



Legislation Details (With Text)

**File #:** 21-422      **Version:** 1      **Name:**

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

**File created:** 5/7/2021      **In control:** Planning Commission

**On agenda:** 5/13/2021      **Final action:**

**Title:** 9:20 a.m. Public Hearing to consider Major Use Permit (UP 20-49). Applicant/Owner: VP Estates LLC / Ivan and Pavel Pavlov. Proposed Project: Two (2) A-Type 3B mixed light commercial cannabis cultivation licenses, and one A-Type 13 'Self Distribution' license. The applicant is proposing fifteen (15) 27.5' x 118' greenhouses; one (1) 200 sq. ft. shed; ten (10) 5,000 gallon water tanks; two (2) 8' x 40' shipping containers, one (1) 6-foot tall galvanized woven wire fence covered with privacy mesh to screen the greenhouses from public view. Total proposed cultivation area is 52,000 sq. ft. (roughly 1.25 acres). Location: 1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, CA on property consisting of 52+ acres. APNs: 007-010-54 (cultivation site); 007-010-20. Environmental Evaluation: Mitigated Negative Declaration IS 20-60.

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. VP Staff Rept, 2. Attachment 1 vicinity map, 3. Attachment 2 site plans, 4. Attachment 3 PMP, 5. Attachment 4a agency comments, 6. Attachment 4b agency comments, 7. Attachment 5 COAs, 8. Attachment 6 IS, 9. Attachment 7 public comments

Date	Ver.	Action By	Action	Result
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**Memorandum**

**STAFF REPORT**

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director  
Tocarra Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

**DATE:** May 13, 2021

**RE:** VP Estates; Major Use Permit (UP 20-49) and Initial Study (IS 20-60)

Supervisor District 5

- ATTACHMENTS:**
- Vicinity Map
  - Site Plans
  - Property Management Plan
  - Agency Comments
  - Proposed Conditions of Approval
  - Initial Study IS 20-60

7. Public Comments

I. **EXECUTIVE SUMMARY.** The applicant is requesting a major use permit for:

- **Two (2) A - Type 3B “medium mixed light” licenses** for a 52,000 sq. ft. cultivation area contained within a 6’ tall fenced enclosure. Cultivation to occur inside 15 greenhouses.
- **One (1) A-Type 13 Self Distribution License.**
- The proposed cultivation areas will be surrounded by a 6-foot tall wire fence, with privacy mesh to screen the cultivation areas from any view
- Fourteen 27.5’ x 118’ greenhouses (proposed)
- One 27.5’ x 130’ greenhouse
- Ten (10) 5,000 gallon water storage tanks (proposed)
- One (1) 12’ x 20’ shed (existing)
- Two (2) eight foot by forty foot shipping containers (existing)
- Two (2) Agriculture wells (existing)
- One (1) 1200+ square foot manufactured dwelling (existing)
- On-grid power (existing)

Staff is recommending **Approval with Conditions** of **UP 20-49**.

RECOMMENDATION

**Staff recommends the Planning Commission:**

**A. Adopt mitigated negative declaration (IS 20-60) for Use Permit (UP 20-49) with the following findings:**

1. Potential impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7 and AQ-8.
3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels with the inclusion of mitigation measure BIO-1.
4. Potential environmental impacts related to Cultural / Tribal Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures CUL-1 and CUL-2.
5. Potential impacts related to noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
6. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
7. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

**B. Approve Use Permit UP 20-49 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 can be mitigated to be reasonably adequate to safely accommodate the proposed use.
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 the applicable sections of the Lake County Zoning Ordinance, the General Plan and the Middletown Area Plan.
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 Section 1.i
8. The applicant is qualified to make the application described in Section 1.ii.(g)
9. The application complies with the qualifications for a permit described in Section 1.ii.(i)

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 20-60)** applied for by **VP Estates** on property located **1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, and is APNs: 007-010-20 and 54** 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 20-49)**

I move that the Planning Commission find that the **Use Permit (UP 20-49)** applied for by **VP Estates** on property located **1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, and is APNs: 007-010-20 and 54** does meet the requirements of Section 51.4 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 fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*