



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item 6a
9:05 AM
March 27, 2025

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Department
Prepared by Mary Claybon, Senior Planner

DATE: March 27, 2025 (Continued from February 13, 2025)

SUBJECT: Consideration of proposed Major Use Permit (UP 21-07), Little High Valley / 17870 Little High Valley, LLC and Mitigated Negative Declaration (IS 21-07) for approval of two (2) A-Type 3 “Outdoor” commercial cannabis cultivation licenses and one (1) Type 13 Self-Distribution, transport only license located at 17870 Little High Valley Road, Lower Lake (APN: 012-061-03)

ATTACHMENTS:

1. Site Plans by Realm Engineering (5/15/2024)
2. Draft Conditions of Approval
3. Property Management Plan (1/24/2020)
4. Draft Initial Study/Mitigated Negative Declaration
5. Hydrology Report and Drought Management Plan (2/4/2022)
6. Biological Assessment (12/2020)
7. Agency Comments
8. Tribal Comments
9. Documented Easements
10. Public Comment since 10/10/24
11. Report of Inspection by Grading and Stormwater Inspector with exhibits
12. JC Crandall v. County of Santa Barbara

EXECUTIVE SUMMARY

On February 13, 2025, this item was brought before the Planning Commission, having been continued from December 12, 2024, and October 10, 2024. During the hearing, public comments were introduced into the administrative record, presenting new information pertinent to California case law and the right to utilize easements for commercial cannabis purposes. The project was continued to a specific date and time of March 27, 2025, at 9:05 a.m., to provide the applicant with an opportunity to consult with their legal counsel in the event that access is not granted by the neighboring parcels that contain the easement.

The neighboring landowners in which the easement traverses have not provided consent for commercial cannabis purposes. At this time, staff cannot support the findings for major use permit and is recommending denial of the project.

POINT OF INTEREST

Multiple Hearing Continuations to Address Neighbor Concerns

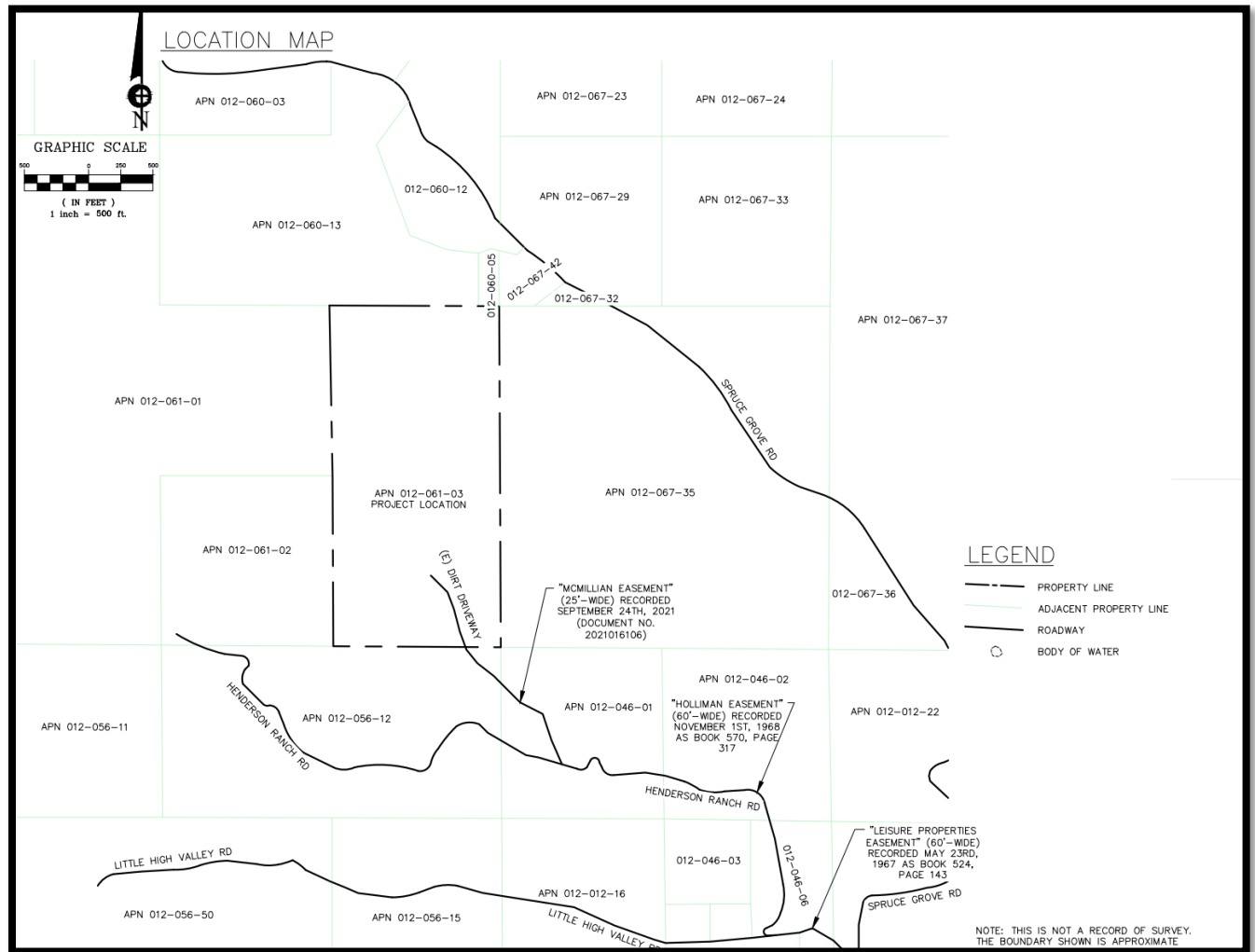
- On October 10, 2024, a public hearing for this project was held. The Community Development Department requested a continuance of the hearing based on information provided by the neighbors at that hearing specific to water use, roadway improvements, pesticides, and security concerns. Public Comment as of October 10, 2024, was received and is Attachment 10 to the Staff Report.
- On November 8, 2024, a site visit was scheduled involving staff from the Planning Division, the applicant, the project consultant, and neighboring residents. During this visit, staff coordinated a meeting with six neighbors to facilitate a discussion focused on the Lake County Zoning Ordinance requirements for commercial cannabis cultivation. The applicant and consultant were present to address inquiries related to water usage, roadway enhancements, pesticide application, and security matters. Public Comment as of October 10, 2024, was received (Attachment 10).
- On December 12, 2024, the public hearing continuance for this project was heard. New public commentary was received during the meeting including concerns violation of Chapter 30 of the Lake County Grading Code. A continuation of the project was scheduled to a date and time certain of February 13, 2025, at 9:05 a.m. to allow staff to address public concerns specific to grading without a permit.
- On December 18, 2024, Grading and Stormwater Inspector Tod Elliott accompanied by Planning Division staff assessed potential violations of Chapter 30, Lake County Grading Ordinance. The findings are documented in Attachment 11. Although ground clearing was observed between 2004 and 2005 and again in 2020, interviews with property owner Mark McDonald and project manager Travis Lisenbee corroborated that this clearing was essential for facilitating access to remove debris and abandoned vehicles left by the previous owner, and for the installation of a permitted well and its associated utilities, which are exempt from grading regulations under section 17.4.13 of Chapter 30. No violations of Chapter 30 of the Lake County Code were identified; however, a zoning clearance was required for the installation of the well utility water tanks. Zoning Clearance (ZC 25-04) was subsequently issued on January 15, 2025. The biological assessment summary and conclusions (Attachment 6) identifies the previous cleared areas and vegetation regrowth with no special-status plants or animals observed, supporting the findings by staff.
- On February 13, 2025, public hearing for this project was heard. Neighbors cited JC Crandall, LLC v. County of Santa Barbara (Attachment 12) as relevant legal precedent. The issuance of a conditional use permit requires that the County find streets and highways are adequate for the proposed use. JC Crandall relies on Business and Professions Code section 26051.5, subdivision (a)(2). An applicant for a state license to conduct commercial cannabis activity must “provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner’s agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.” Neighbors have indicated that they are not willing to grant permission for access to the site for commercial cannabis cultivation purposes.

Access Easement and Maintenance

The project parcel is accessed via a private gravel and native soil surfaced access deeded easements on Little High Valley Road that directly connects to Spruce Grove Road, a county-maintained road as seen on the project's site plans (Attachment 1) and in Figure 1 below. A Road Access and Utility Easement and Maintenance Agreement listing the project parcel as dominant tenement (APN 012-061-03) and servient tenement (APN 012-046-01) was recorded in Official Records of County of Lake on 9/24/2021, listed as document # 2021016106 (Attachment 9).

The applicant has completed maintenance on the easements since the last public hearing and intends on maintaining the easements to the project site in accordance with the Road Access and Utility Easement and Maintenance Agreement (Attachment 9) and as seen in the Figure below.

FIGURE 1- Easement Map



Source: Realm Engineering

MAJOR USE PERMIT FINDINGS NOT MET

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits – Findings for Approval) if all findings are made. The following finding could not be met:

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

The Project Parcel is accessed via private gravel and native soil surfaced access deeded easements to Little High Valley Road that directly connects to Spruce Grove Road, a county-maintained road as seen on the project's site plans (Attachment 1). The issuance of a conditional use permit requires that the County find streets and highways are adequate for the proposed use. Relevant legal precedent was cited by neighbors of the project parcel. *JC Crandall v. County of Santa Barbara* (Attachment 12), relies on Business and Professions Code section 26051.5, subdivision (a)(2): *An applicant for a state license to conduct commercial cannabis activity must "provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner's agent where the commercial cannabis activity will occur, as proof to demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant."* Neighbors have stated they are not willing to provide consent for access to the site for commercial cannabis cultivation purposes and this finding for approval cannot be met.

RECOMMENDATIONS

Staff recommends the Planning Commission take the following actions:

A. Deny Major Use Permit (UP 21-07) with the following findings:

1. That the streets, highways and pedestrian facilities are not reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.

Sample Motions :

Major Use Permit (UP 21-07)

I move that that the Planning Commission find that the Major Use Permit (UP 21-07) for 17870 Little High Valley / 17870 Little High Valley, LLC for the property located at 17870 Little High Valley Road, Lower Lake (APN 012-061-03) does not meet the requirements of Section 51.4 and Article 27 of the Lake County Zoning Ordinance and that the Major Use Permit be denied based on the findings included in the staff report dated March 27, 2025.

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.*