



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Item 1
9:05 AM
June 27, 2019

STAFF REPORT

TO: Planning Commission

FROM: Michalyn DelValle, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: June 17, 2019

RE: **Carol Littlefield; Minor Use Permit (MUP 18-53) for Commercial Cannabis Cultivation, Initial Study (IS 18-63).** APN: 012-048-01

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan (available upon request)
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plans
6. Initial Study IS 18-63

I. EXECUTIVE SUMMARY

The applicant is proposing the following commercial cannabis licenses:

- Area #1: A-Type 2 (outdoor); 9,317 square feet (s.f.) of cultivation area; 5,400 s.f. of canopy
- Area #2: A-Type 1 (outdoor); 5,022 s.f. of cultivation area; 1,787 s.f. of canopy

According to the applicant's material submitted, the total cultivation area is **14,339 s.f.** and the total canopy area is **7,187 s.f.** Both cultivation areas are enclosed by a 6' tall fence.

The ±40 acre subject site is located at **18331 Ponderosa Trail, Lower Lake**, and is known as **APN 012-048-01**. The subject site contains a medicinal cannabis cultivation operation, a 730 s.f. 2-story barn that will contain gardening equipment and material storage (ground level), and cannabis drying (upper level). There are two existing residences on site; one of the residences will have a room that will contain surveillance equipment and will be used for cannabis packaging. The existing residences are served by an on-site septic system and a domestic well, which will also be used for cannabis

irrigation. The house is served by an existing gravel driveway that takes access onto Noble Ranch Road, a private road that connects with Ponderosa Trail.

The estimated water usage ranges between 75,000 and 112,500 gallons per year. This amount of proposed water usage is lower than other comparably sized outdoor cannabis cultivation licenses.

The remainder of the parcel will remain in its current state of use with the two residences, a vegetable garden, and undeveloped forest land. The topography of the parcel is a saddle between two broad hills; the eastern portion of the site is flat; the western portion of the site has slopes in excess of 30%. The cultivation area slopes to the northwest toward Little High Valley. There are no wetlands/creeks on the property.

Staff is recommending **Approval with Conditions** of **MUP 18-53**.

II. PROJECT DESCRIPTION

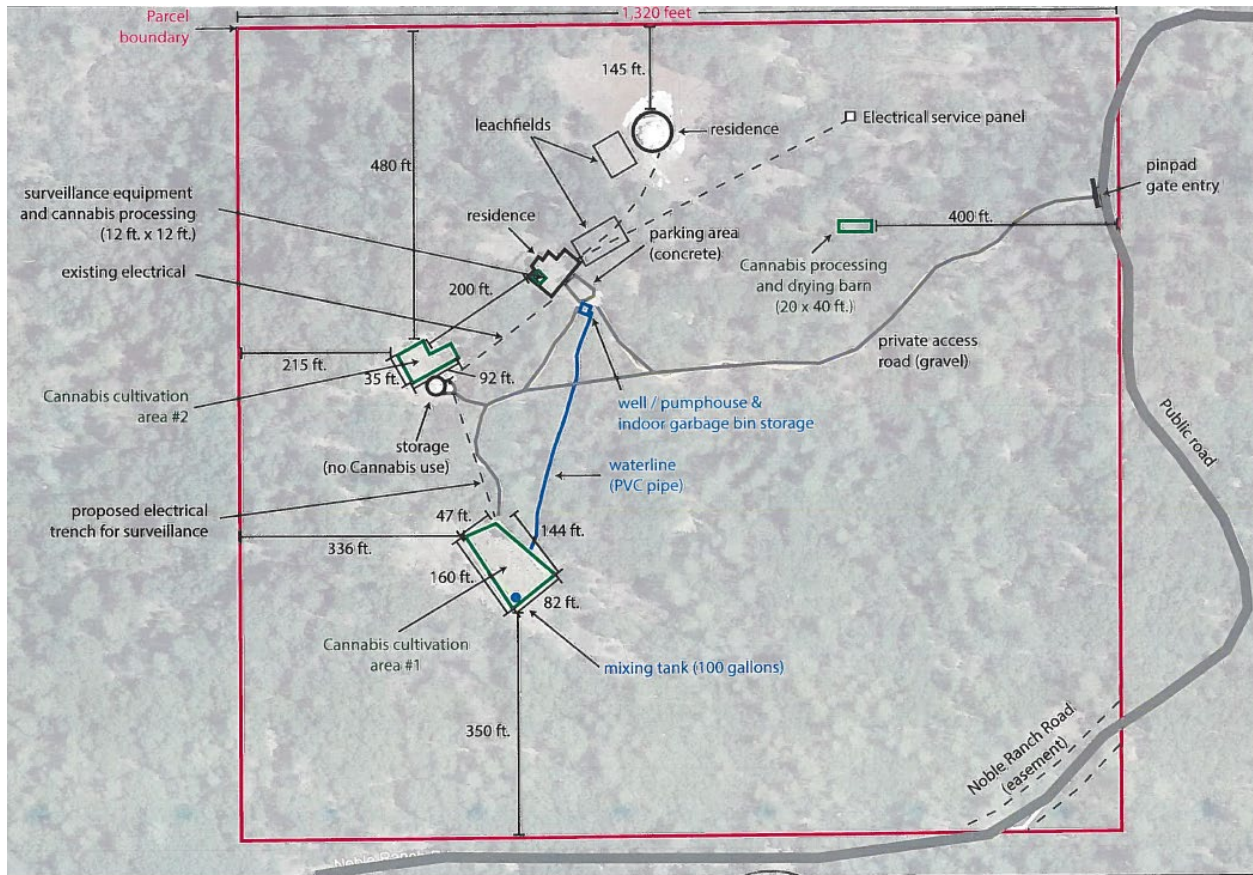
<u>Applicant/Owner:</u>	Carol Littlefield
<u>Location:</u>	18331 Ponderosa Trail, Lower Lake
<u>A.P.N.:</u>	012-048-01
<u>Parcel Size:</u>	40.65 acres
<u>General Plan:</u>	Agriculture
<u>Zoning:</u>	“A”, Agriculture
<u>Flood Zone:</u>	None

III. PROJECT SETTING

Existing Uses and Improvements: The subject site contains two dwellings of undetermined size served by septic systems; a domestic well, a 2-story barn, a vegetable garden, and an existing gravel driveway.

Surrounding Uses and Zoning

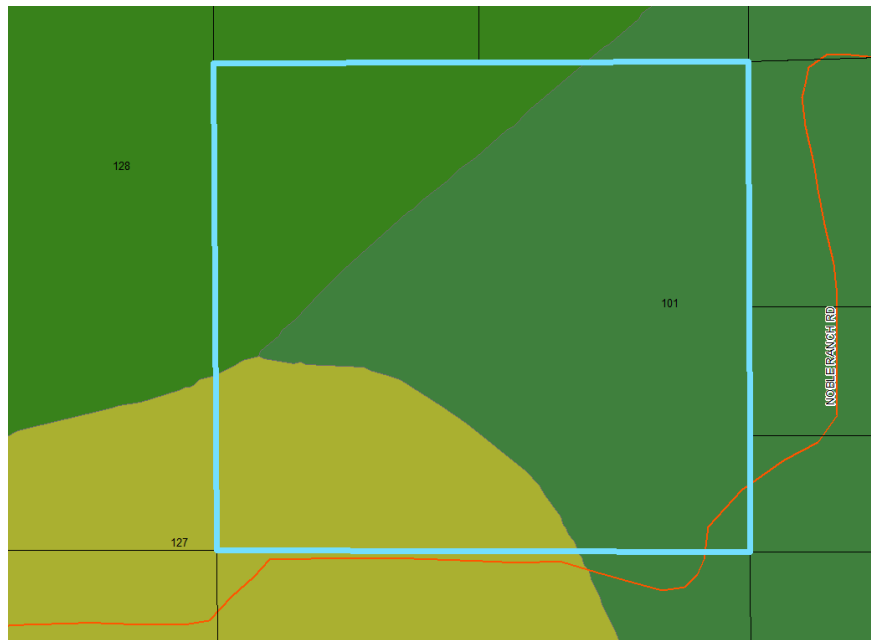
- North: “RR” Rural Residential, “RL” Rural Lands and “APZ” Agricultural Preserve. Parcel sizes range from approximately 2 to 150 acres. Two of the near northern lots contain dwellings.
- South: “A” Agriculture and “RR” Rural Residential. Parcel sizes range from approximately 5 to 40 acres in size. The southern neighboring lot contains an unpermitted cannabis cultivation area and a dwelling.
- East: “RR” Rural Residentially-zoned land. Parcel sizes range from approximately 5 to 10 acres in size. About half of the adjacent or nearby lots to the east contain dwellings.
- West: “APZ” Agriculture Preserve. Parcel is 150 acres in size.



EXISTING AND PROPOSED SITE PLAN

Topography: Varied; ranges from flat (eastern side) to over 30% (western side).

Soils: The primary soil types on the site are 101, 127 and 128, identified as follows:



Soil Types on the Site

- **101-Aiken~Sobrante association, 5 to 15 percent slopes.** This map unit is on hills and mountains. The vegetation is mainly conifers and hardwoods on the Aiken soil and annual grasses and hardwoods on the Sobrante soil. The Aiken soil is very deep and well drained. Permeability of the Aiken soil is moderately slow. Available water capacity is 9.0 to 10.5 inches. Effective rooting depth is 60 inches or more. Surface runoff is medium, and the hazard of erosion is moderate. The Sobrante soil is moderately deep and well drained. Permeability of the Sobrante soil is moderate.

The main limitations are the hazard of erosion and steepness of slope. Depth to bedrock is a major limitation of the Sobrante soil. Use of a cover crop between rows of trees helps to control erosion. All tillage should be on the contour or across the slope. Tillage should be kept to a minimum.

- **127-Collayomi-Aiken-Whispering complex, 5 to 30 percent slopes.** This map unit is on mountains. The vegetation is mainly conifers and oaks. Included in this unit are small areas of Rock outcrop near ridges. Permeability of the Collayomi soil is moderate. The Aiken soil is very deep and well drained. Permeability of the Aiken soil is moderately slow and the hazard of erosion is moderate. The Whispering soil is moderately deep and well drained. Permeability of the Whispering soil is moderate. Available water capacity is 2 to 5 inches. Effective rooting depth is 20 to 40 inches. Surface runoff is rapid, and the hazard of erosion is severe. This unit is used mainly for timber production, wildlife habitat, and watershed. It is also used for homesite development and orchards.
- **128-Collayomi-Aiken-Whispering complex, 30 to 50 percent slopes.** This map unit is on mountains. The vegetation is mainly conifers and oaks. This unit is about 40 percent Collayomi very gravelly loam, 35 percent Aiken loam, and 15 percent Whispering loam. The Collayomi soil is very deep and well drained. Permeability of the Collayomi soil is moderate. Available water capacity is 2.5 to 4.5 inches. Effective rooting depth is 60 inches or more. 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 severe. The Whispering soil is moderately deep and well drained. Permeability of the Whispering soil is moderate. Available water capacity is 2 to 5 inches. Effective rooting depth is 20 to 40 inches. Surface runoff is rapid, and the hazard of water erosion is severe. This unit is used mainly for timber production, wildlife habitat, and watershed. It is also used for homesite development.

Water Supply: On-site well.

Sewage Disposal: On-Site Septic Systems

Fire Protection: CalFire (South Lake Fire Protection District)

Vegetation: Several varieties of oak trees, pine trees, grass

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:

Agriculture includes areas with prime farmland, vineyard soils and grazing lands, along with areas characterized by steep slopes and limited services. One purpose of this land use category is to protect the County's valuable agricultural resources and to prevent development that would preclude its future use in agriculture. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities. Wineries and the processing of local agricultural products such as pears and walnuts are encouraged within this designation. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds.

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

Land Use

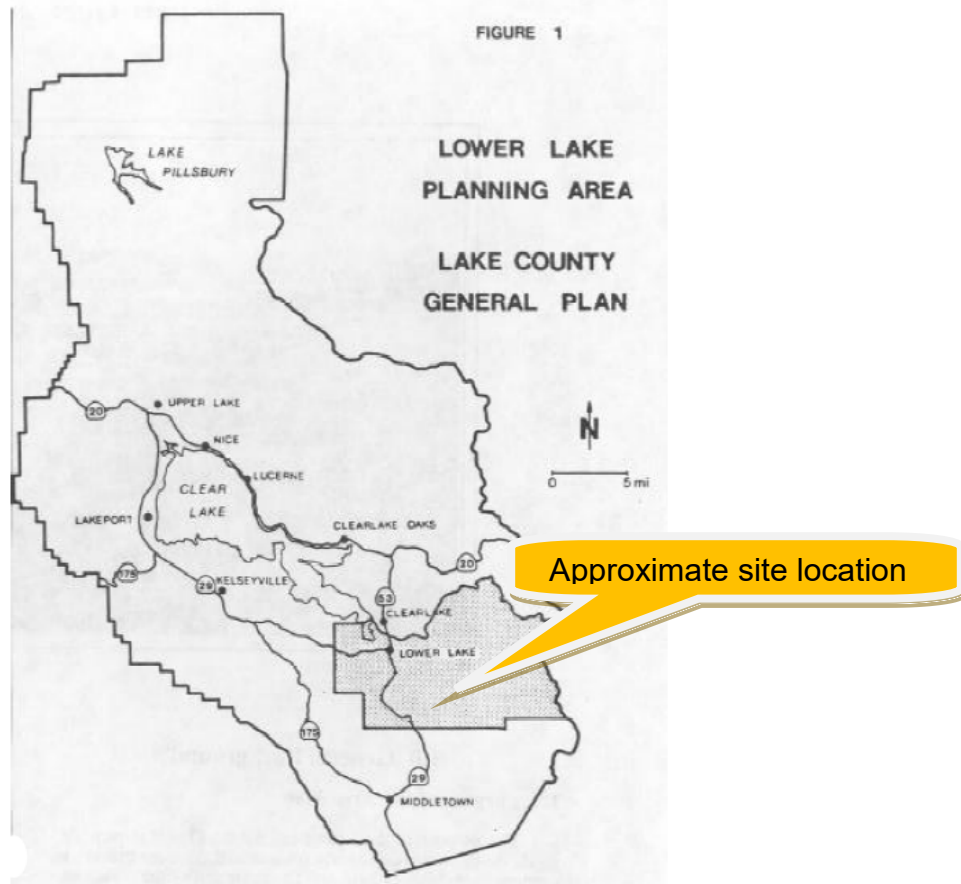
- *Policy LU-1.3 Prevent Incompatible Uses.* The County shall prevent the intrusion of new incompatible land uses into existing community areas.
- *Goal OSC-1 Biological Resources.* To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.
- *Policy LU-5.4 Compatibility with Surrounding Land Use.* The County shall ensure that appropriate industrial / heavy commercial sites will not result in harmful impacts to adjacent land uses. In addition, sites should be designed to prevent the intrusion of incompatible uses into industrial areas. Infilling of existing industrial areas is highly desirable where feasible.

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”.

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.



Lower Lake Area Plan Boundary

Lower Lake Area Plan Conformance Analysis

The subject site is within the Lower Lake Area Plan’s boundary. The Plan contains several policies that are subject to consistency review as follows:

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

This applicant would have up to 5 employees.

Zoning Ordinance Conformance

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

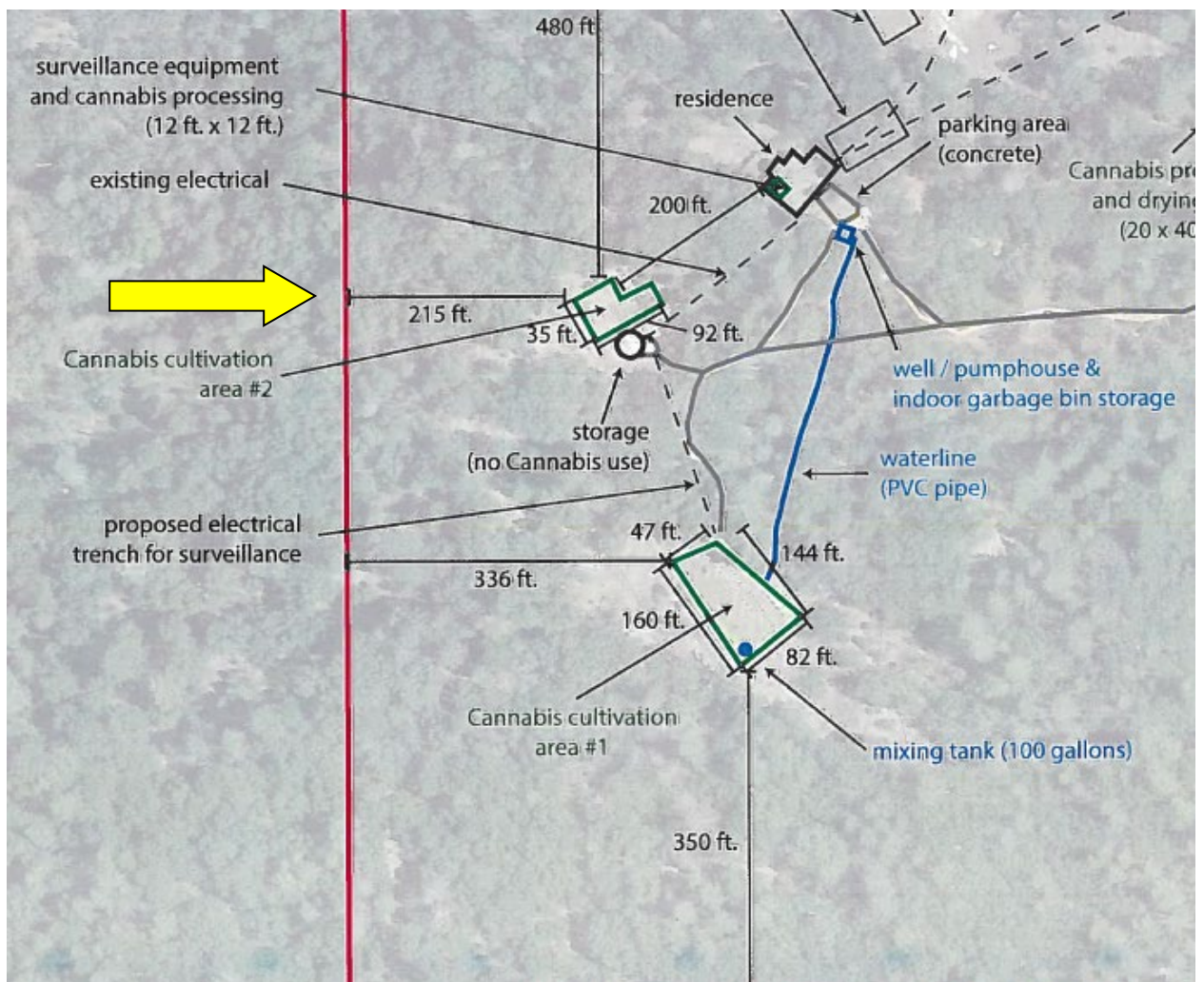
Article 27 - Use Permits

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

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

Development Standards

- Minimum Lot Size (25 acres for one A-Type 2 and one A-Type 1 cannabis license): *Complies; the site is approximately 40.65 acres in size.*
- Setback from Property Line (100 feet): *Complies, according to the applicants' site plan, the proposed cannabis site is approximately 215 feet from the nearest property line. See graphic below.*



- Setback from Off-Site Residence (200 feet): *Complies, the nearest residential dwelling is located on a separate parcel and is about 600 feet away from the proposed outdoor cannabis cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies, according to the applicants' information submitted, the proposed fence height is six (6) feet.*
- Maximum Canopy Area (10,000 s.f.): *Complies, the maximum canopy area is shown to be 7,187 s.f. on the property management plan submitted.*
- Maximum Cultivation Area (20,000 s.f.): *Complies; the cultivation area would be 14,339 s.f. in total area.*

General Requirements. *The applicant meets the following General Requirements. If the requirements have not been met, a condition has been added to assure compliance.*

- State License and Permits required (ref. Section 27.at.3.ii.a). *Complies; see Conditions, Attachment 4.*
- Background Checks (ref. Section 27.at.3.ii.e). *The current employees have undergone background checks as required by this subsection of the Zoning Ordinance. However, a condition has been added to assure compliance in the event of new employees or change of ownership in the future; see Conditions, Attachment 4.*
- Property Owners Approval. *The owner is Carol Littlefield, the applicant.*
- Co-location of Permits. *The applicant is proposing two specific license-types under one owner / applicant. The ±40 acre property is large enough to support both license types according to Article 27 of the Lake County Zoning Ordinance.*
- Operation Hours for Deliveries (Monday through Saturday 9:00AM-7:00PM & Sundays 12:00PM – 5:00PM). *A condition has been added; see Conditions, Attachment 4.*
- Duration of Permits cannot exceed ten (10) years. *A condition has been added; see Conditions, Attachment 4.*
- Weights and Measures. *A condition was added; see Conditions, Attachment 4.*
- Access Adequacy Standards – *The site takes access from Noble Ranch Road, an unpaved private road that connects with Ponderosa Trail.*

Prohibited Activities

The applicant complies with the restrictions pertaining to the following prohibited activities:

- Tree Removal. *None is proposed.*

- Water use when illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river. *Water sources on site are all legal.*
- Odor Control. *An Odor Control Plan is required in conjunction with the Authority to Construct permit; see Conditions, Attachment 4.*
- Electrical Generators may be used only on an emergency basis. *See Conditions; Attachment 4.*
- Lighting (outdoor) must comply with darkskies.org lighting guidelines; see *Conditions, Attachment 4.*
- Pesticide Usage is limited to State-approved chemicals. *See Conditions, Attachment 4.*
- Protection of Minors. *Required by conditions; see Conditions, Attachment 4.*
- Commercial cannabis Cultivation Exclusion Area – *complies. The site is not located within 1000 feet of:*
 - A Community Growth Boundary
 - A school
 - A developed public park
 - A drug or alcohol rehabilitation facility
 - A licensed child care or nursery school
 - A church or other family-oriented facility providing services intended for minors

Permitting Process

The **Property Management Plan** submitted by the applicant contains all of the required Elements as specified within Article 27 of the Lake County Zoning Ordinance:

- Air Quality
- Cultural Resources
- Energy Use
- Fertilizer Usage
- Fish and Wildlife Protection
- Operations Manual
- Grounds
- Pest Management
- Security
- Storm Water Management:

- Waste Management
- Management Plan
 - Cannabis Vegetative Material Waste Management
 - Growing Medium Management
 - Cannabis Vegetative Material Waste Management:
- Water Resources
- Water Use
- Compliance Monitoring
- Annual Reports - Performance Review

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 18-30* (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:

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.

VI. FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Minor Use Permit (LCZO Section 50.4, Minor Use Permits) if all of the following findings are made:

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

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

The immediate area contains rural and semi-rural land with several homes and businesses that are located at least 300 feet away from the cultivation site. As previously discussed, the potential impact resulting from this proposal is Air Quality (odor). All potentially significant impacts appear to have been adequately addressed within the applicant's submittal within the Property Management Plan and through the mitigation measures found in the Initial Study and herein.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The proposed cultivation area is 14,339 s.f., this represents less than 1% of the 40.65 acre site.

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

The site is served by Noble Ranch Road, a narrow, unpaved road that connects with Ponderosa Trail, also a narrow unpaved road. The area is very sparsely populated; the likelihood of pedestrians using the shoulder are minimal. The use will likely generate between 10 to 20 average daily trips depending on the number of employees working on certain shifts. There are no known capacity issues associated with Noble Ranch Road or Ponderosa Trail.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. *This application was routed to all of the affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to all area Indian Tribes. Relevant comments are attached as 'Attachment 3'. No adverse comments were received.*

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and the Lower Lake Area Plan.

Since commercial cannabis cultivation is named as a permitted use in the A Agriculture zoning district within the Commercial Cannabis ordinance, this proposal is consistent with the governing ordinance for cannabis cultivation in Lake County. The General Plan and Lower Lake Area Plan do not have any provisions for commercial cannabis, but both plans do have provisions for economic development and related policies.

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.

The Community Development Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property.

VII. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 18-63) for Minor Use Permit 18-53 with the following finding:

1. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1, AQ-2 and AQ-3.

B. Approve Minor Use Permit MUP 18-53 with the following findings:

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

Sample Motions:

Initial Study IS 18-63

I move that the Planning Commission find on the basis of the findings provided by staff regarding past agricultural use of the property, that this project is Categorically Exempt from CEQA review via IS 18-63, as prepared by the Planning Division and applied for by **Carol Littlefield** on property located at **18331 Ponderosa Trail, Lower Lake**, further described as **APN: 012-048-01** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **June 17, 2019**.

Minor Use Permit (MUP 18-53)

I move that the Planning Commission find that the **Minor Use Permit (MUP 18-53)** applied for by **Carol Littlefield** on property located at **18331 Ponderosa Trail, Lower Lake**,

further described as **APN: 012-048-01** does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and the Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **June 17, 2019**.

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.

Reviewed by:_____