



Legislation Details (With Text)

**File #:** 19-120      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Agenda Ready

**File created:** 2/7/2019      **In control:** Planning Commission

**On agenda:** 2/14/2019      **Final action:**

**Title:** 9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-19). The project applicant is MIKE MITZEL, KONOCTI DIVERSIFIED AGRICULTURE proposing a Commercial Cannabis Cultivation License, A-Type 3b indoor to allow 17,850 square feet of canopy area inside a 41,060 square foot greenhouse cultivation area. The project is located at 3430 Gaddy Lane, Kelseyville and further described as APN 008-027-11. Environmental Evaluation: Mitigated and revised Mitigated Negative Declaration (IS 18-23). (Eric Porter)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. UP 18-19 staff rept Konocti, 2. Attachment 1 vicin, 3. Attachment 2 civil dwgs, 4. Attachment 2b elevs, 5. Attachment 3 propty mgmt plan, 6. Attachment 4 agency, 7. Attachment 5 conds, 8. Attachment 6 IS, 9. Attachment 6b IS revised, 10. Attachment 7 public comment

Date	Ver.	Action By	Action	Result
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**MEMORANDUM**

**TO:** Planning Commission

**FROM:** Michalyn DelValle, Community Development Director

Prepared by: Eric Porter, Associate Planner

**DATE:** February 14, 2019

**SUBJECT:** Konocti Diversified Agriculture LLC; Major Use Permit for Commercial Cannabis Cultivation (UP 18-19); Initial Study (IS 18-23)

Supervisor District 4

- ATTACHMENTS:**
1. Vicinity Map
  2. Existing and Proposed Site Plans, Elevations, Lighting Plan
  3. Property Management Plan (available upon request)
  4. Agency Comments
  5. Proposed Conditions of Approval
  6. Initial Study IS 18-23
  7. Public Comments

## EXECUTIVE SUMMARY:

The applicant proposes a 'mixed light' cannabis cultivation license for cannabis cultivation inside a greenhouse using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises via A-Type 3B license. The project site is located on a 20.11 acre parcel (APN 008-027-11) at 3430 Gaddy Lane, Kelseyville. The site is under a Williamson Act contract. The entire site is also located within the AO flood zone. Total proposed **cultivation area is 41,060 s.f.**, and the proposed **canopy area is 17,850 s.f.** Cultivation areas include gardens, soil staging and material storage areas, and ancillary buildings.

The parcel is accessible by Gaddy Lane, an existing paved County maintained road. Gaddy Lane is a scenic road; the building is set back more than 500 feet from the Gaddy Lane right-of-way, so the height restrictions associated with the scenic combining district overlay do not apply to the proposed greenhouse. The actual project includes a proposed greenhouse 41,060 square feet in size and 29 feet tall, which would be enclosed by a fence and situated in the approximate center of the parcel. Within this greenhouse would be 17,850 square feet of canopy area; 3,570 square feet of cultivation 'bench area' for non-flowering plants, and 8,120 square feet of area to be used as an office.

The applicant can have up to 43,560 s.f. of total cultivation area for an A-Type 3B cultivation license per Article 27 of the Lake County Zoning Ordinance.

The cannabis plants will not be visible from public roads or neighboring lots because they will be located inside the greenhouse. The application indicates up to 10 employees per peak shift. There are presently 5 parking spaces on the site, and the application indicates that an additional 10 to 15 spaces will be added. Accessibility requirements for this commercial use include, but are not limited to, lavatories, parking spaces, and pedestrian pathways within and leading to the greenhouse.

The operation would use 3 fleet vehicles (light duty trucks), a 'scissor lift', and a forklift. The applicant anticipates 4 to 5 flatbed trucks will be used during construction which will according to the application material submitted occur between 7 am and 4 pm Monday through Friday following approval of this use permit. Equipment will be staged and stored adjacent to the construction site and on the subject lot.. It is anticipated that less than 50 cubic yards of soil would be removed during construction. A 6" thick concrete slab will be poured to support the greenhouse structure.

The applicant has indicated that greenhouse and site construction will take between 8 months and 1 year.

The site is outside the Kelseyville Community Growth Boundary. The entire site contains Class 1 through 4 soils that are stable. The soil on the site is categorized as Prime Farmland. On Prime Farmland, all cultivation must take place indoors; thus the applicant has proposed the greenhouse.

Water will be provided via existing on-site wells. The applicant estimates that the plants will require approximately 1800 gallons of water per day; the primary well produces approximately 190 gallons per minute.

Wastewater disposal will occur via a new on-site septic system. There is presently a two bedroom manufactured home on the site, however the applicant proposes new restrooms for employees within the greenhouse, requiring a separate system.

Staff recommends **Approval with Conditions** of Use Permit UP 18-19.

**RECOMMENDED ACTION:**

**Sample Motions:**

**Mitigated Negative Declaration (IS 18-23)**

I move that the Planning Commission find on the basis of the **Initial Study (IS 18-23)** prepared by the Planning Division and applied for by **Mike Mitzel representing Konocti Diversified Agriculture LLC** on property located at **3430 Gaddy Lane, Kelseyville** further described as **APN: 008-027-11**, that the use permit 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 **February 14, 2019**.

**Major Use Permit (UP 18-19)**

I move that the Planning Commission find that the **Use Permit (UP 18-19)** applied for by **Mike Mitzel representing Konocti Diversified Agriculture LLC** on property located at **3430 Gaddy Lane, Kelseyville** further described as **APN: 008-027-11** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **February 14, 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.*