



Legislation Details (With Text)

File #: 21-315 **Version:** 1 **Name:**

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

File created: 4/16/2021 **In control:** Planning Commission

On agenda: 4/22/2021 **Final action:**

Title: 9:15 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-03) on Thursday, April 22, 2021, 9:15 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements. Applicant: Freddie Alvarez. Owner: Alvarez Ignacio Trustee. Proposed Project: Applicant is applying for 131,000 square feet of outdoor canopy area and 500 square feet indoor canopy within a 600 square feet metal building. It will take place over four site locations totaling up to 3.6 acres of cultivation area within the property. Location: 12990 Spruce Grove Road, Lower Lake, CA; APN: 012-067-40. Environmental Evaluation: Mitigated Negative Declaration (IS 20-33).

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report-Alvarez Family Farms UP 20-03, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Project Description and Project Management Plan, 4. Attachment 3-Site Plans, 5. Attachment 4-Conditions of Approval UP 20-03, 6. Attachment 5-Initial Study for Alvarez Farms (UP20-03), 7. Attachment 6-Agency-Public Comments

Date	Ver.	Action By	Action	Result
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Memorandum

April 22, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Thomas, Deputy Director
Prepared by: Sateur Ham, Assistant Planner

DATE: April 22, 2021

RE: Alvarez Family Farms, Inc.

- Major Use Permit (UP 20-03)
- Initial Study (IS 20-02)

Supervisor District Moke Simon
Planning Commissioner John Hess

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan
 3. Proposed Site Plans
 4. Proposed Conditions of Approval
 5. Initial Study
 6. Agency Comments

I. EXECUTIVE SUMMARY

Alvarez Family Farms, Inc. is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation (*the cultivation of commercial cannabis includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing*) at 12990 Spruce Grove Road, Lower Lake, CA on Lake County APN 012-067-40. The applicant’s proposal includes three (3) **A-Type 3 “Outdoor” License**, outdoor cultivation for adult-use cannabis without the use of light deprivation and/or artificial lighting in the canopy area of one acre in size per licenses and one (1) **A-Type1C (Indoor)**, 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot within an existing 600 square feet structure. The cultivation area will take place in four site locations totaling up to 3.6 acres and include the following:

- **One (1) Type 13: “Distributor Transport Only, Self-Distribution” License**
- (4) 8’ x 40’ conex for storage
- (2) 10’ x 10’ fertilizer
- (3) proposed water tanks
- 35’ x 10’ break area
- 6’ x 3’ refuse area
- 5.5’ x 7’ portable restroom



Figure 1. Proposed Site Plan and Cultivation Area

Staff is recommending approval of Major Use Permit, UP 20-03, and the adoption of a

Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-02) with the incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 20-02) for Major Use Permit (UP 20-03) with the following findings found in Attachment 5:

1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-2.
2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-4.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-9.
4. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-4.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-5.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
8. This project is consistent with land uses in the vicinity.
9. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Zoning Ordinance.
10. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.
11. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-03 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. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Lake County Zoning Ordinance.

6. No violation of Chapter 5, 17, 21, 23, or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii and attachments 1 through 6.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Major Use Permit (UP 20-03)** applied for by **Alvarez Family Farm, Inc. (Freddie Alvarez)** on property located at **12990 Spruce Grove Road, Lower Lake, CA**, further described as **APNs: 012-067-40** 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 **April 22, 2021**.

Major Use Permit (UP 20-03)

I move that the Planning Commission find that the **Major Use Permit (UP 20-03)** applied for by **Alvarez Family Farm, Inc. (Freddie Alvarez)** on property located at **12990 Spruce Grove Road, Lower Lake, CA**, further described as **APNs: 012-067-40** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [i, ii] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **April 22, 2021**.

***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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*