



Legislation Details (With Text)

File #: 20-134 **Version:** 3 **Name:**

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

File created: 2/20/2020 **In control:** Planning Commission

On agenda: 2/27/2020 **Final action:**

Title: 9:05 a.m. Public Hearing on consideration of a Minor Use Permit (MUP 19-11) and Categorical Exemption (CE 19-95). The project applicant is NICK NEEDHAM proposing (1) A Type 2 (medium outdoor) Commercial Cannabis Cultivation license. The project is located at 1409 & 1419 Vernal Drive, Lakeport and further described as APNs 007-059-02 & 007-059-03. (Victor Fernandez)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report MUP 19-11, 2. Attachment 1 Vicinity Map, 3. Attachment 2 Property Management Plan, 4. Attachment 3 Agency Comments, 5. Attachment 4 Proposed Conditions of Approval, 6. Attachment 5 Existing and Proposed Conditions, 7. Attachment 6 Available Upon Request

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Mark Roberts, Principal Planner
Prepared by: Victor Fernandez, Assistant Planner

DATE: February 12, 2020

RE: Nick Needham; Minor Use Permit (MUP 19-11), Categorical Exemption [(CE 19-95) formerly identified as Initial Study (IS 19-13)], Early Activation (EA 19-22). APNs: 007-059-02 & 007-059-03 (One Legal Lot).

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site Plans
6. Site Management Plan (Available upon request)

EXECUTIVE SUMMARY

The applicant is requesting approval of a Minor Use Permit for the Commercial Cannabis Cultivation (A-Type 2 Medium

Outdoor License), which includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing. The proposed use will occur on 1409 and 1419 Vernal Drive, Lakeport CA. The proposed use would allow up to 10,000 square feet of Canopy Area which is defined as the designated area(s) at a licensed premises, except nurseries, that will contain mature plants (in above ground pots) at any point in time, as follows (Lake County Zoning Ordinance - Definitions):

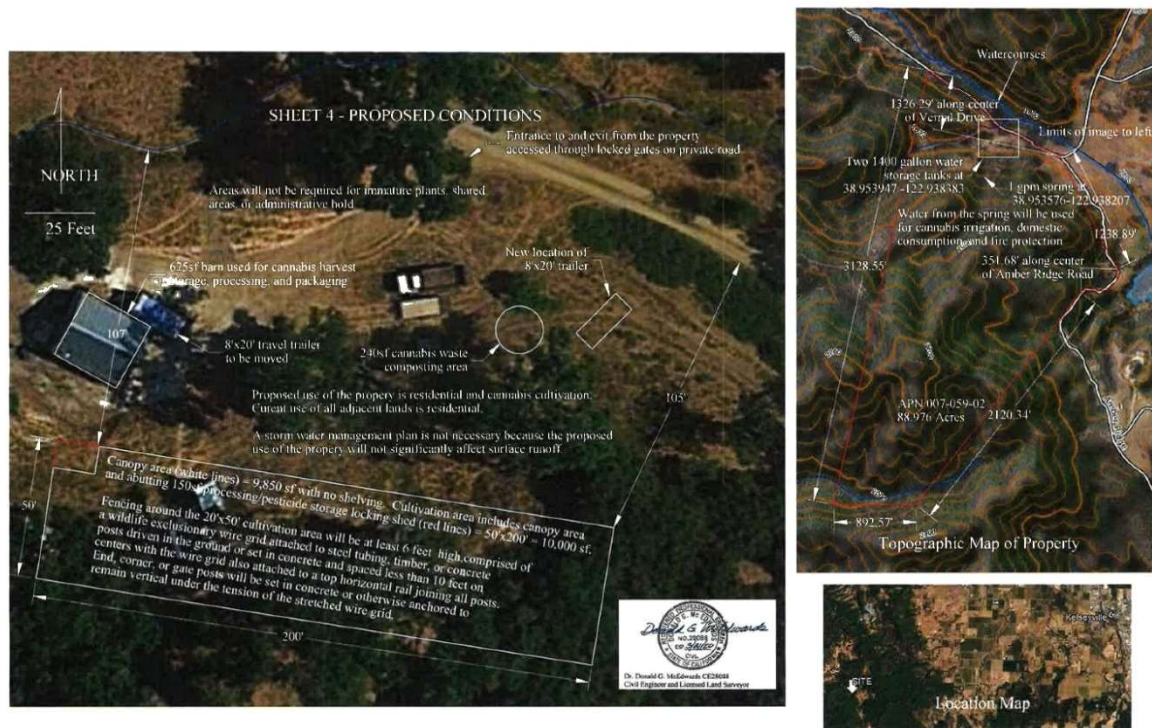
1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area (s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
2. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, garden benches, hedgerows, fencing, garden beds, or garden plots;
3. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

The cannabis canopy area proposed, in above ground pots, is 9,850 square feet which would take place within a fenced area approximately 10,000 square feet in size, with an additional 625 square foot barn located adjacent to the cultivation area which will be used for curing, storage, processing, and packaging. Included in the cultivation area is a 150 square foot storage shed used for fertilizers and pesticides. The fence would be approximately six (6) feet in height, and constructed with exclusionary wire grid attached to steel tubing, timber, or concrete posts spaced less than ten (10) feet apart. There would be a minimum of five (5) security cameras (solar powered) located at each corner of the fenced cultivation area, and one (1) located in the barn used for curing, storage, processing, and packaging. The proposed security system is able to be accessed remotely.

According to the applicant, there will be a maximum of three (3) employees per shift and three (3) parking spaces. The hours of operation would be Monday through Saturday, 8:00AM to 5:00PM and Sundays, 12:00PM to 4:00PM.

The project is proposing to use a drip irrigation system, which uses water from an unnamed spring located on the property (The applicant has provided Rights to Divert and Use Water from the State Water Resources Control Board-registration number: H505589 Certificate Number: H100457). The water will be gravity fed from the spring to a 1,500 gallon storage tank. The water will then be gravity fed through PVC pipes to the cultivation site and irrigated among the above-ground pots.

The project parcel is served by Vernal Drive, off of Ridge Road, off of Highland Springs Road. Prior to the cannabis cultivation operation permit coming into effect, Highland Springs Road shall be widened to a minimum width of twenty (20) feet. The gate located on Ridge Road shall be a minimum of fourteen (14) feet wide. Vernal Drive and Ridge Road shall meet a twenty (20) foot minimum road width as well as contain a gravel surface. A condition has been included in the Conditions of Approval which shall be met prior to cultivation, unless an exemption for Public Resources Code 4290 and 4291 has been applied for and granted. *See Section A, Item 3 of Attachment 4.*



Proposed Site Plan and Cultivation Area

Construction Schedule

The 150 s.f. storage shed and security fence will be constructed once the permit is obtained. Construction is anticipated to last approximately 30 days. Construction will take place Monday through Friday from 8 a.m. to 5 p.m. The applicant proposes hand tools will only be used for construction, no machinery is expected to be needed. For construction, one (1) vehicle trip per day is anticipated.

Staff is recommending **Approval with Conditions** of Use Permit (MUP 19-11).

Recommended Action:

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the **Minor Use Permit (MUP 19-11)** applied for by **Nick Needham** on property located at **1409 Vernal Drive and 1419 Vernal Drive, Lakeport**, further described as **APN: 007-059-02 and 007-059-03** is exempt from CEQA because it falls within Categorical Exemption Class 4 (15304), based on the findings set forth in Staff Report dated **February 12, 2020**.

Minor Use Permit (MUP 19-11)

I move that the Planning Commission find that the **Minor Use Permit (MUP 19-11)** applied for by **Nick Needham** on property located at **1409 Vernal Drive and 1419 Vernal Drive, Lakeport**, further described as **APN: 007-059-02 and 007-059-03** does meet the requirements of Section 50.4 and Article 27, Section 1 [i,ii(g),i(ii)] 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 **February 12, 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.*