



Legislation Details (With Text)

**File #:** 21-517      **Version:** 2      **Name:**

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

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

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

**Title:** 9:10 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-39). Applicant: Western Mine Farms, LLC (Amy Soderlind) Owner: Amy Soderlind. Applicant is applying for a 1-acre of outdoor cultivation area within existing private residential home that was previously graded to test the feasibility for geothermal electrical generation. Location: 14507 Western Mine Road, Middletown, CA; APN(s): 013-030-29. Environmental Evaluation: Categorical Exemption (CE 21-24)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report-Western Mine Farms UP 20-39nj, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Project Management Plan, 4. Attachment 3-Proposed Site Maps, 5. Attachment 4-Conditions of Approval UP 20-39, 6. Attachment 5-Notice of Exemption 20-39, 7. Attachment 6-Agency Comments

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

**STAFF REPORT**

**TO:** Planning Commission

**FROM:** Scott DeLeon, Interim Community Development Director  
Prepared by: Sateur Ham, Assistant Planner

**DATE:** June 10, 2021

**RE: Western Mine Farms, LLC**

- Major Use Permit (UP 20-39)
- Categorical Exemption (CE 21-24)

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. Notice of Exemption
  6. Agency Comments

I. **EXECUTIVE SUMMARY**

Western Mine Farms, LLC 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 14507 Western Mine Road, Middletown, CA on Lake County APN 013-030-29. The applicant's proposal is one (1) 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 located on within the immediate proximity of the residential home and is proposed to be located surrounding an existing tennis court. The proposed project site had been previously graded to test the feasibility for geothermal electrical general but found to be unsuitable and was later sold. The project does 120 square feet security shed to be used in the cultivation area which will not require any building permits. There are existing three (3) 5,000-gallon poly tanks that will be used for water storage for both the home and irrigation. A biological report, archeological report and a water supply assessment was conducted on the project site. The project does not predict to result in significant impact with best management practices, routine maintenance, and regulatory compliance from local, state, and federal is incorporated to operate the cannabis operation.

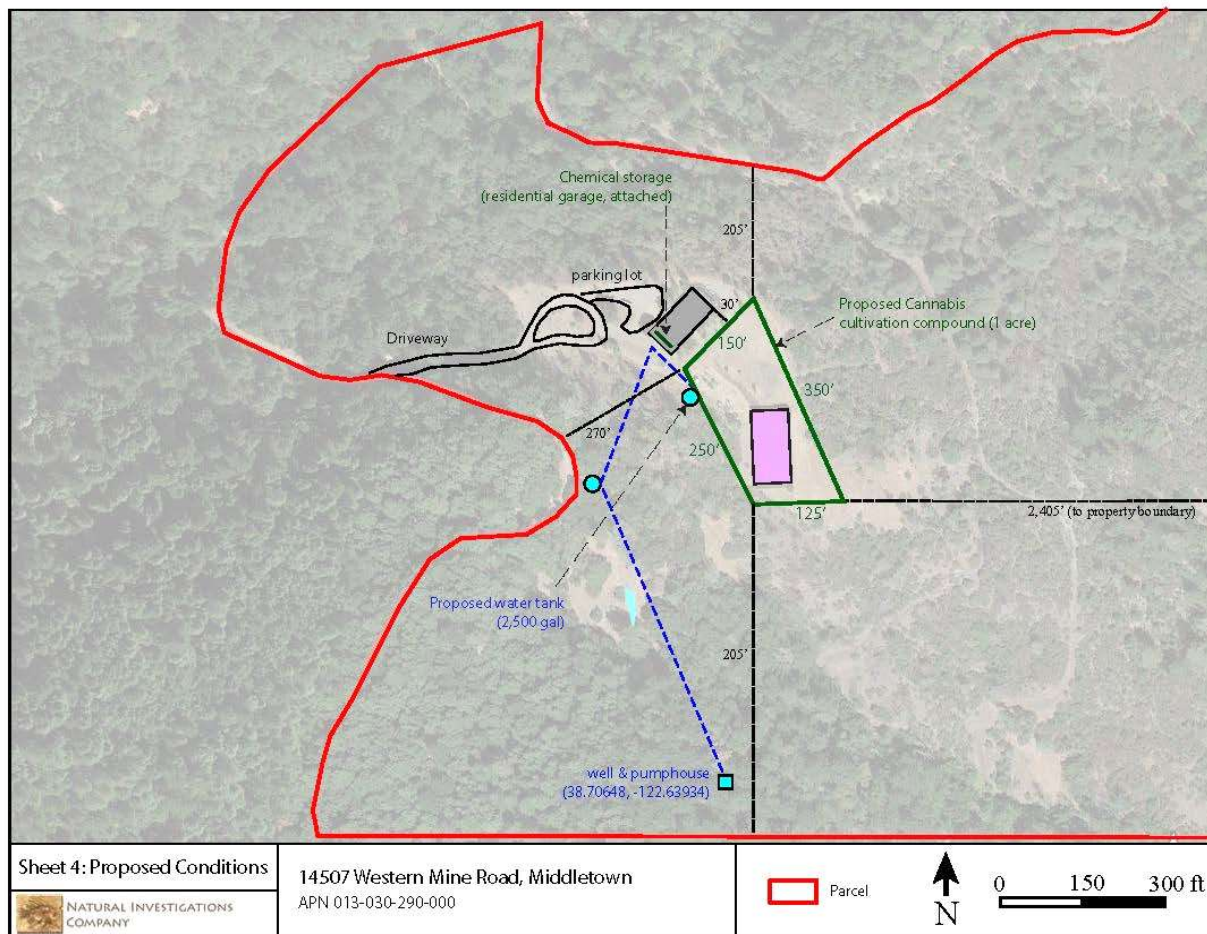


Figure 1. Proposed Site Plan and Cultivation Area

Staff is recommending approval of Major Use Permit, UP 20-39, and the adoption of a Categorical Exemption based on the environmental analysis (Categorical Exemption, CE 21-24).

I. RECOMMENDATION

**Staff recommends that the Planning Commission take the following actions:**

**A. Find that this project has been found to be Categorical Exempt from CEQA as a Class 4 Exemption.**

1. The project is consistent with CEQA Categorical Exemption, Class 4 (Minor Alterations to Land), which consists

of minor or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

2. This project is consistent with land uses in the vicinity.
3. This project is consistent with the Lake County General Plan, Middletown Area Plan, and Zoning Ordinance.
4. 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.
5. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

**B. Approve Major Use Permit UP 20-39 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, Middletown 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:**

**Categorical Exemption (CE 21-24)**

I move that the Planning Commission find that the **Major Use Permit (UP 20-39)** applied for by **Western Mine Farms, LLC (Amy Soderlind)** on property located at **14507 Western Mine Road, Middletown, CA**, further described as **APNs: 013-030-29** is exempt from CEQA because it falls within Categorical Exemption Class 4 (15304), based on the findings set forth in Staff Report dated **June 10, 2021**.

**Major Use Permit (UP 20-03)**

I move that the Planning Commission find that the **Major Use Permit (UP 20-39)** applied for by **Western Mine Farms, LLC (Amy Soderlind)** on property located at **14507 Western Mine Road, Middletown, CA**, further described as **APNs: 013-030-29** 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 **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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*