

Attachment 2: Resolution Recommending MND and DA**RESOLUTION No. PC 2021-21**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE MITIGATED
NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING
PROGRAM AND RECOMMENDING APPROVAL OF THE DEVELOPMENT
AGREEMENT FOR CANNABIS BUSINESS USE PERMITS UP 2021-05 THROUGH UP
2021-08 AND COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 04-2021, FOR
DEVELOPMENT AND OPERATION OF A COMMERCIAL CANNABIS FACILITY ON
PROPERTY LOCATED IN THE I INDUSTRIAL AND CANNABIS BUSINESS ZONING
DISTRICTS AT 2185 OGULIN CANYON ROAD, CLEARLAKE, CALIFORNIA, APN: 010-
044-017**

WHEREAS, Brian Pensack applied for approval of Cannabis Business Use Permits for cultivation, manufacturing, distribution for property located at 2185 Ogulin Canyon Road, Clearlake, CA, in the I, Industrial, and CB, Commercial Cannabis Business Zoning Districts, APN 010-044-017; and

WHEREAS, Cannabis Business Use Permit Applications UP 2021-05 through UP 2021-08 has been made in accordance with Section 18-43, Commercial Cannabis of the Municipal Code, which refers to Commercial Cannabis Uses; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of air quality, biological resources, hazardous materials, and noise; and

WHEREAS, mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur have been identified through the Initial Study (applicant has agreed to all mitigation measures in accordance with CEQA); and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Clearlake regulations and is designed to ensure compliance during Project implementation; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and a Mitigated Negative Declaration (MND) should be prepared; and

WHEREAS, the City distributed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Project on June 30, 2021, which started a 30-day public review period, ending August 6, 2021. The NOI was posted at the Lake County Clerk / Recorder's office, distributed through the State Clearinghouse, posted at City offices, and mailed to project stakeholders, property owners, and residents within a 600 foot radius of the Project; and

WHEREAS, the City received four written comments within the 30-day public review period; and

WHEREAS, the comments did not identify any new significant environmental impacts beyond those already covered in the Draft MND and did not change the Draft MND text. As such, staff prepared a Final MND and Mitigation Monitoring and Reporting Program; and

WHEREAS, a companion application, Development Agreement DA 2021-04 has been reviewed by the Planning Commission at a public hearing on October 26th, 2021; and

WHEREAS, the proposed project is consistent with the General Plan which designates the project site as Industrial; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake as follows:

A. Recommend Adoption of the Mitigated Negative Declaration

- 4. The Planning Commission finds that the Mitigated Negative Declaration was presented to the Planning Commission, that the Planning Commission has reviewed the Mitigated Negative Declaration prepared for the 2185 Ogulin Canyon Road Commercial Cannabis Business Use Permit (the “Project”), all staff reports pertaining to the Project and all comments received there on, and that the Mitigated Negative Declaration has been prepared and completed in compliance with the California Environmental Quality Act (CEQA).
- 5. The Planning Commission finds that on the basis of the Mitigated Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact individually or cumulatively on the environment.
- 6. The Planning Commission finds that the Mitigated Negative Declaration reflects the City’s independent judgment and analysis.

B. Recommend Adoption of the Mitigation Monitoring and Reporting Program

- 3. The Planning Commission hereby recommends to the City Council adoption of the Mitigation Monitoring and Reporting Program, as attached to the Project staff report.
- 4. The Planning Commission hereby recommends to the City Council that the proposed mitigation measures described in the Mitigated Negative Declaration are feasible and therefore become binding upon the City and its construction contractors.

C. Recommend Approval of the Development Agreement

The Planning Commission hereby recommends to the City Council approval of the Development Agreement for the 2185 Ogulin Canyon Road Commercial Cannabis Business Use Permit project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake does recommend to the City Council approval of the Mitigated Negative Declaration, the Mitigation

Monitoring and Reporting Program and the Development Agreement for the 2185 Ogulin Canyon Road Commercial Cannabis Business Use Permit project.

PASSED AND ADOPTED on this 26th day of October, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission