other ground-disturbing activities, the applicant shall retain a qualified professional archaeologist to work with the construction contractor to place wooden stakes along the mapped limits of any cultural resource situated within 100 feet of construction activities. Site personnel shall be directed to keep all equipment, materials, and activities outside of the exclusion zones. The exclusion zone stakes and flagging will remain in place for the duration of construction activities.
- **CR-3:** No construction shall occur within exclusion zones without prior completion of a Phase II archaeological testing and evaluation program designed to determine California Register of Historical Resources eligibility of the site; any follow-on data recovery mitigation shall be completed prior to construction. All testing and construction within the exclusion zones shall be monitored by a team minimally comprised of a Native American monitor and a qualified professional archaeologist.
- **CR-4:** Should any cultural resources be uncovered during ground-disturbing activities, all construction shall halt within 50 feet of the find. The project proponent and lead agency shall be notified immediately, and a qualified professional archaeologist shall be retained to assess the find, recommend and implement mitigation measures, and prepare a report in accordance with current professional standards. Native American consultation shall also be undertaken as part of this mitigation measure.
- **CR-5:** Should human remains be uncovered during ground-disturbing activities, all construction shall halt within 50 feet of the find and the County Coroner shall be notified immediately and compliance with Section 15064.5 (e) (1) of the CEQA Guidelines and Health and Safety Code Section 7050.5 shall be required. If the coroner determines that the remains are Native American, the coroner shall ask the NAHC to identify a Most Likely Descendant, who will work with the construction contractor, agency officials, and a qualified professional

archaeologist to determine an appropriate avoidance strategy or other treatment plan. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in CEQA Guidelines Section 15064.5 (e) has been completed.

- CR-6: The Cultural Resources Treatment and Monitoring Agreement entered into between the Middletown Rancheria of Pomo Indians of California and the Hidden Valley Lake Association shall be adhered to in order to formalize procedures for the protection and treatment of Native American cultural resources, as defined by the agreement. (note: this is a 3rd party contract that cannot be enforced by the County, and will not be a condition of approval for this action).

Geology and Soil

- GEO-1: Prior to any ground disturbance, the permittee shall submit erosion control and sediment plans to the County's Water Resource Department and 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. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation. The applicant shall include a detailed description of the relocation or proper disposal of excess soil of said excavation.
- GEO-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.
- GEO-3: In the event of any inadvertent discovery of paleontological resources, all work within a 50-foot radius of the find shall be halted and the County shall be notified. Workers shall avoid altering the materials until a professional paleontologist can evaluate the significance of the find and make recommendations to the County on the measures that shall be implemented to protect the discovered resources.

Noise

- NOI-1: The 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 at the property lines

- NOI-2: 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.
- NOI-3: The maximum one-hour equivalent sound pressure received by a receiving property or receptor (dwelling, hospital, school, library, or nursing home) shall not exceed levels of 57 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. within residential areas measured at the property lines.

Of note: the County received a letter from the owner of the shared well, Dana O’Gorman on July 14, 2021; the letter indicated that the applicant, Pasta Farms, was irrigating land that was not described within the water easement for the shared well. This has caused staff to revise the recommendation, since certain findings for approval cannot be met because of the unknown rights to irrigation water for the Pasta Farms site.

VI. 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 rural land with several homes that are located at least 365 feet away from the nearest cultivation site. As previously discussed, the potential impacts resulting from this proposal are Aesthetics, Air Quality, Biological Resources, Cultural / Tribal Resources, Geology and Soils, and Noise. All of these potential impacts have been adequately addressed within mitigation measures and subsequent 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 is for eleven (11) A-Type 3 (medium outdoor) cultivation licenses, with four of the licenses transitioning to A-Type 3B (medium mixed light) licenses within four years and in four phases. 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 a total of twelve licenses, eleven of which are A-Type 3 / 3B (medium) cultivation licenses which require 20 acres per license, or a total of 220 acres of land. The subject site is over 235 acres in size, large enough to allow the cultivation licenses 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 by Seigler Springs North Road, a paved County maintained road with 10' wide travel lanes and 2' wide shoulders on each side. There are no known capacity issues with Seigler Springs North Road.

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: The neighbor has indicated that the shared well that is proposed to be used is in dispute for two of the properties associated with Pasta Farms. Until this dispute is resolved, a finding cannot be made that this approval criteria is met.

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: Commercial cannabis cultivation is named as a permitted use in the Agriculture zoning district within Article 27, Table B, and within the Commercial Cannabis ordinance (Article 27, subsection (at)). Therefore this proposal is consistent with the governing ordinance for cannabis growing in the Lake County. General Plan and the Kelseyville 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 is not fully compliant with the development standards due to the uncertainty of a legal water source for the Pasta Farms property.

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

Response: The applicant and his 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 does not comply with all qualifications for a permit described in Section 3.ii.(f) because of the uncertainty associated with the legality of the water source as described within Attachment 7 of this packet. The applicant is proposing twelve cannabis licenses; eleven for A-Type 3 and 3B medium outdoor cultivation licenses, and a 'self-distribution' license (Type 13).

VIII. RECOMMENDATION

Staff recommends the Planning Commission:

- A. Continue the decision to adopt mitigated negative declaration (IS 20-11) for Use Permit (UP 20-11) pending resolve of the water dispute.
- B. Continue the hearing for Use Permit UP 20-11 pending resolve of the water dispute.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission continue consideration for the adoption of the Initial Study (IS 20-11) for use permit UP 20-11, applied for by Pasta Farms on property located at 10750 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville, and further described as APNs: 115-004-01, 05 and 08 as stated in the staff report dated July 22, 2020.

Major Use Permit (UP 20-11)

I move that the Planning Commission continue consideration for the approval of the Use Permit (UP 20-11) applied for by Pasta Farms on property located at 10750 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville, and further described as APNs: 115-004-01, 05 and 08 until the water issue that is present between Pasta Farms and the neighbor O’Gorman gets resolved to the satisfaction of both parties as stated in the staff report dated July 22, 2020.

***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.*