



Legislation Details (With Text)

File #: 20-721 **Version:** 1 **Name:**

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

File created: 7/28/2020 **In control:** Planning Commission

On agenda: 8/13/2020 **Final action:**

Title: 9:05 a.m. - A Public Hearing on consideration of a Minor Use Permit (MUP 18-28). The applicant is Noble Farms, proposing a six phase development for Commercial Cannabis that would include three commercial cannabis cultivation licenses - two A-Type 2B Mixed Light Cannabis licenses to allow 15,000 square feet of cultivation area within 10 greenhouses by the end of Phase Six, and a 'Type 13 Self Distribution' license that would allow legal transportation of cannabis to and from the site. The project is located at 18211 Ponderosa Trail, Lower Lake, and further described as APN: 012-048-11. Staff will be recommending that this item be pulled from the Agenda for further consideration.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. STAFF REPORT, 2. ATTACHMENT 1 - VICINITY MAP, 3. ATTACHMENT 2 - SITE PLANS, 4. ATTACHMENT 3 - PROPERT MANAGEMENT PLANS, 5. ATTACHMENT 4 - AGENCY COMMENTS, 6. ATTACHMENT 5 - CONDITIONS OF APPROVAL, 7. ATTACHMENT 6 - INITIAL STUDY, 8. ATTACHMENT 7 - PUBLIC COMMENTS, 9. ATTACHMENT 8 - GREENHOUSE ELEVATIONS, 10. ATTACHMENT 9 - ODOR CONTROL PLAN, 11. ATTACHMENT 10 - PHASING PLAN, 12. ATTACHMENT 11 - PROCESSING BLDG FLOOR PLAN, 13. ATTACHMENT 12 - WATER USE

Date	Ver.	Action By	Action	Result
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Memorandum

Item 1
9:05 AM
August 13, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: May 18, 2020

SUBJECT: Noble Farms / Patty Lanier
Minor Use Permit Application (MUP 18-28) for Commercial Cannabis Cultivation, and Initial Study (IS 18-33). APN: 012-048-11

Supervisor District 1

ATTACHMENTS: 1. Vicinity Map
2. Site Plans

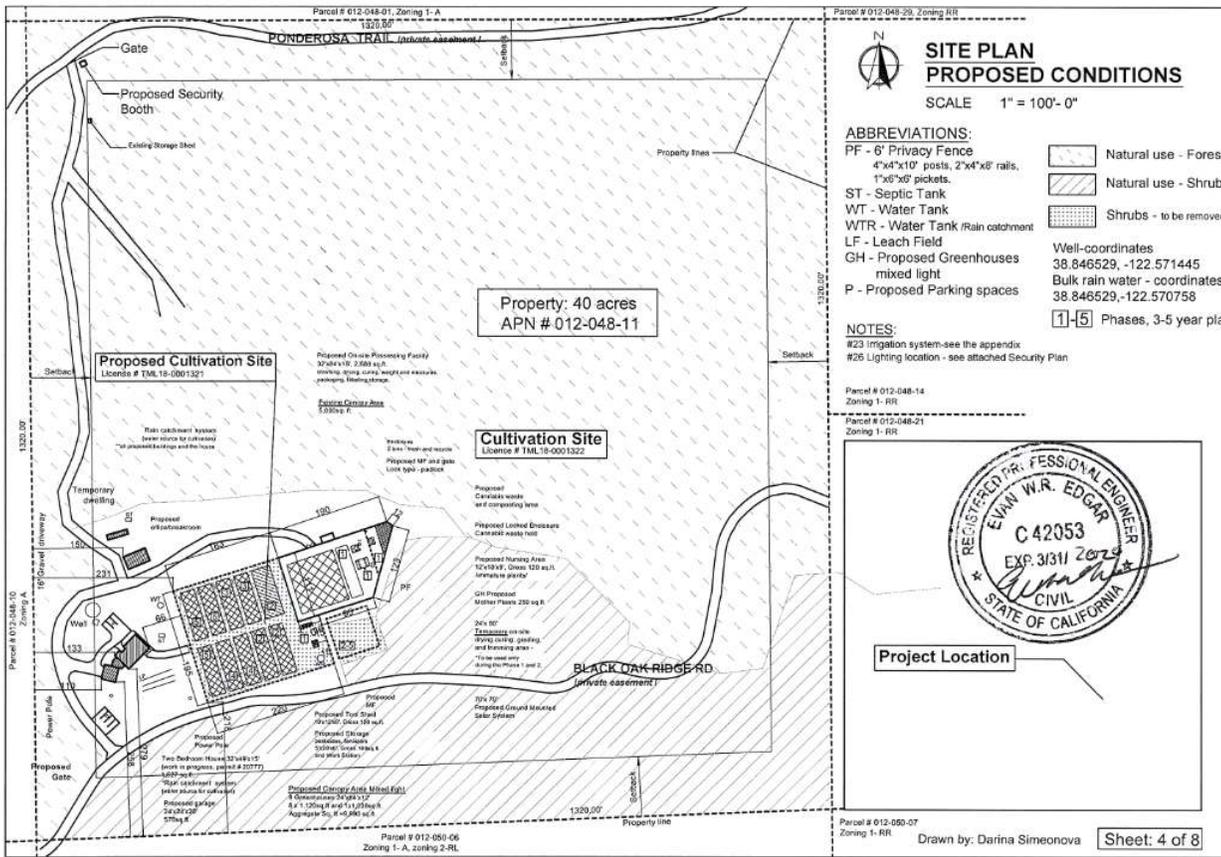
3. Property Management Plan (available upon request)
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 18-63 and Mitigated Negative Declaration
7. Public Comments
8. Greenhouse Elevations
9. Odor Control Plan
10. Phasing Plan
11. Processing Building Floor Plan
12. Water Use

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Minor Use Permit to allow the following commercial cannabis cultivation licenses: two (2) A-Type 2B mixed light licenses and one (1) Type 13 Self Distribution license. The applicant proposes a phased development; the time-frames by phase listed below. Together these licenses allow 15,000 square feet of cultivation area and 10,000 square feet of canopy area.

- **Phase 1:** 5,000 square feet of canopy; estimated 6,500 square feet of cultivation area. Target date: May 2020
- **Phase 2:** continue with Phase 1 canopy / cultivation area. Target date: March 2021
- **Phase 3:** continue with Phase 1 canopy / cultivation area. Target date: March 2022
- **Phase 4:** add 3,360 square feet of canopy, 4,000 square feet of cultivation area. Target date: March 2023
- **Phase 5:** add 3,360 square feet of canopy; 4,000 square feet of cultivation area. Target date: March 2024
- **Phase 6:** add 3,280 square feet of canopy; 3,500 square feet of cultivation area. Target date: March 2025

The ±40 acre subject site is located at 18211 Ponderosa Trail, Lower Lake, and is known as APN 012-048-11. The subject site contains a previously approved medical cannabis cultivation area, a dwelling, an on-site septic system and a domestic well, which will also be used for cannabis irrigation. The site is served by a private road (Ponderosa Trail) that connects with Noble Ranch Road. The topography of the parcel is a saddle between two broad hills; the eastern portion of the site is flat, while the western portion of the site has slopes in excess of 30% with undeveloped forest land. The 15,000 square foot cultivation area is located as shown on the site plan below and slopes to the northwest toward Little High Valley. There are no wetlands/creeks on the property.



Phase I Construction is anticipated to take 1 to 2 months, and will take place Monday through Saturday from 7 am to 5 pm. The later phases are shown on the previous page. The applicant has indicated that up to 3 employees will be on site during cultivation. Parking is provided to the west of the cultivation site.

The estimated water usage ranges between 75,000 and 112,500 gallons per year. This amount of proposed water usage is generally consistent with other comparably sized outdoor cannabis cultivation licenses.

CEQA analysis indicated that potential impacts to Aesthetics, Air Quality, Biological Resources and Cultural Resources could be mitigated through mitigation measures. These are identified later in this report.

Staff recommends conditional approval of **MUP 18-28**.

VII. RECOMMENDATION

Staff recommends that the Planning Commission:

A. Adopt a Mitigated Negative Declaration (IS 18-33) for Minor Use Permit (MUP 18-28) with the following findings:

1. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by mitigation measure AES-1.

2. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1, AQ-2 and AQ-3.
3. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by mitigation measures BIO-1, BIO-2, BIO-3 and BIO-4.
4. Potential environmental impacts related to cultural / tribal cultural resources have been mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
5. All potential impacts have been reduced to less than significant levels with incorporation of mitigation measures and specific conditions of approval.
6. 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 Minor Use Permit MUP 18-28 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.

Sample Motions:

Mitigated Negative Declaration (IS 18-33)

I move that the Planning Commission find that that the Initial Study (IS 18-33) prepared for the project proposed by Patricia Lanier on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 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 May 18, 2020.

Minor Use Permit (MUP 18-28)

I move that the Planning Commission find that the Minor Use Permit (MUP 18-28) applied for by Patricia Lanier on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and the Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated May 18, 2020.

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.