



## Legislation Details (With Text)

**File #:** 19-61      **Version:** 1      **Name:**

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

**File created:** 1/16/2019      **In control:** Planning Commission

**On agenda:** 1/24/2019      **Final action:**

**Title:** 9:15 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-06). The project applicant is MICHAEL DONYGAN proposing a Commercial Cannabis Cultivation License, A-Type 3 outdoor cultivation to allow 43,500 square feet of canopy area within 64,053 square feet of cultivation area. The project location is 8959 Wight Way, Kelseyville and further described as APN 007-036-02. Environmental Evaluation: Mitigated Negative Declaration (IS 18-10). (Eric Porter)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. UP 18-06 Donygan 12.4.18, 2. Attachment 1 Vicinity Map, 3. Attachment 2 a-g Site Plans, 4. Attachment 3 Property Management Plan, 5. Attachment 4 Agency Comments, 6. Attachment 5 EA 18-02, 7. Attachment 6 Conditions, 8. Attachment 7a Initial Study, 9. Attachment 7b Initial Study, 10. Attachment 8 Non Agency Comments, 11. Attachment 9 Right of Way Easement

Date	Ver.	Action By	Action	Result
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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Michalyn DelValle, Community Development Director

Prepared By: Eric Porter, Associate Planner

**DATE:** December 20, 2018

**SUBJECT:** **Donygan, Major Use Permit UP 18-06; Initial Study IS 18-10**

Supervisor District 5

### EXECUTIVE SUMMARY:

On April 19, 2018, the applicant applied for Major Use Permit UP 18-06, for operation of one A-Type 3 outdoor cannabis cultivation license. The **cannabis cultivation area** would consist of **63,743** square feet and the **canopy would be 43,500 square feet** in size on a 141.4 acre parcel that is zoned "RL" Rural Lands.

### Project Characteristics

The proposed hours of operation for cannabis cultivation would be Monday through Sunday 8:00am to 5:00pm, and Saturdays from 9:00am to 1:00pm. During normal hours of operation there would typically be two (2) employees. During peaks hours there would be between three (3) and five (5) employees.

The property is currently developed with a 2,047 s.f. manufactured home, an 800 s.f. utility shed and a 2,585 s.f. barn. The applicant is proposing to install three (3) greenhouses that are 2,520 s.f. each for a total of 7,560 s.f. of greenhouses space. Two of the greenhouses will be used for immature cannabis plant starts; the other two are for growing traditional crops not subject to this use permit. The applicant is proposing a 41,998 s.f. outdoor cultivation area; an additional 11,600 s.f. of outdoor cultivation area intended for immature plants; a 120 square foot storage shed (Sheet S4) and a 2,400 s.f. processing shed (Sheet S4). A note on sheet S4 also mentions a new 800 s.f. processing shed, however that structure is presently on site and was built in 1989.

The site is accessed via a recorded shared access easement, which passes through three properties before ending on Mr. Donygan's property. See Attachment 9.

The applicant intends to complete the proposed project in the following phases:

**Phase One:** Construct two (2) of the four (4) proposed 2,520 s.f. greenhouses. The applicant would also install two (2) 5,000 gallon water storage tanks. Also, the 47' x 55' barn will be converted in a manner that will allow cannabis processing, as well as lavender and chamomile which do not require a use permit. Phase One will also have an 11,600 s.f. immature (outdoor) plant area (not included as canopy area but included as cultivation area); a 120 s.f. chemical storage shed, and a 2,400 s.f. processing building.

**Phase Two:** Install the remaining two (2) 2,520 s.f. greenhouses.

According to Article 27 (Lake County's Commercial Cannabis ordinance), the commercial cannabis Cultivation Area is the sum of all the areas used for cultivation, including gardens, soil staging and material storage areas, ancillary buildings, and access roads.

Staff recommends **approval with conditions** as proposed.

## **RECOMMENDED ACTION:**

### **Mitigated Negative Declaration**

I move that the Planning Commission find on the basis of the Initial Study No. 18-10 prepared by the Planning Division and the mitigation measures which have been added to the project, that the use permit as applied for by **Michael Donygan** on property located at **8959 Wight Way, Kelseyville** and further described as **APN: 007-036-02** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated **December 20, 2018**.

### **Use Permit Approval - UP 18-06**

I move that the Planning Commission find that the Use Permit (UP 18-06) applied for by **Michael Donygan** on property located at **8959 Wight Way, Kelseyville** and further described as **APN: 007-036-02** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **December 20, 2018**. This permit is valid for a period of ten years from the date of this approval.

***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*