



Legislation Details (With Text)

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File created: 6/4/2021 **In control:** Planning Commission

On agenda: 6/10/2021 **Final action:**

Title: 9:05 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-86). . Applicant: Ursa Valley, LLC. Owner: Morongo Equity Partners II, LLC. Applicant is applying for 522,720 square feet of outdoor cannabis canopy area, one (1) 120 square feet security center shed, one (1) 160 square foot pesticides and agricultural chemicals storage area, one (1) designated refuse/waste area, one (1) 500 square foot compost area, designated parking area including eight (8) parking spaces and portable restrooms. Total cultivation area including the canopy area, security shed and chemicals storage area is 523,000 square feet. Cultivation location: 10950 and 10934 Bachelor Valley Road, Witter Springs, CA; APN(s): 002-046-15 and 002-046-16. Project parcels utilized for cultivation "Clustering": APN(s) 002-046-09, 002-046-15, 002-046-16, 002-046-17, 002-025-52 and 002-025-53. Environmental Evaluation: Mitigated Negative Declaration (IS 20-102).

Sponsors:

Indexes:

Code sections:

Attachments: 1. UP20-86_StaffReport, 2. UP20-86_Conditions, 3. Attachment_1_Vicinity_Map, 4. Attachment_2_Property_Management_Plan, 5. Attachment_3_Comments, 6. Attachment_4_Conditions, 7. Attachment_5_Site_Plans, 8. Attachment_6_Initial_Study, 9. Attachment_7_Biological_Resources_Assessment

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Prepared by: Michael Taylor, Assistant Planner

DATE: June 10, 2021

RE: Ursa Valley, LLC

- Major Use Permit (UP 20-86)
- Initial Study (IS 20-102)
- Early Activation (EA 20-102)

Supervisor District 3 - Supervisor Crandell
Planning Commissioner - Commissioner Brown

ATTACHMENTS: 1. Vicinity Map
2. Property Management Plan

3. Agency Comments
4. Proposed Conditions of Approval
5. Proposed Site Plans
6. Initial Study
7. Biological Assessment

I. EXECUTIVE SUMMARY

The applicant 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*) located at 10950 Bachelor Valley Road, Witter Springs, California, further described as Assessor Parcel Numbers (APNs): 002-046-09, 002-046-15, 002-046-16 and 002-046-17. The applicant proposes the Collocation of Permits and Clustering which is permitted through Article 27 Section (at)1.i.ii.(j) of the Lake County Zoning Ordinance. Through this section, multiple cultivation permits may be allowed on a single parcel provided that each permit meets the minimum acreage requirement and all other development standards as provided. The applicant proposes to cluster APNs 002-046-09, 002-046-15 and 002-046-16, 002-046-17, 002-025-52 and 002-025-53. APNs 002-046-09, 002-046-17, 002-025-52 and 002-025-53 will only be used for the acreage and no cultivation will occur on these parcels. All cultivation activities will occur only on parcels 002-046-15 and 002-046-16. The applicant's proposal will include the following:

- Twelve (12) A-Type 3 "Medium Outdoor" canopy areas located in four (4) associated outdoor cultivation/canopy areas, with a total cultivation/canopy area of 12 acres / 522,720 ft² (see Attachment 5)
- The cultivation areas will be enclosed and secured with a six-foot-tall wire fence with privacy mesh to screen the cultivation/canopy area(s) from public view
- One(1) 120 ft² (10' X 12') Security Shed (item "N" on Site Plans)
- One(1) 160 ft² (8' X 20') Pesticides & Agricultural Chemicals Storage Area (item "M" on Site Plans, as provided in Attachment 5).
- Designated Refuse/Waste Area (item "P" on Site Plans)
- One(1) 500 ft² (20' X 25') Compost Area (item "S" on Site Plans)
- Approximately seven (7) parking spaces, plus one (1) ADA-compliant Parking Space (item "Q" on Site Plans)
- Portable Restrooms, including an ADA-compliant restroom (item "R" on Site Plans)

The cultivation area will be within an enclosed area secured by a fence approximately six (6) feet in height. The fence will be screened with a privacy mesh, which will help reduce visibility within the surrounding area. The proposed outdoor cultivation method is above ground in planters with drip irrigation systems pressurized by electric pumps from the well source.

Security

6-foot woven wire fences will be erected around the proposed cultivation/canopy area(s). Privacy Screen/Cloth will be installed on the fences where necessary to screen the cultivation area from public view. Posts will be set into the ground at not more than 10-foot intervals, and terminal posts will be set into concrete footings. Secured entry and access to the cultivation/canopy area(s) will be controlled via locking gates that will be locked whenever Ursa Valley's managerial personnel are not present. All gates will be secured with heavy duty chains and commercial grade padlocks. Only approved managerial staff will be able to unlock the gates of the cultivation operation.

Water Source and Usage

The cultivation operation will use water from five (5) existing, agricultural groundwater wells. According to the application package, the existing wells produce approximately 61 gallons per minute which would translate to approximately 32,061,600 gallons per year. The total proposed water usage on an annual basis is approximately 5,555,500 gallons which includes water usage for the cultivation operation and domestic use. The proposed project would utilize approximately 17.3% of the well's full capacity. The water use calculations submitted by the applicant are below:

Water Use

May	June	July	Aug	Sept	Oct	Nov
277,000	880,000	977,500	1,075,000	1,303,000	815,000	228,000
0.8	2.7	3.0	3.3	4.0	2.5	0.7

Well Yield

Well ID	Latitude	Longitude	Estimate Yield
“GW-1”	39.193043°	-122.966172°	6 GPM
“GW-2”	39.194465°	-122.963735°	22 GPM
“GW-3”	39.193879°	-122.965919°	14 GPM
“GW-4”	39.194529°	-122.966134°	7 GPM
“GW-5”	39.193254°	-122.964859°	12 GPM

Fertilizer and Chemical Usage

All fertilizer and pest management products will be stored in the 160 square foot hazardous material storage shed. According to the application, personal protective equipment will be used when handling fertilizers and other chemicals, such as safety glasses, gloves, dust masks, etc. The chemicals used for the operation will be contained and sealed to prevent spillage and handles in accordance with State and Federal regulations regarding handling and storage of fertilizers and pest management products. Additionally, the applicant proposes all cannabis vegetative waste to be placed in the cannabis waste storage shed for composting or transportation to an offsite disposal area by a licensed waste handler.

Operation

The facility will be open Monday through Saturday, 8:00 AM to 8:00 PM. Deliveries and pick-ups will occur during this time-frame. According to the application, visitation will only be allowed when specific permission is granted.

Number of Shifts and Employees:

- Cultivation Season (excluding harvest): Two (2) shifts with up to seven (7) employees during peak shift.
- Harvest Season: Three (3) shifts with up to fourteen (14) employees during peak shift.

Unique Farmland

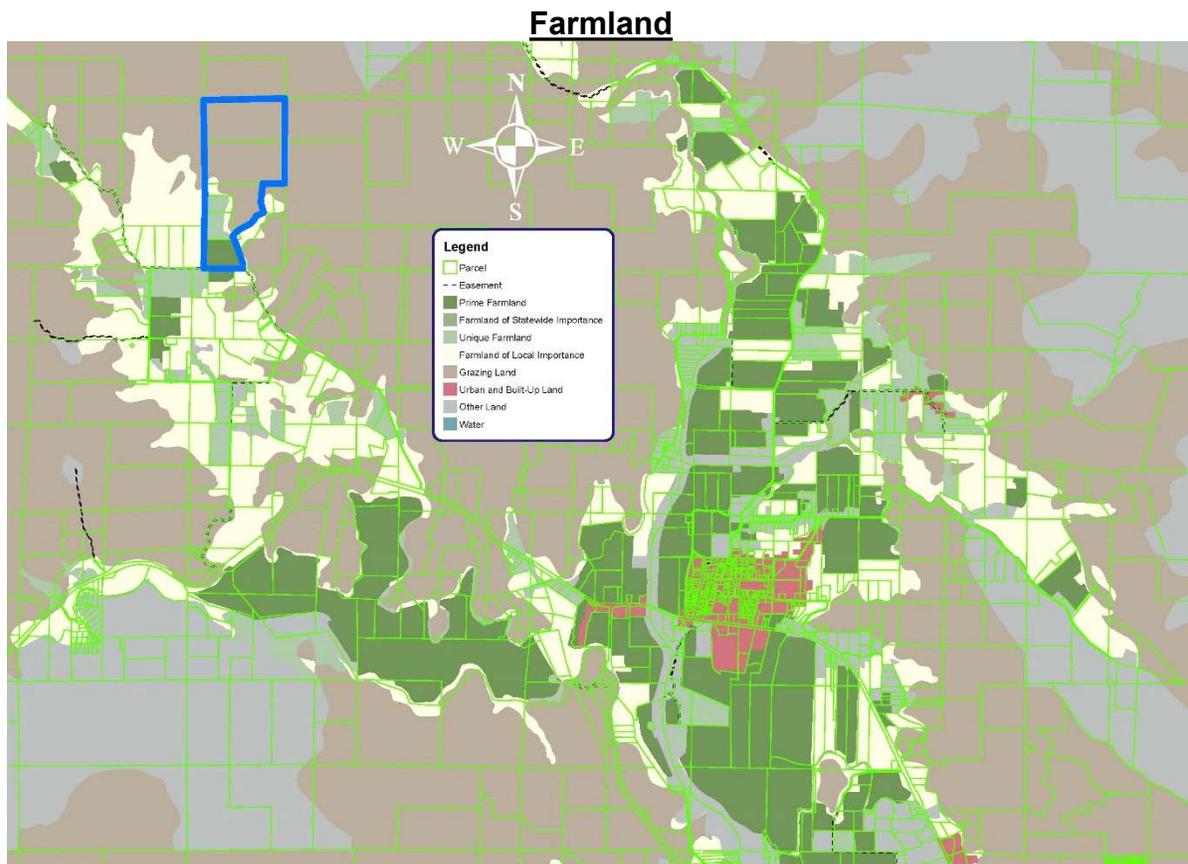
The cultivation site is located in Witter Springs and within Unique Farmland. The cultivation of commercial cannabis will be outdoor.

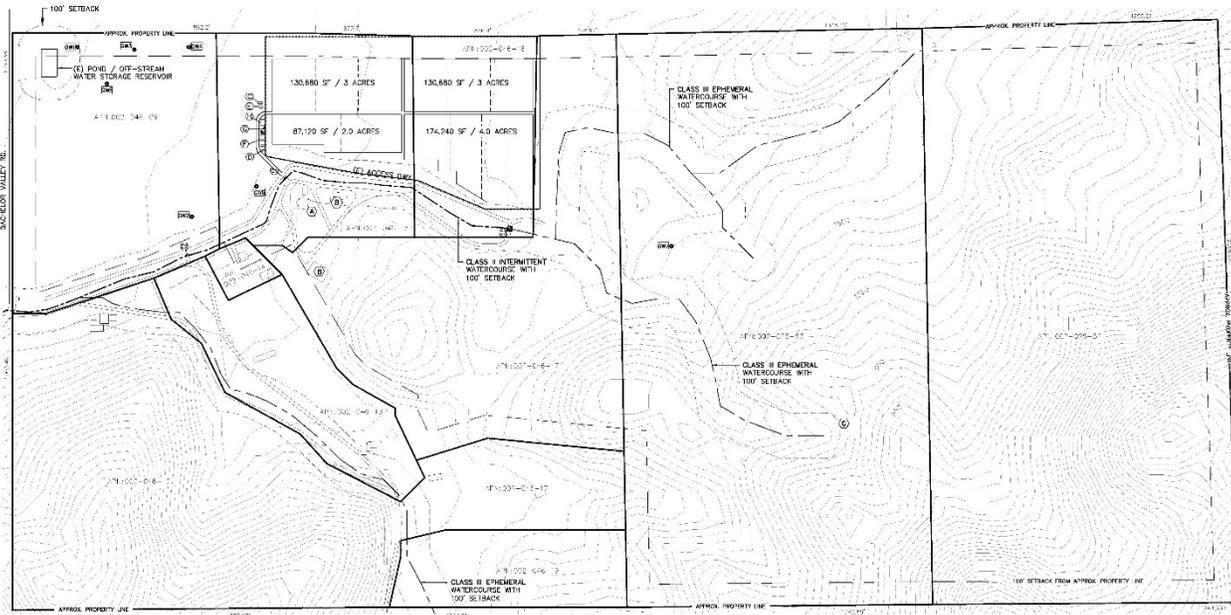
In accordance with Article 27 Section (at).1.vi. of the Lake County Zoning Ordinance, within areas of unique farmland as depicted on the current Lake County Important Farmland Geographical Information System prepared by the State California Department of Conservation Farmland Mapping and Monitoring Program, commercial cannabis cultivation shall be limited to indoor, mixed-light, and greenhouses that are equipped with filtration systems that prevent the movement of odors, pesticides, and other air borne contaminants out of or into the structure.

Per Article 27 (at).vi of the County of Lake Zoning Ordinance the permitting authority may allow outdoor cultivation outside a greenhouse if the unique farmland, are isolated areas that are not connected to a large system of such lands. The proposed project is located at the upper end of Witter

Springs farmland area and is isolated from the larger system (Please see image below). The project property is not located within the Farmland Protection Zone as defined in Article 27 [As amended through Ordinance 3101, adopted 12/15/2020].

According to the County of Lake GIS data and Google maps the nearest agricultural operation is located approximately 1,000 feet southwest of the Project Site. According the Property Management Plan the agricultural operation is a certified organic walnut orchard that does not utilize pesticides banned for use on commercial cannabis. Additionally, all pesticides used at this agricultural production operation are applied in the spring, before the start of Ursa Valley's proposed cultivation season. Ursa Valley's Site Manager, Jaime Restrepo, met with the owner of this agricultural production operation and the Lake County Agricultural Commissioner in August of 2020, to inform them of Ursa Valley's plans to establish an outdoor commercial cannabis cultivation operation on the Project Parcels. On August 27th, 2020, the Lake County Agricultural Commissioner emailed the Deputy Director of the Lake County Community Development Department, informing the Deputy Director that neither the Lake County Agricultural Commissioner nor the owner of the certified organic walnut orchard oppose Ursa Valley's proposed outdoor commercial cannabis cultivation operation.





Staff is recommending approval of Major Use Permit, UP 20-86 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-102) with the incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends the Planning Commission take the following actions.

A. Adopt Mitigated Negative Declaration (IS 20-102) for Major Use Permit (UP 20-86) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measure AES-1.
2. Potential air quality impacts 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, and AQ-7.
3. 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, CUL-2, and CUL-3.
4. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, and BIO-7.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, GEO-3, and GEO-4.
6. Potential hazards hazardous materials can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, HAZ-6, and HAZ-7.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1, HYD-2, and HYD-3.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, and NOI-2.
9. This project is consistent with land uses in the vicinity.

10. This project is consistent with the Lake County General Plan, Upper Lake/Nice Area Plan and Zoning Ordinance.
11. 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.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-86 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, Upper Lake/Nice 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 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).

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the Major Use Permit (UP 20-86) applied for by **Ursa Valley, LLC** on property located at **10950 Bachelor Valley Road, Witter Springs, CA** further described as **APNs: 002-046-09, 002-046-15, 002-046-16, 002-046-17, 002-025-52, and 002-025-53** 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 **June 10, 2021**.

Major Use Permit (UP 20-27)

I move that the Planning Commission find that the **Major Use Permit (UP 20-86)** applied for by **Ursa Valley, LLC** on property located at **10950 Bachelor Valley Road, Witter Springs, CA** further described as **APNs: 002-046-09, 002-046-15, 002-046-16, 002-046-17, 002-025-52, and 002-025-53** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),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 **June 10, 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.*