



## Legislation Details (With Text)

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**File created:** 6/7/2022      **In control:** Planning Commission

**On agenda:** 6/23/2022      **Final action:**

**Title:** 9:10 a.m. Public Hearing on Consideration of Major Use Permit (UP 20-47) and that a determination has been made that this project required a Mitigated Negative Declaration to consider the adoption of an Initial Study IS 20-59. The applicant, EMERALD MOUNTAIN FARMS, INC. (NORMAN GRIMM) is proposing two (2) A-Type 3 outdoor cultivation licenses with a total canopy area of 68,562 square feet, and A-Type 13 Distributor Transport Only, Self-Distribution. The proposed project is located at 1850 Ogulin Canyon Road, Clearlake, CA 95422; further described as APN's: 010-053-03 and 010-011-01.

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. 01 - UP 20-47 Emerald Mountain Farms - Property Management Plan(wo CRIR), 2. 02 - UP 20-47 Emerald Mountain Farms, Inc - Site Plans, 3. 03 - UP 20-47 Emerald Mountain Farms, LLC - Conditions of Approval, 4. 04 - UP 20-47 Emerald Mountain Farms, Inc - Initial Study, 5. 05 - UP 20-47 Emerald Mountain Farms, Inc - Hydrology Report, 6. 06 - UP 20-47 Emerald Mountain Farms, Inc - Biological Resources Assessment, 7. 07 - UP 20-47 Emerald Mountain Farms, Inc - CVRWQCB Cannabis NOA, 8. 00 - UP 20-47 Emerald Mountain Farms - Staff Report, 9. UP 20-47 Emerald Mountain Farms - All Agency Comments, 10. Proof of Publication UP 20-47 (Emerald Mountain Farms) PC 6-23-22, 11. Public Comment (Hughes), 12. 03 - UP 20-47 Emerald Mountain Farms - Conditions of Approval - Updated 6-22-2022

Date	Ver.	Action By	Action	Result
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**Item #2**  
**9:10 AM**  
**June 23, 2022**

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mary Darby, Community Development Director  
Prepared by: LACO Associates  
Planner: Andrew Amelung, Cannabis Program Manager

**DATE OF REPORT:** June 23, 2022

RE: *Emerald Mountain Farms, Inc.*

- **Major Use Permit (UP 20-47)**
- **Initial Study (IS 20-59)**

District 2 Supervisor *Bruno Sabatier*

District 2 Planning Commissioner *Everardo Chavez Perez*

**ATTACHMENTS:**

- 1 Property Management Plan
- 2 Project Site Plans
- 3 Proposed Conditions of Approval
- 4 Initial Study/Mitigated Negative Declaration
- 5 Hydrology Report prepared by REALM Engineering dated September 21, 2021
- 6 Biological Resources Assessment
- 7 CVRWQCB Cannabis NOV
- 8 Tribal and Agency Comments Received

**I. EXECUTIVE SUMMARY**

The applicant, Emerald Mountain Farms, Inc. (EMF), is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation located at 1850 Ogulin Canyon Road, *Clear Lake*, further described as Assessor's Parcel Numbers (APNs): 010-053-03 and 010-011-01. The combined project area is approximately 117 acres and is zoned "RL-WW" for Rural Lands - Waterway. The applicant's proposal includes the clustering of parcels as allowed by the County of Lake Zoning Ordinance, Article 27, Section 27.13 (at).1.ii.(j). In total, EMF requests a total cultivation area of 1.23 acres (or 53,562 SF). The proposal includes the following (please see Proposed Site Plans attachment):

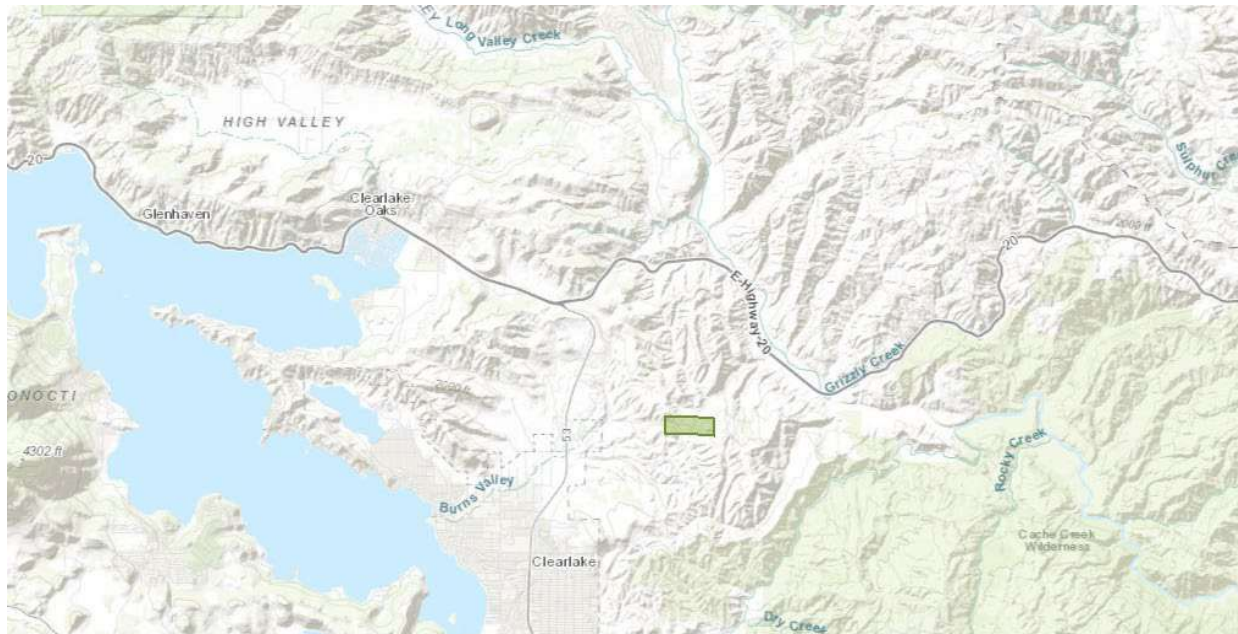
- Two (2) A - Type 3 "Outdoor" license consisting of 53,562 SF of canopy area consisting of the following:
  - 34,316 SF outdoor canopy area;
  - 10,000 SF outdoor canopy area;
  - 6,862 SF outdoor canopy area; and
  - 2,384 SF outdoor canopy area.
- One (1) A-Type 13 "Self-Distribution" license
- 120 sq. ft. wooden shed
- Nine 5,000-gallon water storage tanks
- 6-foot-tall screening fencing

Existing development on the subject parcel, includes the following:

- Permitted groundwater well
- 120 sq. ft. wooden shed
- Man-made off stream pond/water storage reservoir
- Residence
- Shop (metal building)

The subject parcels are located east of Clear Lake, on a low ridge that divides Burns-Valley Frontal Clear Lake Watershed (HUC12) from the Grizzley-Creek/North Fork Cache Creek Watershed (HUC12), approximately 3 miles east of Clear Lake, CA. The subject parcels are accessible via a private gravel access road/driveway that runs from east to west through the project parcels and connects to Ugulin Road (south). The access is secured with the use of locking metal gates, which authorized personnel will have access to. The operation will not be open to the general public.

According to the Property Management Plan, the water storage tanks will be equipped with float valves to shut off the flow of water from the well and prevent the overflow and runoff of irrigation water when full. HDPE water supply lines will run water from the water storage tanks to the irrigation systems of the cultivation area(s). Additionally, the cannabis operation will utilize unmarked enclosed trailer to transport cannabis from their cultivation operation to a licensed cannabis processing, distribution, and manufacturing facilities within the State of California.



## Access

The project parcel is located in a rural area that is accessed by Ogulin Canyon Road that intersects Old Highway 53 (CA-53 N) approximately 1 mile south of it's intersection.

## Hydrology and Water Usage

According to EMF's Property Management Plan, they expect a total annual water use requirement of 5.6 acre-feet or 1,825,000 gallons for irrigation purposes, with the greatest daily water usage during the months of July, August, and September (approximately 10,862 gallons per day). EMF's maximum total proposed cannabis canopy area is 117,120 ft<sup>2</sup>. Using the water use requirements outlined in Hammon et al. 20153, we estimate that the proposed cultivation operation would have an annual water use requirement between 5.6 and 7.8 acre-feet. The following table presents the expected water use of the proposed cultivation operation in gallons by month during the cultivation season (April through November), using water usage information provided in EMF's Property Management Plan.

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV
Low (25" per year)	65,170	195,510	260,680	325,850	325,850	325,850	260,680	65,170
High (35" per year)	91,240	273,710	364,950	456,190	456,190	456,190	364,950	91,240

Based on the water use estimates above, we estimate that the proposed cultivation operation would have a maximum daily water use requirement of approximately 15,206 gallons per day.

All water for the project will come from an existing onsite groundwater well located near the southern boundary of the Project Parcel. The onsite groundwater well was drilled in March of 2018 to a depth of 260 feet below ground surface and had an estimated yield of 50 gallons per minute at the time it was drilled. The project is expected to have an annual water use requirement of approximately 4.7-acre-feet, with a maximum daily water use requirement of approximately 9,800 gallons, and an average water demand of approximately 7,300 gallons per day during the cultivation season (April through November).

A well performance test was conducted by Cramer Enterprises (License No. 98176) of the onsite groundwater well in January of 2021, and a Hydrology Study was prepared Realm Engineering (License No. 67800) in March of 2022. According to the Hydrology Study, data from the well performance test indicate that the onsite groundwater well would be able to produce sufficient water for the proposed cultivation operation without causing overdraft conditions. It appears that the aquifer storage and recharge area are sufficient to provide for sustainable annual water use at the site and on the Project Property, based on the estimated average annual recharge of approximately 21.5 acre-feet/year to the aquifer of/under the Project Parcel.

The applicant plans to reduce their outdoor cultivation/canopy area and water usage by 10 percent or more, when a drought emergency has been declared for their region. To reduce their water usage by 10 percent or more, the applicant will not plant 6,856 ft<sup>2</sup> or more of their proposed cultivation/canopy area. The cultivation/canopy area(s) to be left fallow will depend on when a drought emergency is declared and the phase of site/project development. Additionally, the applicant will prioritize the preferred canopy areas over less desirable canopy areas (based on cultivation experience) when determining which canopy areas to maintain and which to leave fallow.

The Project Parcel consists of a series of hills bisected by Blackeye Canyon, with elevations ranging from 1,556 to 1,790 feet above mean sea level, and 10 and 40 percent slopes. The proposed cultivation operation will be located on a low ridge that divides the Burns Valley-Frontal Clear Lake watershed (HUC12) from the Grizzly Creek-North Fork Cache Creek watershed (HUC12). An unnamed intermittent Class II watercourse at the bottom of Blackeye Canyon flows from south to west through western half of the Project Parcel. Multiple ephemeral Class III watercourses form on the Project Property, and either flow south into Blackeye Canyon or north into Phipps Creek (offsite). There are two existing culverted ephemeral Class III watercourse crossings in the western half of the Project Parcel on Ogulin Canyon Road. All proposed project disturbance would occur more than 100 feet from all natural surface water bodies.

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.980376° and Longitude: -122.577846°, near the southern boundary of the Project Property. This groundwater well was drilled to a depth of 260 feet below ground surface (bgs) in March of 2018, through brown gravelly clay (0-40 feet bgs), shale and sandstone (40-200 feet bgs), greenstone (200-210 feet bgs), and Franciscan gravels (210-260 feet bgs). This well had an estimated yield of 50 gallons per minute (gpm) at the time it was drilled.

The well yield test data suggests that the onsite groundwater well can produce approximately 2.6 gpm for every foot of drawdown in the well. Additionally, EMF performed water level measurements during July and August of 2021, and the static water level in the onsite groundwater well was found to be between 113 and 116 feet bgs. The peak anticipated daily demand for water of the proposed cultivation operation is ~15,206 gallons per day, which equates to a need for the onsite groundwater

well to produce at least 21.2 gpm over a 12-hour pumping period (or 10.6 gpm over a 24-hour period). Additionally, EMF proposes to establish at least 24,000 gallons of water storage capacity on the property. The well recovery observations of the well yield test and the recent water level measurements indicate that the onsite groundwater well would be able to produce sufficient water for the proposed cultivation operation without causing overdraft conditions.

#### Cumulative Water Analysis.

The applicant has submitted a Hydrology Report, prepared by Realm Engineering and dated September 21, 2021. The Report estimates average water usage to be 25-35 inches per year similar to those of other agricultural crops, such as corn and hops. The report estimates that the proposed cultivation operation would have an annual water use requirement between 5.6 and 7.8 acre-feet. The following table presents the expected water use of the proposed cultivation operation in gallons by month during the cultivation season (April through November), using water usage information provided in EMF's Property Management Plan.

	Apr	May	June	July	Aug	Sept	Oct	Nov
Low (25" per year)	30,000	60,000	90,000	150,000	150,000	150,000	60,000	30,000
High (35" per year)	40,000	80,000	120,000	210,000	210,000	210,000	80,000	40,000

#### Aquafer/Groundwater Recharge.

According to the Hydrology Report prepared by Realm Engineering dated September 21, 2021 (see Attachment 7), groundwater recharge is the replenishment of an aquifer with water from the land surface. It is usually expressed as an average rate of inches of water per year, similar to precipitation. Thus, the volume of recharge is the rate times the land area under consideration times the time period, and is usually expressed as acre-ft per year. In addition to precipitation, other sources of recharge to an aquifer are stream and lake or pond seepage, irrigation return flow (both from canals and fields), inter-aquifer flows, and urban recharge (from water mains, septic tanks, sewers, and drainage ditches).

To estimate the groundwater recharge at the site, we first must assume that the recharge to the aquifer is primarily through rainfall across the 78-acre Project Parcel (Lake County APNs 010-053-03). Therefore, the annual precipitation available for recharge onsite can initially be estimated using the following data and equation:

$$78 \text{ acres} \times 2.75 \text{ feet (Average Annual Precipitation for Clearlake, CA)} = 214.5 \text{ acre-feet}$$

$$\text{Estimated Annual Precipitation Onsite} = 214.5 \text{ acre-feet/year}$$

However, this estimate does not account for surface run-off, stream underflow, and evapotranspiration that occurs in all watersheds. According to the USGS, the long-term average precipitation that recharges groundwater in the northern California region is approximately 15 percent. Since the soils of and geology under the Project Property are typical for the northern California region, we estimate that the long-term average precipitation that recharges groundwater within the entire site to be approximately 15 percent. With this data and the precipitation data presented above, we can estimate the groundwater recharge of the Project Property by using the following equation:

214.5 acre-feet/year (annual precipitation onsite) x 0.15 (long term average recharge) =  
Estimated Groundwater Recharge = 32.2 acre-feet/year

Based on the estimated average annual recharge to the aquifer under the Project Property (~32 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (5.6 to 77.8 acre-feet/year), it appears that EMF will have enough water to meet their demands without causing overdraft conditions.

#### Impacts on Neighboring Wells.

The Report states that the 'a zone of pumping influence extending approximately 1,000 feet from the onsite groundwater well. The nearest known neighboring well, located at 2002 Ogulin Canyon Road (Lake County APN 010-055-43), is located approximately 1,400 feet north of the onsite groundwater well. The second nearest known neighboring well, located at 2122 Ogulin Canyon Road (Lake County APN 010-053-02), is located over 2,300 feet east of the onsite groundwater well. Given the horizontal and vertical separations between the onsite groundwater well and neighboring wells, it does not appear that pumping for the proposed cultivation operation will result in well interference.

#### Drought Management Plan

The Urgency Ordinance approved by the Lake County Board of Supervisors on July 27th, 2021 (Ordinance No. 3106) requires applicants to provide a plan depicting how the applicants plan to reduce water use during a declared drought emergency. EMF's proposed cannabis cultivation operation would have total combined estimated annual water use requirement between 5.6 and 7.8 acre-feet (1,825,000 to 2,542,000 gallons). EMF intends to plant the proposed canopy areas on or around May 1st of each year (depending on climatic conditions). Per the Water Conservation and Use requirements outlined in the State Water Resources Control Board's Cannabis General Order, EMF shall implement the following Best Practical Treatment and Control (BPTC) measures to conserve water resources:

- Regularly inspect their entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks;
- Apply weed-free mulch in cultivation areas that do not have ground cover to conserve soil moisture and minimize evaporative loss;
- Implement water conserving irrigation methods (drip or trickle and micro-spray irrigation);
- Maintain daily records of all water used for irrigation of cannabis. Daily records will be calculated by using a measuring device (inline water meter) installed on the main irrigation supply line between the water storage area and cultivation area(s);
- Install float valves on all water storage tanks to keep them from overflowing onto the ground.

A With the Water Conservation and Use requirements outlined above, EMF's proposed cultivation operation would efficiently use water resources at all times. To ensure both success and decreased impacts to the surrounding areas, EMF plans to reduce their outdoor cultivation/canopy area and water usage by 10 percent, when a drought emergency has been declared for their region. To reduce their water usage by 10 percent, EMF will not plant 11,712 ft<sup>2</sup> or more of their proposed canopy area. The canopy area(s) to be left fallow will depend on when a drought emergency is declared (before or after the proposed canopy areas have been planted) and the phase of site/project development. Additionally, EMF will prioritize the preferred canopy areas over less desirable canopy areas (based on cultivation experience) when determining which canopy areas to maintain and which to leave fallow. By implementing the Drought Management Plan outlined above, EMF will reduce their estimated annual water demand from 1,825,000 - 2,542,000 gallons, to 1,642,500 - 2,287,800 gallons (10 percent), during periods of drought.

### Conclusions Regarding Water.

All water for the proposed cultivation operation will come from the existing onsite groundwater well located at Latitude: 38.980376° and Longitude: -122.577846°, near the southern boundary of the Project Property. This groundwater well was drilled to a depth of 260 feet below ground surface in March of 2018, with an estimated yield of 50 gallons per minute at the time it was drilled. A recent well performance test performed in January of 2021, indicates that the onsite groundwater well can produce at least 30 gallons per minute. From the well performance test data we can calculate a Specific Capacity of approximately 2.6 gpm/foot for the onsite groundwater well. The total estimated annual water use requirement for the proposed cultivation operation is between 1,825,000 and 2,542,000 gallons per year. Based on data from the recent well performance test and the estimated water use requirement(s) for the proposed cultivation operation, it appears that the onsite groundwater well is a sufficient water source for the proposed cultivation operation. Based on the estimated average annual recharge to the aquifer under the Project Property (~32 acre-feet/year) and the estimated annual water usage of the proposed cultivation operation (5.6 to 7.8 acre-feet/year), it appears that the aquifer storage and recharge area are sufficient to provide for sustainable annual water use at the site and on the Project Property.

The calculated a zone of pumping influence for the proposed cultivation operation extends approximately 1,000 feet from the onsite groundwater well. It does not appear that pumping for the proposed cultivation operation will impact neighboring wells, given the horizontal and vertical separations between the onsite groundwater well and neighboring wells. Additionally, it does not appear that pumping for the proposed cultivation operation will impact nearby ephemeral and intermittent watercourses, as they are typically dry by May of each year, when pumping for the proposed cultivation operation would increase to potentially significant levels. Emerald Mountain Farms' Drought Management Plan is to reduce their outdoor cultivation/canopy area and water usage by 10 percent, to ensure both success and decreased impacts to the surrounding areas during a drought emergency. The canopy area(s) to be left fallow will depend on when a drought emergency is declared and the phase of site/project development. By implementing their Drought Management Plan, Emerald Mountain Farms would reduce their estimated annual water demand from 1,825,000 - 2,542,000 gallons, to 1,642,500 - 2,287,800 gallons, during periods of drought.

### Timber Removal and Oak Woodland Management Plan

According to the Oak Woodland Management Plan (see Attachment 11), the 38 Blue oak trees identified below for removal, must be removed as they are located within areas on the Project Property that will be graded to develop the outdoor cultivation/canopy areas of the proposed cannabis cultivation operation. The Blue oak trees proposed for removal are limited to only those that will be directly disturbed as a result of Project implementation. Emerald Mountain Farms does not intend to remove or injure any oak trees on the Project Property, other than the 38 Blue oak trees identified below for removal.

There is approximately 47 acres of Blue Oak Woodland habitat on the Project Property, and approximately 71 acres of Chamise Chaparral habitat. In total, development of the proposed cultivation operation will result in the disturbance of approximately eight (8) acres of Blue Oak Woodland habitat, and the removal of 38 Blue oak trees. To comply with the California Oak Woodlands Conservation Act, EMF proposes to establish a +16-acre Blue Oak Woodland Habitat Conservation Area (No Development Zone) on the Project Parcel, to mitigate for the approximately eight acres of Blue Oak Woodland habitat disturbed as a result of developing the proposed cultivation operation. EMF also proposes to plant, cared for, and protect 114 Blue oak saplings within a



designated +2-acre Blue Oak Planting Area, to mitigate for the 38 Blue oaks trees that will be removed as a result of project/site development.

Emerald Mountain Farms will collect hundreds of acorns from the Blue oak trees of the Project Property. Emerald Mountain Farms will sprout the acorns they collect, cultivating seedlings in 1-gallon nursery pots with potting soil, for planting within the proposed Blue Oak Planting Area. The Blue oak saplings will be planted 10 feet apart in tree shelters protected by three T-posts with hog wire to prevent deer from browsing them. They will be irrigated with a drip irrigation system. Emerald Mountain Farms will consult with a Qualified Arborist certified by the International Society of Arboriculture each year for seven years, to advise on care and protection of the proposed Blue Oak Woodland Habitat Conservation Area and the Blue oak trees of the proposed Blue Oak Planting Area.

#### Chemical Storage and Effluent

According to the Property Management Plan, all chemicals will be stored and used for the cultivation operation which includes fertilizers/nutrients, pesticides, and petroleum products and chemical sanitation products necessary to maintain a sterile work environment inside the proposed processing facility. All fertilizers/nutrients and pesticides, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and at least 100 feet from surface water bodies inside the proposed Pesticides and Agricultural Chemicals Storage Area. Petroleum products will be stored under cover, in the State of California-approved containers with secondary containment and separate from pesticides and fertilizers within the *Pesticides and Chemical Agricultural Supplies Storage Area* (proposed metal building). Sanitation products will be stored in their manufacturer's original containers/packaging within a secure cabinet inside the proposed Processing Facility. Spill containment and cleanup equipment will be maintained within the proposed Pesticides and Agricultural Chemicals Storage Area and the processing facility. No effluent is expected to be produced by the proposed cultivation operation.

#### Hours of Operation.

According to the IS/MND, cultivation related activities will occur from 8:00 AM to 6:00 PM. All gates will be locked and secured outside of core operating/business hours and when operation personnel are not present.

#### Solid Waste Management.

The types of solid waste that will be generated from the proposed cultivation operation include but are not limited to gardening materials and wastes (*such as used plastic seedling pots and spent plastic fertilizer/pesticide bags and bottles*) and general litter from staff/personnel. All solid waste will be stored in bins with secure fitting lids, located directly adjacent to the proposed outdoor cultivation/canopy area and Processing Facility. At no time will the bins be filled to a point that their lids cannot fit securely. Solid waste from the bins will be deposited into a trailer (*dump trailer*) and hauled away by project staff to a Lake County Integrated Waste Management facility, at least every seven (7) days/weekly. The Eastlake Landfill is the closest Lake County Integrated Waste Management facility to the subject parcels. Most, if not all, solid waste generated by EMF's proposed cultivation operation can will be deposited at this facility.

#### Site Maintenance.

When not in use, all equipment will be stored in its proper designated area upon completion of the task for which the equipment was needed. Any refuse created during the workday will be placed in the proper waste disposal receptacle at the end of each shift, or at a minimum upon completion of the



task assigned. Any refuse which poses a risk for contamination or personal injury will be disposed of immediately. One hundred feet of defensible space will be established and maintained around the proposed cultivation operation for fire protection and to ensure safe and sanitary working conditions. Areas of defensible space will be mowed and trimmed regularly around the cultivation operation to provide for visibility and security monitoring. The existing access roads and parking areas are/will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved throughout the entire site to filter and infiltrate storm water runoff from the access roads, parking areas, and the proposed cultivation operation. Portable restroom facilities will be regularly serviced and made available for use whenever staff is onsite.

### Construction.

The applicant has indicated that construction would occur over 4 to 6 weeks. Construction activities include the installation of a 120-square-foot wooden shed, 9 water storage tanks, dozens of fabric pots, irrigation systems, and 6-foot-tall security fencing. Construction activities are expected to generate 8 to 12 vehicle trips per day.

All construction activities, including engine warm-up, will occur from 6:00 am to 6:00 pm Monday through Saturday and shall adhere to all noise requirement in the Lake County Code. Additionally, all equipment will be maintained and operated to all federal, state and local agency requirements to minimize spillage or leakage of hazardous materials.

All equipment will be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment will occur on an impermeable surface. Water from the approved onsite well will be used to mitigate the generation of dust during development, including operations. The overall construction of the project is anticipated to take three (3) to five (5) weeks to complete (weather dependent).

**Staff is recommending approval of Major Use Permit, UP 20-47 and the adoption of a Mitigated Negative Determination based on the environmental analysis (Initial Study, IS 20-54) with the adoption of the incorporated Mitigation Measures, Mitigation Monitoring Reporting Program (MMRP), and Conditions of Approval.**

## **I. RECOMMENDATION**

**Staff recommends that the Planning Commission take the following actions:**

### **A. Adopt Mitigated Negative Declaration (IS 20-54) for Major Use Permit (UP 20-47) with the following findings found in Attachment 5:**

1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measure AES-1.
2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures AQ-1 through AQ-6.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures BIO-1 through BIO-5.
4. Potential environmental impacts related to Cultural and Tribal resources can be mitigated to less than

significant levels with the inclusion of Mitigation Measures CUL-1 and CUL-3.

5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of Mitigation Measure GEO-1.
6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures HAZ-1 through HAZ-4.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures Mitigation Measures BIO-3 through BIO-5, GEO-1, HAZ-1 through HAZ 4, and HYD-1 incorporated.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures NOI-1 through NOI-3.
9. Potential wildfire impacts can be mitigated to less than significant levels with the inclusion of Mitigation Measures WF-1.
10. This project is consistent with land uses in the vicinity.
11. This project is consistent with the Lake County General Plan, Shoreview Communities Area Plan, and Zoning Ordinance.
12. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.
13. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

**B. Approve Major Use Permit UP 20-47 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, *Shoreline Communities* Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.

7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to apply for the permit described in Chapter 21, Article 27, Section 1.ii.(g)(h).
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 **Mitigated Negative Declaration (IS 20-54)** prepared for ***Emerald Mountain Farms, Inc.*** for the property located at **1850 Ogulin Canyon Road, Clear Lake**, further described as **APNs: 010-053-03 and 010-011-01** will not have a significant effect on the environment and therefore a determination of a Mitigated Negative Declaration with the accompanying **Mitigation Monitoring and Reporting Program (MMRP)** shall be approved with the findings listed in the staff report dated **June 23, 2022**.

#### **Major Use Permit (UP 20-47)**

I move that the Planning Commission find that **Major Use Permit (UP 20-47)** applied for by ***Emerald Mountain Farms, Inc.*** for the property located at **1850 Ogulin Canyon Road, Clear Lake**, further described as **APNs: 010-053-03 and 010-011-01** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [i, ii(g), I (ii)] of the Lake County Zoning Ordinance with the amended site plan and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **June 23, 2022**.

*NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*