



Legislation Text

File #: 24-531, **Version:** 1

Staff Report

Date: May 9, 2024 (continued from March 28, 2024)

To: Planning Commission

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

Subject: Consideration of proposed Major Use Permit (UP 20-33), and Mitigated Negative Declaration (IS 20-39), for cultivation of 304,710-sf of outdoor commercial cannabis canopy; Applicant: Meili Liu/ Liu Farms; Located at 8531 High Valley Road, Clearlake Oaks (APN 006-003-34)

Executive Summary:

The applicant, Meili Liu/ Liu Farms, is requesting discretionary approval from the County of Lake for Major Use Permit (UP 20-33), for commercial cannabis cultivation at 8531 High Valley Road, Clearlake Oaks (APN 006-003-34). The application, as proposed, would include cultivation of 304,710-sf (7 Acres) of outdoor canopy with seven (7) A-Type 3 licenses, and one (1) A-Type 13 Self-Distribution License. The zoning is "RL-WW-SC" - Rural Lands, Waterway Combining District, and Scenic Combining District. The total acreage of the parcel is approximately 158.22 acres.

On March 14, 2024, the Planning Commission reviewed the project and moved to continue the item to the March 28 agenda to give Staff and the applicant further time to update the Property Management Plan and Site Plans to reflect the current proposal. Additionally, the Commission recommended that Staff review and address tribal cultural resources, hydrology, and biological resources further. As a result of these concerns, the public hearing was continued to March 28, 2024, and subsequently continued again to May 9, 2024, to allow additional time to address the Commissioner's concerns.

As summarized below, Staff has worked to address the Commissioners' concerns that were raised on March 14, 2024.

- Tribal Cultural Resources
 - Staff contacted the local Tribe(s) and a Tribal Consultation with took place with Elem Colony on March 19, 2024.
 - The Tribal Historic Preservation Officer conducted a site visit with the applicant on April 1, 2024, and noted they had no concerns with the project moving forward, with the implementation of Tribal Cultural Resources Mitigation Measures (TCR-1 and TCR-2).

- Tribal Consultation formally concluded on April 10, 2024.
- Property Management Plan and Site Plans
 - Updated site plans (reducing the size of the solar array) are required to be submitted prior to the permit being issued (see Condition of Approval No. 2).
 - On March 29, 2024, the applicant provided an updated Property Management Plan that reflects the applicant removing the nursery, manufacturing facility from the scope and reducing the size of the solar array (see Attachment 3).
- Biological Resources and Hydrology
 - Three (3) reports were prepared for the project: a Biological Resources Assessment (BA) (Natural Investigations Company, 2020); a Plant Survey (Huffman-Broadway Group, 2021); and a Wetland Site Assessment (Huffman-Broadway Group, 2021). Staff conducted site visits on April 1 and April 2, 2024, and noted that environmental site conditions have not changed since the reports were prepared.
 - Specific to wetlands and water resources, the Wetland Site Assessment identified approximately 0.11 acres of palustrine emergent wetlands in two areas within the parcel, and approximately 0.10 acres of riverine/intermittent creeks (south of the proposed cultivation area). The cultivation development would be set back greater than 100 feet from any identified aquatic resource, including intermittent creeks and wetlands. Additionally, the project proponent must file a Notice of Intent and enroll in Cannabis Cultivation Order WQ 2019-0007-DWQ. Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of Best Management Practices (BMPs), buffer zones, sediment and erosion controls, site management plans, inspections and reporting, and regulatory oversight.

The March 14, 2024 Planning Commission Staff Report and related documents may be accessed online at:

<https://countyoflake.legistar.com/View.ashx?M=A&ID=1148456&GUID=C37B066A-5FF7-4550-A1BA-33C27A60FC25>. All public comments received for the March 14 hearing are included in Attachment 10.

Recommended Action:

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-39) for Major Use Permit (UP 20-33) 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-4.
 - 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-3.

4. Potential environmental impacts related to Cultural Resources 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 Geology and Soils can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-3 and GEO-1 through GEO-7.
6. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-7.
7. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-3.
8. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 and NOI-2.
9. Potential environmental impacts related to Tribal Cultural Resources can be mitigated to less than significant levels with the inclusion of mitigation measures TCR-1 and TCR-2.
10. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measures WLD-1 through WLD-4.

B. Approve Major Use Permit UP 20-33 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, Shoreline Communities 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).