



Legislation Details (With Text)

File #: 20-193 **Version:** 1 **Name:**

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

File created: 3/6/2020 **In control:** Planning Commission

On agenda: 3/12/2020 **Final action:**

Title: 9:10 a.m. Public Hearing on consideration of a Minor Use Permit (MUP 18-14) and Mitigated Negative Declaration, based on Initial Study (IS 18-18). The project applicant is FIORE DULCE, the owner is ROBERT LIPARI. Proposed is a Commercial Cannabis Cultivation License, one A-Type 2 Small Outdoor Cannabis license, and a "Type 13 Self Distribution" license. The project is located at 21715 Jerusalem Grade Road, Middletown and further described as APN 013-013-49. (Eric Porter)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. MUP 18-14 Lipari staff rept, 2. Attachment 1 vicinity map, 3. Attachment 2 propty mgmt plan, 4. Attachment 3 agency comments, 5. Attachment 4 conditions, 6. Attachment 5a site plan, 7. Attachment 5b cultivation site, 8. Attachment 5c security camera locations, 9. Attachment 6 Initial Study

Date	Ver.	Action By	Action	Result
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Memorandum

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: February 17, 2019

RE: Fiore Dulce; Minor Use Permit (MUP 18-14) for Commercial Cannabis Cultivation, Initial Study (IS 18-18).
APN: 013-013-49

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan (available upon request)
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plans (a,b & c)
6. Initial Study IS 18-18

I. EXECUTIVE SUMMARY

The applicant is seeking approval for one (1) A-Type 2 (small outdoor) adult-use cultivation with a total proposed cultivation area of 10,000 square feet (s.f.) and a Type 13 'Self Distribution' license. A second (larger) area will be applied for through a separate minor use permit after the conclusion of this process. The applicant is requesting a temporary 'porta-potty' during the first year of this use permit, and will provide a permanent ADA compliant restroom and hand-wash

station in conjunction with the second use permit's review and approval.

The applicant has stated that this use permit has a projected 'planting date' of March 20, 2020.

The ±142 acre subject site is located at **21715 Jerusalem Grade Road, Middletown**, and is known as **APN 013-013-49**. The subject site contains a previously approved 100' by 100' medicinal cannabis cultivation area and a 12' x 24' shed.

There is a Class III stream, 'Dry Creek', located about 180 feet from the edge of the cultivation area. The shed is located 100' from Dry Creek.

The estimated water usage is 65,000 gallons per year according to the applicant. Note: this projected amount of proposed water usage is lower than other comparably sized outdoor cannabis cultivation licenses. Water will be stored in two 5,000 gallon water tanks that are already present on site.

The cultivation site would be served by an existing well on the property. A copy of the well permit was submitted with the application material provided. There is a year-round creek on the property that has a 'top of bank' located more than 100' from the proposed cultivation sites.

Staff is recommending **Approval with Conditions** of **MUP 18-14**.

Recommended Action:

Sample Motions:

Mitigated Negative Declaration (IS 18-18)

I move that the Planning Commission find that that the Initial Study (IS 18-18) applied for by **Fiore Dulce C/O Robert Lipari** on a property located at **21715 Jerusalem Grade Road, Middletown**, further described as **APN: 013-013-49** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **February 17, 2019**.

Minor Use Permit (MUP 18-14)

I move that the Planning Commission find that the **Minor Use Permit (MUP 18-14)** applied for by **Fiore Dulce C/O Robert Lipari** on a property located at **21715 Jerusalem Grade Road, Middletown**, further described as **APN: 013-013-49** does meet the requirements of Article 50.4 and 27(at) 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 17, 2019**.

***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.*