



Legislation Details (With Text)

File #: 20-866 **Version:** 1 **Name:**

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

File created: 9/8/2020 **In control:** Planning Commission

On agenda: 9/24/2020 **Final action:**

Title: 9:10 a.m. - A Public Hearing on consideration of a Major Use Permit (UP 18-29) and Categorical Exemption (CE 19-48). The Applicant is Alex Beck, proposing: One A Type 3 (outdoor), one A Type 2 (small outdoor), and two A Type 1C (specialty cottage) Commercial Cannabis Cultivation licenses, consisting of 58,320 square feet of canopy area located within 68,400 square feet of cultivation area. Location: 13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake; further described as APNs: 002-023-90 and 002-023-93.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. STAFF REPORT UP 18-29, 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 - LETTER FROM WILDLIFE BIOLOGIST, 8. ATTACHMENT 7 - BIOLOGICAL ASSESSMENT

Date	Ver.	Action By	Action	Result
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Memorandum

Item 2
9:10AM
September 24, 2020

STAFF REPORT

TO: Planning Commission

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

DATE: September 14, 2020

RE: Better Nature Farms, LLC (Alex Beck). Major Use Permit (UP 18-29), Categorical Exemption (CE 19-48), and Early Activation (EA 20-69). APNs: 002-023-90 and 002-023-93

Supervisor District 3

ATTACHMENTS:

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

5. Existing and Proposed Site Plans
6. Letter from Wildlife Biologist
7. Biological Assessment

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 license(s):

- **(One) 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.
- **(One) A - Type 2: "small 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 between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- **(Two) 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, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.

The proposed use is located at 13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake, CA, and will occur within a previously disturbed area. The applicant proposes the cultivation to be in ground over the existing vegetation and additionally proposes to provide cover crop with the cultivation.

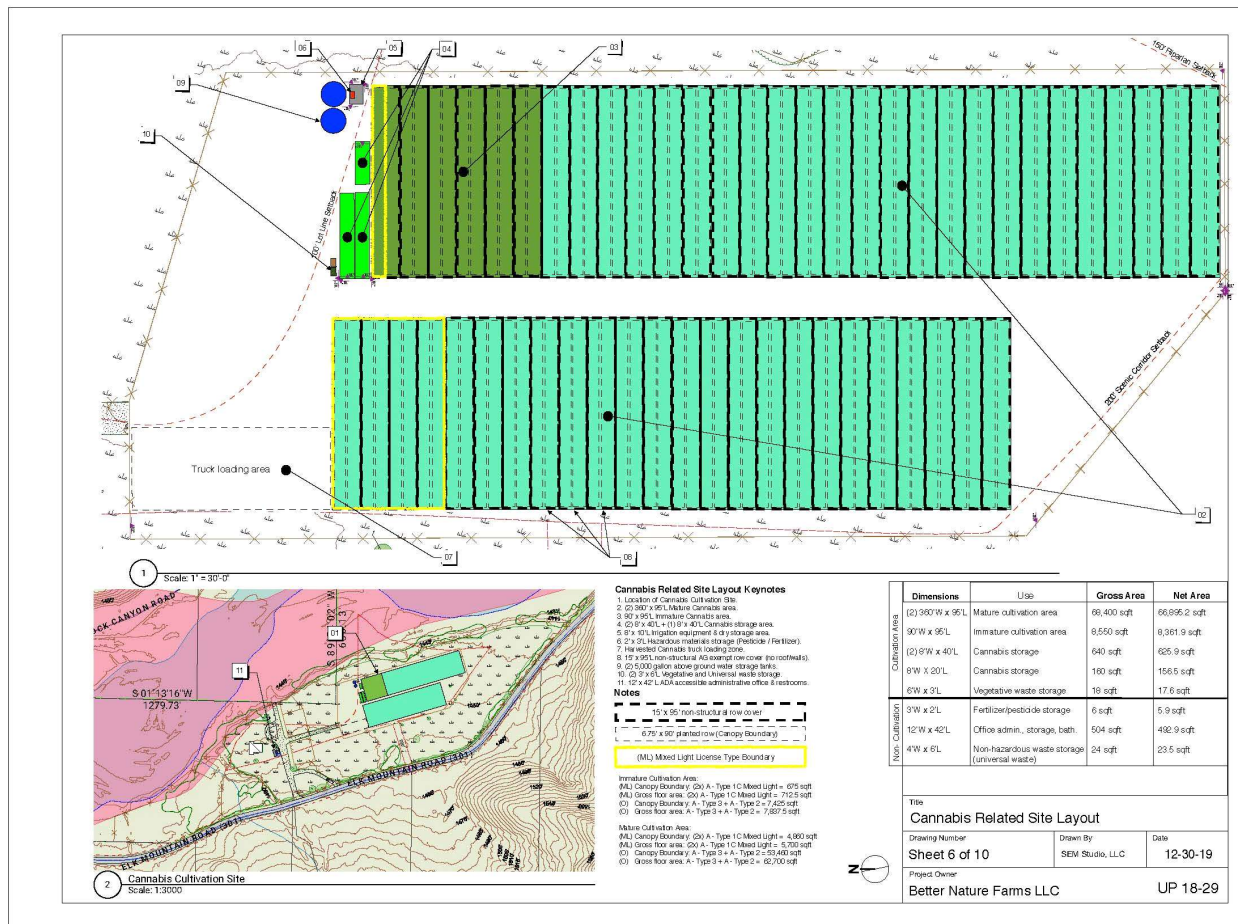
The proposed project will include the following:

- The cultivation area will consist of a 58,320 square feet of total canopy area within 68,400 square feet of total cultivation area.
- The applicant proposes to install a six (6)' foot tall chain link security fence with opaque privacy screening.
- One (1) 12'X40' ADA accessible office with worker storage & bathrooms.
- Two (2) 5,000 gallon above ground water storage.
- One (1) 360 square foot chemical/fertilizer storage area.
- Two (2) 4'X6' vegetative & non-hazardous waste storage structures.
- One (1) 8'X20' storage container.
- Two (2) 8'X40' storage container.
- Hours of operation are Monday through Friday, 7:30 AM - 7:30 PM.
- Max employees on peak shift would be approximately 5 employees.

Water Usage

The cultivation area will be irrigated via drip irrigation system. The drip irrigation system will be attached to an irrigation pump that feeds the water (from water storage tanks) along a PVC pipe to a series of secondary plastic irrigation lines.

According to the Property Management Plan, the annual amount of water required for irrigation for commercial use is estimated to be between 200,000 to 250,000 gallons per year, which will be drawn from the onsite permitted well. Per the submitted well test report, the well operates at approximately 15 Gallons per Minute (GPM) which translates to approximately 7,889,237 Gallons per Year, which is sufficient to support the proposed water usage. A condition of approval has been added that requires the applicant to install a meter to the production well(s) that continuously measures the water level. Additionally, the applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.



Proposed Site Plans and Cultivation Area

Staff is recommending **conditional** approval of Major Use Permit (UP 18-29).

I. RECOMMENDATION

Staff recommends the Planning Commission:

A. Find that this project has been found to be Categorical Exempt from CEQA as a Class 3 and Class 4 Exemption.

1. The project is consistent with CEQA Categorical Exemption, Class 4 (Minor Alterations to Land), which consists of minor or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
2. The project is Consistent with CEQA Categorical Exemption, Class 3 (New Construction or Conversion of Small Structures) which consists of construction and location of limited numbers of new, small facilities or structures.
3. This project remains consistent with the Lake County General Plan, Upper Lake/Nice Area Plan and the Lake County Zoning Ordinance.
4. There has been no change in the project which would create new significant environmental impacts.

5. This project is consistent with land uses in the vicinity.
6. This project will not result in any significant adverse environmental impacts.

B. Approve Major Use Permit UP 18-29 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, Lower Lake 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:

Categorical Exemption

I move that the Planning Commission find that the **Categorical Exemption (CE 19-48)** applied for by **Alex Beck** on property located **13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake**, and further described as **APNs: 002-023-90 & 002-023-93** will not have a significant effect on the environment and therefore a Categorical Exemption shall be approved with the findings listed in the staff report dated **September 14, 2020**.

Major Use Permit (UP 18-29)

I move that the Planning Commission find that the **Major Use Permit (UP 18-29)** applied for by **Alex Beck** on property located at **13306 Elk Mountain Road and 13052 White Rock Canyon Road, Upper Lake**, further described as **APNs: 002-023-90 & 002-023-** 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 **September 14, 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.