



Legislation Details (With Text)

File #: 24-21 **Version:** 2 **Name:**

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

File created: 12/21/2023 **In control:** Planning Commission

On agenda: 1/11/2024 **Final action:**

Title: PUBLIC HEARING - Consideration of proposed Major Use Permit (UP 20-40), and Mitigated Negative Declaration (IS 20-50), for cultivation of 22,000-sf of cannabis canopy inside eight greenhouses within a fenced 47,040-sf enclosure; and one Type 13 Cannabis Distributor Transport Only, Self-Distributor License; Applicant: Higher Ground Farms/John Oliver; Located: 3545 Finley East Road, Kelseyville (APN: 008-026-07)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Project Site Plans, 2. Draft Conditions of Approval, 3. Property Management Plan, 4. Initial Study, 5. Hydrology Report and Drought Management Plan, 6. Agency Comments, 7. Tribal Comments, 8. Public Comments, 9. Staff Report

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Staff Report

Date: January 11, 2024

To: Planning Commission

From: Mireya G. Turner, Director
Michelle Irace, Principal Planner
Prepared by Eric Porter, Associate Planner

Subject: Consideration of proposed Major Use Permit (UP 20-40), and Mitigated Negative Declaration (IS 20-50), for approval of 22,000-sf of cannabis canopy inside eight greenhouses within a fenced 47,040-sf enclosure; project includes a 48' x 100' drying building, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License; Applicant: Higher Ground Farms/John Oliver; Located: 3545 Finley East Road, Kelseyville (APN: 008-026-07)

Executive Summary:

This application is requesting one A-Type 3B mixed-light commercial cannabis cultivation license for 22,000 sf of cannabis canopy within eight 30' x 96' greenhouses; two 30' x 96' greenhouses for immature plants; one 48' x 100' building for cannabis processing and drying, and a Type 13 Distributor Transport Only, Self-distribution License. The project includes site improvements with the following: 6' tall screening/ security fence, security system, employee parking, a 10' x 10' restroom, and improvements to the interior driveway to make it compliant with Public Resource Codes (PRC)

4290 and 4291. The applicant is proposing to have two 5,000-gallon water tanks on site for irrigation. Water will be provided from an existing permitted on-site groundwater well. The applicant indicates that there will be four full-time employees, and up to 16 seasonal employees during peak harvest season.

Construction is anticipated to last up to three months and would occur Monday through Saturday from 8 a.m. to 5 p.m. Site work includes building 10 greenhouses, building the 48' x 100' processing / drying building, fence installation and improving the interior driveway to meet PRC 4290 and 4291 commercial driveway standards. Average vehicle trips during construction are estimated to be eight to sixteen daily trips, with up to 1,152 total projected construction trips UP 20-40 Higher Ground - IS 20-50 anticipated (assuming 16 daily trips, six days / week, 12 weeks of construction). Operations would consist of four employees during regular operations, and up to 16 employees during peak harvest season. Operations would occur Monday through Sunday, 7 a.m. to 7 p.m. Total projected trip count would be about 112 weekly trips during non-harvest times and about 448 weekly trips during peak harvest season.

Recommended Action:

Staff recommends the Planning Commission take the following actions:

Adopt Initial Study (IS 20-50) for Major Use Permit (UP 20-40) with the following findings:

1. Potential impacts to Aesthetics can be mitigated to 'less than significant' levels with the inclusion of mitigation measures AES-1 through AES-3.
1. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-7
1. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels by mitigation measures BIO-1 and BIO-2.
1. Potential environmental impacts related to Cultural and Tribal Resources can be mitigated to less than significant levels by mitigation measures CUL-1 through CUL-3.
1. Potential environmental impacts regarding Geology and Soils can be mitigated to less than significant levels with the inclusion of mitigation measure CUL-3.
1. Potential environmental impacts related to noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
1. This project is consistent with other agricultural land uses in the vicinity.
1. This project is consistent with the Lake County General Plan, Kelseyville Area Plan and Lake County Zoning Ordinance.

B. Approve Major Use Permit (UP 20-40) 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.

1. 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.
1. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
1. 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.
1. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Kelseyville Area Plan and the Lake County Zoning Ordinance.
1. 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 UP 20-40 Higher Ground - IS 20-50
 1. 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.
2. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
 1. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
 1. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).