



## Legislation Details (With Text)

**File #:** 20-452      **Version:** 1      **Name:**

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

**File created:** 5/8/2020      **In control:** Planning Commission

**On agenda:** 5/14/2020      **Final action:**

**Title:** 9:20 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-45) and Categorical Exemption (CE 20-11). The project applicant is BENMORE NORTH, BENMORE VALLEY RANCH, LLC proposing (39) A Type 3 (outdoor) Commercial Cannabis Cultivation licenses. The project is located at 2743, 3245, 2976, 3088, 3278, 3168, 3400, 3290, 3295, 3275, 2359, 3303 and 3417 Benmore Valley Road, Lakeport and further described as APNs 007-001-13, 007-001-34, 007-001-35, 007-001-19, 007-002-07, 007-001-40, 007-001-38, 007-001-26, 007-001-27, 007-001-28, 007-001-16 007-001-06 and 007-001-25. (Victor Fernandez)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. Benmore North Cannabis Staff Report, 2. Attachment 1 Vicinity Map, 3. Attachment 2 Existing and Proposed Plans, 4. Attachment 3 Property Management Plan, 5. Attachment 4 Agency Comments, 6. Attachment 5 Conditions of Approval, 7. GREEN - KELLY

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## STAFF REPORT

**TO:** Planning Commission

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

**DATE:** April 23, 2020

**SUBJECT:** Benmore North LLC  
Major Use Permit Application, UP 19-45; Commercial Cannabis Cultivation; Early Activation, EA 19-71 and Categorical Exemption, CE 20-11 (Formerly known as Initial Study; Is 19-64) APNs: 007-001-13, 007-001-34, 007-001-35, 007-001-19, 007-002-07, 007-001-40, 007-001-38, 007-001-26, 007-001-27, 007-001-28, 007-001-16, 007-001-06, 007-001-25

### Supervisor District 4

cultivation site across multiple contiguous parcels may be permitted when all of the following criteria are met (Article 27, Section 27.11, subsection (at)):

1. All parcels must qualify for a commercial cannabis cultivation permit independently,
2. Title interest on all parcels shall be held under the same identical ownership.
3. All required cultivation setbacks shall be maintained from exterior property lines and the cultivation site may be permitted to cross contiguous property lines,
4. A deed of restriction prohibiting commercial cannabis cultivation shall be recorded on each parcel where density has been transferred.

The proposed project consists of combining the acreage of parcels: **007-001-13, 007-001-34, 007-001-35, 007-001-19, 007-002-07, 007-001-40, 007-001-38, 007-001-26, 007-001-27, 007-001-28, 007-001-16, 007-001-06, 007-001-25** which totals approximately  $\pm 798.26$  acres. However, cultivation will take place on parcels 007-001-34, 007-001-35, 007-001-26, 007-001-38, and 007-001-40.

Benmore Valley Ranch is accessed by a private gravel road, Benmore Valley Road, which spans to approximately 2.2 miles from State Highway 175 to the Ranch entrance.

The cannabis cultivation would take place within a fenced in area approximately 55 acres (2,395,800 square feet) acres in size, with the proposed canopy area of 39 acres (1,698,840 square feet). The applicant proposes the following:

- Cannabis cultivation to be in-ground using existing soil with mixed amendments.
- Fifty-six (56) 2,000 square foot cold frame greenhouses assembled on grade (will be used for immature plants and curing of harvested plants).
- Mixing tanks (plastic totes, 250 gallon) for making compost tea (liquid soil amendment or fertilizers)
- Waterproof storage shed/Conex container or similar for storage of chemicals and hand tools.
- Electricity will be supplied by the existing PG&E service.
- Portable restrooms with hand washing stations, and trash enclosures within fenced cultivation area.

The fence would be approximately six (6) feet height, and constructed with heavy gaged wire with gate access. There would be a minimum of two (2) security cameras (solar powered) at opposite ends of the fence to ensure the Cannabis Cultivation Area would be completely monitored 24 hours a day, 7 days a week. The proposed security system is able to be accessed remotely.

According to the applicant there would be approximately a minimum of eight (8) employees and up to 24 employees at peak shift (*the number of employees and/or shifts may vary depending on time of year, crop production/amount of work*). The hours of operation would be Monday through Saturday from 9:00AM to 7:00PM and Sunday from 12:00pm to 5:00pm. There would be approximately 1-2 deliveries and/or one 1-2 pickups per day (*the numbers of delivers/pickups may vary depending on time of year, materials needed, etc.*). According to the applicant there is approximately 24 parking spaces proposed. The parking spaces are located adjacent and/or in front of the Cannabis Cultivation Area.

The project is using an existing irrigation system (previously used for a vineyard) which uses water from the South Lake Reservoir located on the property. The water is gravity feed from the lake, to storage tanks (5,000 to 10,000 gallon tanks) and then pumped to the site using a horsepower electric pumps and distributed through existing underground irrigation tubing. The applicant proposes the operation will use approximately 1.4 acre-feet per acre. According to the application package, the total available water is 142 acre-feet.

On October 25<sup>th</sup>, 2018, The following Major Use Permits were approved by the Planning Commission Major Use Permits: UP 18-07; UP 18-08; UP 18-09; UP 18-10. The applicant has proposed to consolidate the Major Use Permits with Major Use Permit, UP 19-45.

On March 17, 2020 the applicant was issued Early Activation, **EA 19-71** of the use for Commercial Cannabis Cultivation.

Staff Recommends approval of Major Use Permit, **UP 19-45**.

### **Sample Motions:**

#### **Categorical Exemption**

I move that the Planning Commission find that the **Major Use Permit (UP 19-45)** applied for by **Benmore North LLC** on property located at **2743, 3245, 2976, 3088, 3278, 3168, 3400, 3290, 3295, 3275, 2359, 3303, and 3417 Benmore Valley Road, Lakeport**, further described as **APNs: 007-001-13, 007-001-34, 007-001-35, 007-001-19, 007-002-07, 007-001-40, 007-001-38, 007-001-26, 007-001-27, 007-001-28, 007-001-16, 007-001-06, 007-001-25** is exempt from CEQA because it falls within Categorical Exemption Class 4 (15304), based on the findings set forth in Staff Report dated **April 23, 2020**.

#### **Major Use Permit (UP 19-45)**

I move that the Planning Commission find that the **Major Use Permit (UP 19-45)** applied for by **Benmore North LLC** on property located at **2743, 3245, 2976, 3088, 3278, 3168, 3400, 3290, 3295, 3275, 2359, 3303, and 3417 Benmore Valley Road, Lakeport**, further described as **APNs: 007-001-13, 007-001-34, 007-001-35, 007-001-19, 007-002-07, 007-001-40, 007-001-38, 007-001-26, 007-001-27, 007-001-28, 007-001-16, 007-001-06, 007-001-25** does meet the

requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **April 23, 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*