



Legislation Details (With Text)

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On agenda: 10/8/2020 **Final action:**

Title: Public hearing on consideration of Major Use Permit (UP 18-32) and Mitigated Negative Declaration (IS 18-40). Applicant is Jason Jones, proposing 1 A Type 3 (medium outdoor) Commercial Cannabis Cultivation license, and 1 A Type 13 'self distribution' license. Project location is 26066 and 27084 Jerusalem Grade Road, Middletown; further described as APNs: 013-017-62 and 013-017-66.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report UP 18-32, 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_Supplemental Forms

Date	Ver.	Action By	Action	Result
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Memorandum

Item 1
9:05 AM
October 8, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Smith, Community Development Deputy Director
Mark Roberts, Principal Planner

Prepared by: Eric Porter, Associate Planner

DATE: September 1, 2020

RE: **Grow Center Inc. / Jason Jones, Major Use Permit (UP 18-32), and Initial Study (IS 18-40)**

Supervisor District 1

ATTACHMENTS:

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

6. Initial Study IS 18-40 and Mitigated Negative Declaration

I. **EXECUTIVE SUMMARY**

The applicant is requesting approval of a major use permit to allow the cultivation of commercial cannabis. According to the Property Management Plan dated July 16, 2018, the operation will include the following:

- One (1) - A Type 3 “Outdoor” cultivation license to allow approximately 43,560 square feet of canopy area and up to 52,190 square feet of cultivation area. All cannabis will be grown in above ground 50-gallon planters and enclosed within a six (6) foot tall wire fence with privacy screen.
- One (1) A Type 13 Self Distribution License.
- Four (4) - 2,500 gallon water storage tanks.
- Three (3) 15' x 7.5' prefabricated storage structures which will contain pesticides, fertilizers and data storage for the security system.
- The cultivation site is accessible from an existing private access way located off of Jerusalem Grade Road [4290 / 4291 Public Resource Code (CalFire) inspection was conducted on May 31, 2020].
- Water usage and analysis:
 - Well log (undated) received August 21, 2020 showing a total yield of 37 gallons per minute with zero drawdown over a two 920 hour testing period.
 - Data was confirmed via email from well driller Pollack dated August 2, 2020.
 - Water storage (on site): 8,500 gallons.
 - Projected water usage: None provided; typical usage (outdoor) per acre is 30,000 gallons to 60,000 gallons per month using a drip irrigation system. Annual projected usage - 210,000 gallons to 420,000 gallons per year.
- Pesticides, fertilizers, and hazardous materials including gasoline, diesel, and oil will be stored in the proposed agricultural storage sheds.
- Excess vegetated waste will be composted on site in a designated composting area in compliance with Title 14. It is estimated approximately 500 pounds of organic vegetative waste will be produced annually. The growing medium (soil) will be reused from the composted areas.
- Hours of operation are Monday through Saturday, 7:00 AM to 8:00 PM. The operation will not be open to the public.
- Construction is expected to last between one and two months.

Staff is recommending conditional approval of **UP 18-32**.

II. **RECOMMENDATION**

Staff recommends the Planning Commission:

A. Adopt Mitigated Negative Declaration (IS 18-40) for Use Permit (UP 18-32) with the following findings:

1. Potential environmental impacts related to air quality 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, AQ-7 and AQ-8.
2. Potential environmental impacts related to Biological Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures BIO-1, BIO-2 and BIO-3.
3. Potential environmental impacts related to Cultural, Tribal Cultural Resources and Geological resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1, CUL-2, CUL-3 and CUL-4.

4. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
5. Potential environmental impacts related to Wildfire can be mitigated to less than significant levels with the inclusion of mitigation measure WILD-1, WILD-2, WILD-3 and WILD-4.
6. This project is consistent with land uses in the vicinity.
7. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
8. As mitigated through the aforementioned mitigation measures and specific conditions of approval, this project will result in less than significant environmental impacts.
9. Any changes to the project will require an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Use Permit UP 18-32 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 can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 18-40)** applied for by **Center Grow LLC** on property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, and further described as **APNs: 013-017-62 & 013-017-66** will not have a significant effect on the environment with mitigation measures described therein, and therefore a mitigated negative declaration and associated mitigation monitoring reporting program shall be approved with the findings listed in the staff report dated **September 1, 2020**.

Major Use Permit (UP 18-32)

I move that the Planning Commission find that the **Use Permit (UP 18-32)** applied for by **Center Grow LLC** on property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, and further described as **APNs: 013-017-62 & 013-017-66** 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 **September 1, 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.*