



Legislation Details (With Text)

File #: 21-85 **Version:** 1 **Name:**

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

File created: 2/19/2021 **In control:** Planning Commission

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

Title: 9:15 A.M. - PUBLIC HEARING to Consider Major Use Permit (UP 20-09) and a Mitigated Negative Declaration based on Initial Study (IS 20-08). The project applicant/ owner is Kimberly Kent and Robert Nothnagle, proposing one-acre outdoor cannabis cultivation to allow 49, 160 square feet area, ancillary structures includes storage sheds, water tanks, and processing facility. Location: 23095 Jerusalem Grade, Middletown, and further describes as APN(s): 013-015-44, 013-015-46, 013-015-47, & 013-015-48.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Ancient Lakes Farms Staff Report UP 20-09_v2 tnt_ham, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Project Management Plan, 4. Attachment 3-Agency Comments, 5. Attachment 4-Conditions of Approval UP 20-09 (Draft), 6. Attachment 5-Site Plans, 7. Attachment 6-Initial Study

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Memorandum

Item # 3
9:15 AM
February 25, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Thomas, Deputy Director
Prepared by: Sateur Ham, Assistant Planner

DATE: February 25, 2021

RE: Ancient Lakes Farms, LLC

- Major Use Permit (UP 20-09)
- Initial Study (IS 20-08)
- Early Activation (EA 20-09)

Supervisor District Moke Simon
Planning Commissioner John Hess

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

I. **EXECUTIVE SUMMARY**

Ancient Lake Farms 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 23095 Jerusalem Grade Road, Middletown, California, further described as Assessor Parcel Number (APN): 013-015-44, 013-015-46, 013-015-47, and 013-015-48, also known as "Lot K" after the approval of a voluntary merger to meet the minimum qualifying acres to operate a commercial cannabis operation. The applicant's proposal will include one (1) **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 of one acre in size, within a **49,160** square feet cultivation area and include the following:

- **One (1) Type 13:** "Distributor Transport Only, Self-Distribution" License
- One (1) 5,000 square feet structure for harvesting and processing
- Three (3) 200 square feet storage shed
- Four (4) 2,500 gallons water tanks

The cultivation area will be conducted within an enclosed area secured by a chain-link fence approximately six (6) feet in height. The fence will be screened with a privacy mesh, which will help reduce visibility within the surrounding area. According to the Project Management Plan (Attachment 2), the existing well produces approximately 100 gallons per minute and will utilize the proposed water tanks for storage during the dry season. Located near the northern parcel boundary, the well will be pumped above ground to the water storage tanks directly next to the cultivation area. From the well to the storage tanks ALF will utilize aboveground water lines, which are a combination of PVC piping and black poly tubing. The total proposed water usage on an annual basis is approximately 746,740 gallons which includes water usage for the cultivation operation. The proposed outdoor cultivation method is in planting beds with drip irrigation systems served by an existing permitted well.

All fertilizer and pest management products will be stored in the 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.

The project's core business hours of operation will take place between 8:00 a.m.-6:00 p.m. with deliveries and pickups restricted to 9:00 a.m.-7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m.-5:00 p.m. According to the application, visitation will only be allowed when specific permission is granted.

Staff is recommending approval of Major Use Permit, UP 20-09, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-08) with the incorporated Mitigation Measures and Conditions of Approval.

I. **RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 20-08) for Major Use Permit (UP 20-09) with the following findings found in Attachment 6:

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 through AQ-6.

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 through BIO-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-3.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-5.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
8. Potential traffic impacts can be mitigated to less than significant levels with the inclusion of mitigation measures TRANS-1 through TRANS-2.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Middletown 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 20-09 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, Middletown 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 20-09)** applied for by **Robert Nothnagle and Kimberly Kent** on property located at **23095 Jerusalem Grade Road, Middletown, CA**, further described as **APNs: 013-015-44, 013-015-46, 013-015-47, and 013-015-48** also known as “**Lot K**” 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 20-09)

I move that the Planning Commission find that the **Major Use Permit (UP 20-09)** applied for by **Robert Nothnagle and Kimberly Kent** on property located at **23095 Jerusalem Grade Road, Middletown, CA**, further described as **APNs: 013-015-44, 013-015-46, 013-015-47, and 013-015-48** also known as “**Lot K**” does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*