



## Legislation Details (With Text)

<b>File #:</b>	24-656	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	6/5/2024	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	6/13/2024	<b>Final action:</b>			
<b>Title:</b>	9:05am - PUBLIC HEARING – (Rescheduled from April 25th and May 9, 2024) Consideration of a proposed Major Use Permit (UP 22-14), and Mitigated Negative Declaration (IS 22-13), for commercial cannabis cultivation including 51,060-sf of outdoor cannabis canopy and Type 13 Cannabis Distributor Transport Only, Self-distribution License for cannabis transportation. Applicant: Blackwell Capital Management, LLC/Christopher Macleod; Location: 22004 Morgan Valley Road, Lower Lake, APN 012-069-25.				
<b>Sponsors:</b>	Community Development				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Site Plans, 2. Conditions of Approval, 3. Property Management Plan, 4. Draft Initial Study, 5. Hydrology Report, 6. Biological Report, 7. Agency Comments, 8. Tribal Comments, 9. Public Comments, 10. Staff Report				

Date	Ver.	Action By	Action	Result
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## Memorandum

**Date:** June 13, 2024

**To:** Planning Commission

**From:** Mireya G. Turner, Community Development Department  
Michelle Irace, Principal Planner  
Prepared by Trish Turner, Assistant Planner

**Subject:** Consideration of proposed Major Use Permit UP 22-14, Blackwell Property Management LLC, and Mitigated Negative Declaration (IS 22-13) for one (1) A-Type 3 “Medium Outdoor” cultivation license, three (3) A-Type 1C “Specialty Cottage” licenses and one (1) A-Type 13 “Self-Distribution” for up to 51,060 sq. ft. of cannabis canopy project located at 22004 Morgan Valley Road, Lower Lake (APN: 012-069-25). Continued from April 29, 2024, and May 9, 2024, Planning Commission hearings.

### Executive Summary:

The applicant, Blackwell Property Management LLC, is requesting discretionary approval from the County of Lake, for Major Use Permit (UP 22-14), for commercial cannabis cultivation at 22004 Morgan Valley Road, Lower Lake (Lake County APN: 012-069-25). The application, as proposed, would include 43,560 sq. ft. (1 acre) of outdoor cannabis cultivation with one (1) A-type 3 license, 7,500 sq. ft. of outdoor cannabis cultivation with three (3) A-Type 1C licenses, and a Type-13 self-distribution license. There are three unnamed

watercourses near the proposed cannabis cultivation site. One Class II watercourse is located more than 100 feet to the west, another Class III watercourse is situated over 100 feet to the north, and there is an unnamed Class III watercourse over 100 feet to the south of the site. The property previously had a single-family home, and the land was used for cattle grazing, but the structure was destroyed in the 2015 Rocky Fire.

**Recommended Action:**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Initial Study (IS 22-13) for Major Use Permit (UP 22-14) with the following findings:
1. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels with the incorporated of Mitigation Measures AQ-1 through AQ-6.
  2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels with the incorporated of Mitigation Measures BIO-1 through BIO-6.
  3. Potential environmental impacts related to Cultural can be mitigated to less than significant levels with the incorporated of Mitigation Measures CUL-1 through CUL-3.
  4. Potential environmental impacts related to noise can be mitigated to less than significant levels with the incorporated of Mitigation Measures NOI-1 and NOI-2.
  5. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels with the incorporated of Mitigation Measures TCR-1 and TCR-2.
  6. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the incorporated of Mitigation Measures WLD-1 through WLD-4.
  7. This project is consistent with land uses in the vicinity.
  8. This project is consistent with the Lake County General Plan, Lower Lake Area Plan and Lake County Zoning Ordinance.
- B. Approve Major Use Permit (UP 22-14) 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. 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.
  3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
  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.
  5. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Lower Lake Area Plan and the Lake County Zoning Ordinance.

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.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).