



Legislation Text

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Staff Report

Date: May 9, 2024 (Continued public hearing from October 26, 2023)

To: Planning Commission

From: Mireya G. Turner, Community Development Department Director
Michelle Irace, Principal Planner
Prepared by Trish Turner, Assistant Planner

Subject: Consideration of proposed Major Use Permit (UP 21-17), for Seigler Springs North/Brian Pensack, and Mitigated Negative Declaration (IS 21-18), for approval of commercial cannabis cultivation operation consisting of 174,240-sf of outdoor canopy located within a total cultivation area of 196,020-sf; Located: 11615 and 11625 Seigler Springs North Road, Kelseyville (APNs 115-007-03 and 06)

Executive Summary:

The Project proposes Four (4) A- Type 3 “outdoor cultivation” permits consisting of 174,240-sf of outdoor canopy at 11615 and 11625 Seigler Springs North Road, Kelseyville, as described further below in the Project Description section of this Staff Report.

The project proposal was presented to the Planning Commission on October 26, 2023, and during the hearing, the Commissioners raised some concerns that required attention. Firstly, the Commissioners highlighted that there was a proposal to remove trees for the project, and it would be ideal to submit a Tree Mitigation Plan to address this issue. Secondly, the Grading Plans were not uploaded as an attachment, which is a requirement. Lastly, the Commission was informed that there could potentially be Tribal Cultural Resources on the property and noted that Staff should work with the applicant and local Tribe(s) to address this matter. Due to these issues, the public hearing was continued to a date and time uncertain.

As summarized below, Staff has worked with the applicant to address the Commissioners' concerns that were raised on October 26, 2023.

- The applicant has conducted a tree study and submitted an Oak Mitigation Plan (Attachment 8), which outlines how they plan to plant native oak trees at a 3:1 ratio of trees.
- Staff contacted the local Tribe(s) and Tribal Consultation took place with the Middletown Rancheria on February 28, 2024. As a part of consultation, a site visit was conducted, and Tribal Cultural Resources were found within the vicinity. Staff have included mitigation measures to protect the resources and sent the mitigation to the Tribe(s). Tribal consultation was concluded on April 09, 2024.
- The applicant has already provided the Grading Plans (Attachment 2) and the grading has been analyzed in the Mitigated Negative Declaration (Attachment 5). The October 26, 2023 Planning

Commission Staff Report and related documents may be accessed online at:

<https://countyoflake.legistar.com/View.ashx?M=A&ID=1161643&GUID=B39BBCAF-C9AE-44DD->

. All public comments received for the hearing are included in Attachment 12.

Recommended Action:

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 21-18) for Major Use Permit (UP 21-17) with the following findings:
1. Potential environmental impacts related to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-3.
 2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-6.
 3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6.
 4. Potential environmental impacts related to Cultural and can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-3.
 5. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-2.
 6. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures TCR-1 through TCR-6.
 7. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-4.
- B. Approve Major Use Permit UP 21-17 with the following findings:
1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, 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 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).