



Legislation Details (With Text)

File #: 20-495 **Version:** 2 **Name:**

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

File created: 5/20/2020 **In control:** Planning Commission

On agenda: 5/28/2020 **Final action:**

Title: 9:08 a.m. - Public Hearing on consideration of a Major Use Permit (UP 18-50) and Mitigated Negative Declaration based on Initial Study (IS 18-74). The project applicant is MAGIC MEADOWS FARMS' owner CHRISTOPHER KELLY, proposing (1) A Type 3 (outdoor) Commercial Cannabis Cultivation license, consisting of 43,560 square feet of canopy area, and one (1) A Type 2B (Small mixed light) license consisting of 7,680 square feet of canopy area. The project is located at 21650 St. Helena Creek Road, Middletown, and further described as APN 014-460-05. (Victor Fernandez)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Final Staff Report, 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 Site Plans, 7. Attachment 6 - Initial Study, 8. Attachment 7 - Conditions UP 18-50

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

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

DATE: April 23, 2020

RE: Magic Meadow Farm's; Major Use Permit (UP 18-50), Initial Study (IS 18-74); Early Activation (18-42) APN: 014-460-05

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site Plans
6. Initial Study IS 18-74

7. Conditions UP 18-50

I. **EXECUTIVE SUMMARY**

The applicant is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation which includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing. The applicant seeks approval of the following licenses:

- A - Type 3: "Outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- A - Type 2B: "Small Mixed-Light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

The proposed use will occur on 21650 St. Helena Creek Rd, Middletown CA. The proposed use would allow up to 43,560 square feet (outdoor) and 10,000 square feet (mixed-light) of Canopy Area which is defined as the designated area(s) at a licensed premise, 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 total cannabis canopy area proposed, is **51,240 square feet** which would take place within a fenced area **approximately 79,400 square feet** in size. The proposed outdoor cultivation area is **61,300 square feet** with a **total canopy area of 43,560 square feet**. The total proposed mixed-light cultivation area is **18,100 square feet**. Within the mixed-light cultivation there will be four (4) greenhouses, each one being 30'X80' (2,400 square feet) and 16 feet in height constructed of galvanized steel tubes. The canopy area within each greenhouse will be **1,920 square feet** for a total mixed-light canopy area of **7,680 square feet**.

The project is located in Middletown, CA, about a half mile from the intersection of Highway 175 and 29 (The project site was impacted by the 2015 Valley Fire). The property is within the St. Helena Creek Watershed (HUC10). The proposed cultivation will take place in a previously permitted timberland to agriculture conversion through the state. The existing structures on the property include a 1,600 square foot accessory Agricultural Exempt Barn used for animal holding, a 192 square foot office, and a building pad for a proposed dwelling unit in the near future.

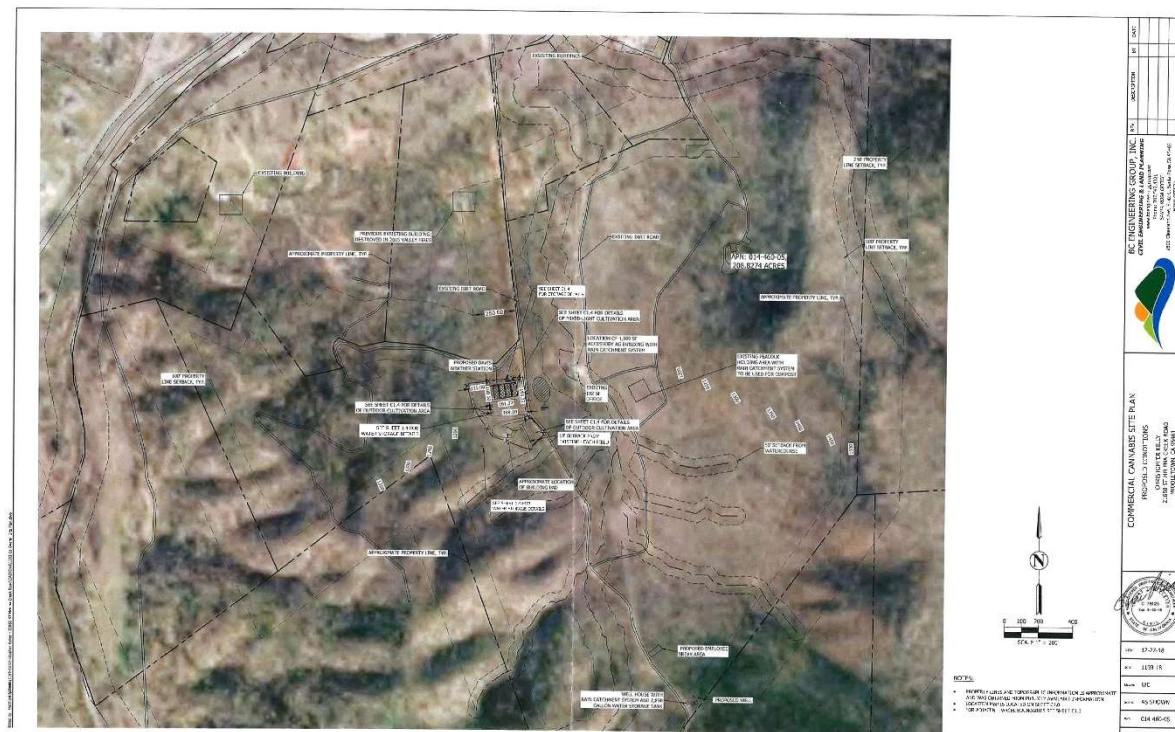
The proposed cannabis cultivation area and associated facilities are accessed via an existing private gravel road off of St. Helena Creek Drive. According to the Building Division's comments, the project meets the Public Resources Code 4290 Road Standards. The proposed outdoor cultivation method is in-ground with drip irrigation systems in full sun. The proposed mixed-light cultivation method is via an above grade organic soil mixture in natural beds, above-ground, with drip irrigation systems, within greenhouse structures composed of galvanized steel frames. The proposed cultivation areas will be enclosed by a 6-foot tall wire fence. The proposed ancillary facilities include four (4) 2,400 square foot greenhouses, a 320 square foot storage sheds for fertilizers and pesticides, a 112 square foot waste storage shed, a 200 square foot power utility shed, an employee portable restroom, and a 2,850 gallon water storage tank. There is also a concrete building pad, which is proposed for a future dwelling, but is not directly associated with the proposed cultivation operation.

According to the applicants Hazardous Material Plan, all pesticides, fertilizers, and hazardous materials including gasoline, diesel, and oil will be stored in the proposed shipping containers as well as the two 70 square foot storage sheds. Pesticides and fertilizers will be held within their manufacturer's original containers, which are within secondary containment structures. The flammable/petroleum products will be in containers within secondary containment that is separated from the pesticides and fertilizers. Isopropyl alcohol, used to sanitize equipment, will be stored on site in a secure cabinet within the processing facility. The storage sheds will be located within the fenced cultivation area in front of the greenhouses.

Excess plant matter (plant stems) will be composted on site in a designated area. According to the applicant, it is estimated approximately 380 pounds of vegetative waste will be produced annually. The grading medium (soil) will be reused from the composted areas.

The proposed cultivation operation will draw water from an existing well which was permitted on May 22, 2012. The well has three (3) existing 2,500 gallon water storage tanks, and four (4) additional 2,500 storage tanks are proposed.

According to the proposed project, the facility will be open Monday through Saturday, 5:00 AM to 8:00 PM, with delivery and pick-ups restricted between 9:00 AM to 6:00 PM. All visitors to the site will be met by an employee of the site and request identification, purpose, time, and date to be logged. The applicant proposes 2 to 4 employees will be working at peak shift. The operation will not impact traffic as outlined in the Property Management Plan.



Construction Schedule

The proposed structures will be constructed once the permit is obtained. Construction is anticipated to last approximately 90 to 100 days. Construction will take place Monday through Friday from 7 a.m. to 5 p.m. According to the application package, the applicant will be utilizing a small skid steer with auger attachments to complete construction. During construction the applicant will be using two (2) trucks. The applicant estimates 5 trips to bring greenhouse materials inside the project area. There will be an expected two (2) trips a day after that to construct the greenhouses.

Staff is recommending **Approval with Conditions** of Use Permit (UP 18-50).

I. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 18-74) for Major Use Permit (UP 18-50) with the following findings:

1. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, and AQ-7.
2. Potential environmental impacts related to cultural and Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4.
4. Potential noise impact can be mitigated to less than significant levels with the inclusion of mitigation measures

NOI-1, NOI-2, and NOI-3.

5. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
6. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.

B. Approve Use Permit UP 18-50 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, 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, Kelseyville 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).

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 18-74)** applied for by **Christopher Kelley** on property located at **21650 St. Helena Creek, Middletown**, and further described as **APN: 014-460-05** 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 **April 23, 2020**.

Major Use Permit (UP 18-50)

I move that the Planning Commission find that the **Major Use Permit (UP 18-50)** applied for by **Christopher Kelley** on property located at **21650 St. Helena Creek, Middletown**, further described as **APN: 014-460-05** 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.*