



Legislation Details (With Text)

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On agenda: 2/25/2021 **Final action:**

Title: 9:10 A.M. - PUBLIC HEARING to Consider Major Use Permit (UP 20-27) and a Mitigated Negative Declaration based on Initial Study (IS 20-32). The project applicant is LC2400, owner SHANA SCHUETTE, proposing (5) A Type 3 (outdoor) Commercial Cannabis Cultivation license consisting of 217,800 square feet of canopy area located within 252,960 square feet of cultivation area. Location: 2400, 2405, and 2215 Clover Valley Road, Upper Lake, and further described as APNs: 004-007-12, 004-007-13, 004-007-23.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report UP 20-27_FINAL, 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 - PROPOSED SITE PLANS, 7. ATTACHMENT 6 - INITIAL STUDY, 8. ATTACHMENT 7 - BIOLOGICAL ASSESSMENT, 9. Conditions of Approval UP 20-27_FINAL

Date	Ver.	Action By	Action	Result
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Memorandum

Item # 2
9:10 AM
February 25, 2021

STAFF REPORT

TO: Planning Commission

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

DATE: January 14, 2021

RE: LC2400

- Major Use Permit (UP 20-27)
- Initial Study (IS 20-32)
- Early Activation (EA 20-31)

Supervisor District 3 - Supervisor Crandell

Planning Commissioner - Commissioner Brown

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan
 3. Agency Comments
 4. Proposed Conditions of Approval
 5. Proposed Site Plans
 6. Initial Study
 7. Biological Assessment

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation (*the cultivation of commercial cannabis includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing*) located at 2400 Clover Valley Road, Upper Lake, California, further described as Assessor Parcel Number (APN): 004-007-12. The applicant proposes the Collocation of Permits and Clustering which in reference to Article 27 of the Lake County Zoning Ordinance, multiple cultivation permits may be allowed on a single parcel provided that each permit meets the minimum acreage requirement and all other development standards. The applicant proposes to cluster 2405 and 2215 Clover Valley Road, Upper Lake, California further described as APNs: 004-007-13 and 004-007-23, which will only be used for the acreage and no cultivation will occur on these parcels. All cultivation activities will only occur on parcel 004-007-12. The applicant's proposal will include the following:

- **Five (5): A - Type 3: "Outdoor" License:** 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.
 - *The total proposed cultivation canopy is approximately 217,800 square feet located within 252,960 square feet of cultivation area.*
- **One (1) Type 13:** "Distributor Transport Only, Self-Distribution" License
- One (1) 2,480 square foot Agricultural Steel Building for harvesting and processing.
- One (1) 288 square foot enclosed Waste and Composting Shed.

Existing ancillary facilities include:

- One (1) 300 square foot break area.
- One (1) 36 square foot pump house.
- One (1) 96 square foot hazardous material storage shed.
- One (1) 1,800 square foot building to be used for drying and curing.
- One (1) 1,440 square foot greenhouse for immature plants.

The cultivation area will be conducted within an enclosed area secured by a fence approximately seven (7) feet in height. The fence will be screened with a privacy mesh, which will help reduce visibility within the surrounding area. The proposed outdoor cultivation method is above ground in planters with drip irrigation systems pressurized by electric pumps from the well source.

Security

The cultivation site will be enclosed by a 7' wooden slate fence. The cultivation site will be equipped with a surveillance system that will continuously monitor the site 24 hours per day at a minimum of 30 frames per second. According to the Property Management Plan, all exterior cameras will be water proof and all cameras will include motion sensors that activates the camera when motion is detected. Access to the facility will only be gained through a security gate with a coded entry. Visitors and deliveries will gain access through arrangement and will be given a temporary code which will expire after they have completed their visit. ~~after xxx amount of time.~~

Water Source and Usage

The cultivation operation will use water from an existing, agricultural groundwater well. According to the application package, the existing well produces approximately 120 gallons per minute which would translate to approximately 75,796,637 gallons per year. The total proposed water usage on an annual basis is approximately 3,677,400 gallons which includes water usage for the cultivation operation and domestic use. The proposed project would utilize approximately 4.8% of the well's full capacity. The water use calculations submitted by the applicant are below:

Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total
5 Acre Outdoor	-	-	-	96,600	210,000	310,800	462,000	588,000	966,000	966,000	-	-	3,599,400
Domestic/ landscaping	6,000	6,000	6,000	6,000	6,000	6,000	7,000	7,000	7,000	7,000	7,000	7,000	78,000
Totals	6,000	6,000	6,000	102,600	216,000	316,800	469,000	595,000	973,000	973,000	7,000	7,000	3,677,400

Note: Only source of Water is a Private Ground water Well

Fertilizer and Chemical Usage

All fertilizer and pest management products will be stored in the hazardous material storage shed. According to the application, personal protective equipment will be used when handling fertilizers and other chemicals, such as safety glasses, gloves, dust masks, etc. The chemicals used for the operation will be contained and sealed to prevent spillage. Additionally, the applicant proposes all cannabis vegetative waste to be placed in the cannabis waste storage shed for composting or transportation to an offsite disposal area by a licensed waste handler.

Operation

The facility will be open Monday through Saturday, 9:00 AM to 5:00 PM. Deliveries and pick-ups will occur during this time-frame. According to the application, visitation will only be allowed when specific permission is granted.

Farmland of Local Importance

The cultivation site is located in Clover Valley and within Farmland of Local Importance. The cultivation of commercial cannabis will be outdoor in above-ground pots. The cultivation site is located in Clover Valley and is designated as Farmland of Local Importance.

In accordance with Article 27 of the Lake County Zoning Ordinance, within areas designated as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on the current Lake County Important Farmland prepared by the State California Department of Conservation Farmland Mapping and Monitoring Program, commercial cannabis cultivation shall be limited to indoor, mixed-light, and greenhouses that are equipped with filtration systems that prevents the movement of odors, pesticides, and other air borne contaminants out of or into the structure.

The permitting authority may allow outdoor cultivation outside a greenhouse if the prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance are isolated areas that are not connected to a large system of such lands. The proposed project is located at the end of Clover Valley and is isolated from the larger system (Please see image below). Additionally, there are permits within the valley that are actively cultivating commercial cannabis and/or are in the permitting process. The project property is not located within a Farmland Protection Zone [that has been established as part of an Amendment to Article 27 under Ordinance 3101, dated 12/15/2020]. However the project property has existing vegetation along the front property line and western property line. Additionally, the applicant proposes to install additional vegetation that would serve as a visual and drift screen. A condition of approval has been added (Attachment 4: Section C, Item 11), that requires the applicant to submit a vegetation screening plan prior to operation. Additionally, the project was routed to the Lake County Department of Agriculture and comments were not received for this project.

Staff is recommending approval of Major Use Permit, UP 20-27 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-32)

with the incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends the Planning Commission take the following actions.

A. Adopt Mitigated Negative Declaration (IS 20-32) for Major Use Permit (UP 20-27) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 and AES-2.
2. 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, AQ-7, and AQ-8.
3. 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.
4. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, GEO-3.
6. Potential hazards hazardous materials can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1, HAZ-2, and HAZ-3.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1, HYD-2, and HYD-3.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2, and NOI-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Upper Lake/Nice Area Plan and Zoning Ordinance.
11. 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.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-27 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, Upper Lake/Nice 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 Major Use Permit (UP 20-27) applied for by **LC2400** on property located at **2400, 2405, and 2215 Clover Valley Road, Upper Lake**, further described as **APNs: 004-007-12, 007-004-13, and 004-007-23** 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 **January 14, 2020**.

Major Use Permit (UP 20-27)

I move that the Planning Commission find that the **Major Use Permit (UP 20-27)** applied for by **LC2400** on property located at **2400, 2405, and 2215 Clover Valley Road, Upper Lake**, further described as **APNs: 004-007-12, 007-004-13, and 004-007-23** 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 **January 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.