



## Legislation Details (With Text)

**File #:** 20-694      **Version:** 1      **Name:**

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

**File created:** 7/16/2020      **In control:** Planning Commission

**On agenda:** 7/23/2020      **Final action:**

**Title:** 9:05 a.m. - Public Hearing on consideration of a Major Use Permit (UP 19-39) and a Mitigated Negative Declaration (IS 19-58). The applicant is Rebecca Hebert, proposing (1) Outdoor Commercial Cannabis license for 43,560 square feet of canopy area, and (2) Mixed-light Cannabis licenses for a total 23,400 square feet canopy area within greenhouses. The proposed location is 1020 Junction Plaza, Clearlake, and further described as APN 010-055-45.

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. STAFF REPORT, 2. ATTACHMENT 1 - VICINITY MAP, 3. ATTACHMENT 2 - SITE PLANS, 4. ATTACHMENT 3 - PROPERTY MANAGEMENT PLAN, 5. ATTACHMENT 4 - AGENCY COMMENTS, 6. ATTACHMENT 5 - CONDITIONS OF APPROVAL, 7. ATTACHMENT 6 - INITIAL STUDY, 8. ATTACHMENT 7 - PUBLIC COMMENTS

Date	Ver.	Action By	Action	Result
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### Memorandum

**Item 1**  
**9:05 AM**  
**July 23, 2020**

### STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Interim Community Development Director  
Tocarra Thomas, Deputy Community Development Director  
Mark Roberts, Principal Planner  
Prepared by: Sateur Ham, Assistant Planner I

**DATE:** July 23, 2020

**SUBJECT:** Raven Hill's Garden; Major Use Permit (UP 19-39), Initial Study (IS 19-58); Early Activation (EA 19-64); Grading (GR 19-1420); (APN: 010-055-45)

#### Supervisor District 2

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval

6. Initial Study IS 19-58 and Mitigated Negative Declaration
7. Public Comments

## 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 3B: "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 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- A - Type 1C: "Specialty Cottage": Cultivation for adult use cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time.
- Type 13 Self-Transport Distribution License: One who transports cannabis goods that the licensee has cultivated or manufactured to entities licensed pursuant to California Code.

The ±49.5 acre subject site is located at 1020 Junction Plaza, Clearlake, and is known as APN 010-055-45. The parcel is located less than a mile to the East of Highway 53 and north of the City of Clearlake. The subject site contains a single-family dwelling, an on-site septic system and well, which will be used for cannabis irrigation. The 75,360 square foot cultivation area is located as shown on the site plan (attachment 2). There are two unnamed ephemeral Class III watercourses which flow along the northern and southern valleys of the property; the cultivation site meets the minimum 100' setback from the top of the bank per Lake County Zoning Ordinance (LCZO) setback requirements. There are no additional water bodies on the project property and the ephemeral watercourses will meet the minimum 100 feet setback

The project will be constructed within phases.

- Phase One (1): Construction of a six (6) foot chain link fence, installing security measures/cameras, graveling the driveway approximately 550 feet in length, and establishing the above ground pots for a two-acre outdoor cannabis cultivation area.
- Phase Two (2), consists of construction of a 5,000 square foot processing facility, 400 square foot storage facility for pesticides/fertilizer; two (2) 5,000 gallon water tanks and three (3) greenhouses. The square footage of each greenhouse is as follows:
  - 9,000 sq. ft.
  - 14,400 sq. ft.
  - 3,000 sq. ft.

Construction would occur for approximately 5-7 weeks and Monday through Friday from 9am to 6pm.

The applicant has indicated that up to a maximum of four employees will be on site during peak cultivation season. Parking is provided to the southwest of the cultivation site.

According to the property management plan, the estimated water usage ranges between 776,475-1,358,831 gallons per year. This amount of proposed water usage is based on environmental conditions and published studies on outdoor grow for one acre in the best and worst case scenario. The proposed project will consist of indoor mixed-light cultivation which is a significantly smaller cultivation grow and in a controlled environment.

Staff recommends conditional approval of **UP 19-39**.

## I. **RECOMMENDATIONS**

### **Staff recommends the Planning Commission:**

#### **A. Adopt Mitigated Negative Declaration (IS 19-58) for Major Use Permit (UP 19-39) with the following findings:**

1. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1 through AQ-7.
3. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by mitigation measure BIO-1.
4. Potential environmental impacts related to cultural / tribal cultural resources have been mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
5. Potential environmental impacts related to geology and soils have been mitigated to less than significant levels by mitigation measures GEO-1 through GEO-4.
6. Potential environmental impacts related to hydrology and water quality have been mitigated to less than significant levels by mitigation measure HYD-1.
7. Potential environmental impacts related to noise have been mitigated to less than significant levels by mitigation measures NOI-1 through NOI-3.
8. Potential environmental impacts related to transportation have been mitigated to less than significant levels by mitigation measure TRANS-1.
9. Potential environmental impacts related to wildfire have been mitigated to less than significant levels by mitigation measures WIL-1 through WIL-5.
10. All potential impacts have been reduced to less than significant levels with incorporation of mitigation measures and specific conditions of approval.
11. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

**B. Approve Major Use Permit UP 19-39 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, Shoreline Communities Area Plan and Lake County Zoning Ordinance (LCZO).
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

**Sample Motions:**

**Mitigated Negative Declaration (IS 19-39)**

I move that the Planning Commission find that that the Initial Study (IS 19-58) prepared for the project proposed by Rebecca Hebert on a property located at 1020 Junction Plaza, Clearlake, CA, further described as APN: 010-055-45 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 June 5, 2020.

**Major Use Permit (UP 19-39)**

I move that the Planning Commission find that the Major Use Permit (UP 19-39) applied for by Rebecca Hebert on a property located at 1020 Junction Plaza, Clearlake, CA further described as APN: 010-055-45 does meet the requirements of Section 51.4 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 June 5, 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.*