



Legislation Details (With Text)

File #: 24-534 **Version:** 1 **Name:**

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File created: 5/2/2024 **In control:** Planning Commission

On agenda: 5/9/2024 **Final action:**

Title: 10:05 AM - PUBLIC HEARING - (Rescheduled from April 25, 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)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Project Site Plans, 2. Draft Conditions of Approval, 3. Property Management Plan, 4. Draft Initial Study/Mitigated Negative Declaration, 5. Hydrology Report and Drought Management Plan, 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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Staff Report

Date: May 9th, 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, located at 22004 Morgan Valley Road, Lower Lake (APN: 012-069-25)

Executive Summary:

Project Title: Blackwell Management Company LLC

Permit Numbers: UP 22-14, IS 22-13

Lead Agency: Lake County Planning, 255 N. Forbes St., Lakeport

Applicant Name & Address: Blackwell Capital Management LLC
371 Lakeport Boulevard, #400

Lakeport CA 95453

Property Owner: Same as Applicant
Project Location: 22004 Morgan Valley Road, Lower Lake
Parcel Number(s) (APN): 012-069-25
Parcel Size: ±37.81 acres
General Plan Designation: Rural Lands
Zoning District(s): "APZ", Agricultural Preserve
Flood Zone: "D", Not within a mapped flood zone

Existing Features on Site:

- (1) Septic system
- (1) Groundwater well with a solar pump
- (2) Shipping containers
- (1) Gravel interior driveway
- (1) Security Gate
- (1) Portable bathroom

Proposed Features on Site:

- (3) Outdoor cultivation / canopy areas with a total of 51,060 sf of canopy
- (1) 120 sf chemical and fertilizer storage shed
- (1) 120 sf security shack
- (6) 5,000-gallon water storage tanks
- 6-foot galvanized woven wire fencing

The cultivation site is accessed by a private dirt road off of Morgan Valley Road, a paved road maintained by the County of Lake. An onsite gravel private driveway averaging 10 feet in width provides access to the cultivation site.

Cultivation would occur in ground, using amended native soil mixture at or below grade, composed of native soil and compost. The grow cycle will be from May 15th through November 15th of each year. All cannabis waste generated from the proposed cultivation operation would be chipped and composted on site. Compost cannabis waste would be stored in a designated composting area, until it is incorporated into the growing medium of the cultivation areas, as organic soil amendment. All agricultural chemicals (fertilizers, amendments, pesticides, and petroleum products) will be stored within a proposed 120 sq. ft. wooden shed.

The applicant is proposing a total combined of 51,060 sf of outdoor canopy within three gardens on the site plans (Attachment 1); Area D consists of 9,350 sf of canopy, Area E consists of 11,050 sf of canopy, and Area F consists of 30,660 sf of canopy. Two 120 sf sheds are proposed for fertilizers / pesticide storage, and two 8' x 40' shipping containers are proposed for cannabis drying. Blackwell Management Company LLC is also seeking to obtain a Type 13 Cannabis Distributor Transport Only, Self-Distribution license, with registered and insured, unmarked vehicle to transport cannabis to other licensed cannabis processing, distribution, packaging and labeling, and manufacturing facilities.

Construction would occur Monday through Friday from 9:00 A.M. to 5:00 P.M. and would include preparation of the cultivation areas, shed installation, fence installation and improvement of the interior driveway. Average vehicle trips during construction would be two to four daily trips over a

three-week period, with 30 - 60 total projected construction trips anticipated. Operations would consist of up to two employees during regular operations and up to six employees during harvest season.

No grading or tree removal is proposed for the development of the project. The area proposed for cultivation development is a field that is relatively flat. Minor scrapping for the cultivation area, with minor digging for fence installation is required.

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).