



Legislation Details (With Text)

File #: 21-263 **Version:** 1 **Name:**

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

File created: 4/2/2021 **In control:** Planning Commission

On agenda: 4/8/2021 **Final action:**

Title: 9:05 a.m. Public Hearing and Consideration of approving a Minor Modification (MMU 20-13) of original Use Permit UP 18-16 at a public hearing. Applicant/Owner: LC Private Reserves LLC. Proposed Project: A new 3,200 sq. ft. outdoor nursery area for immature cannabis plants; the conversion of 10,000 sq. ft. of previously approved greenhouse cultivation to outdoor cultivation area within the original footprint of the approved cultivation site known as Garden 1, and one A-Type 13 'Self Distribution' license that was not available at the time of the original approval for UP 18-16. Location: 13333 Big Valley Road, Middletown, CA. APN: 012-006-58.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. MMU 20-13 staff rept, 2. Attachment 1 vicinity map, 3. Attachment 2 conditions mod, 4. Attachment 3 agency comments, 5. Attachment 4 site plan

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

DATE: April 8, 2021

RE: LC Private Reserves; Modification (MMU 20-13) to a Use Permit (UP 18-16) for Commercial Cannabis Cultivation and Categorical Exemption to CEQA (CE 20-67). APN: 012-006-58

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Conditions of Approval
3. Agency Comments
4. Site Plan

I. EXECUTIVE SUMMARY

On November 8, 2018, the Planning Commission approved Use Permit UP 18-16, also known as "Garden 1" on the

subject site. The application was for 10,000 sq. ft. of 'mixed light' (greenhouse) cultivation.

On December 15, 2020, the County received an application for a modification to the cultivation area to enable outdoor cultivation rather than inside of greenhouses; this is to occur inside the original footprint of file no. UP 18-16. The applicant is also proposing a 36.5' x 90' area for immature plants that was not part of the original approval.

The 330 acre subject site takes access from Big Valley Road, a paved, County-maintained road in this location. The site was used for decades as a resort (Howard Hot Springs, then Avalon Hot Springs), and the site has been extensively disturbed over time. The original project was categorically exempted from CEQA due to the extent of historical disturbance that had occurred on the site.

The applicant had provided a stormwater mitigation plan that shows the method of on-site water retention and channelization. There is a class 1 (perineal) stream on the southern end of the site (Big Canyon Creek); a class 2 unnamed seasonal stream transecting the middle of the site in a north-south direction, and a class 3 unnamed watercourse on the northern portion of the site. Garden 1 is not located within 100 feet of these drainage courses, and will have no impact on them. Garden 1 was originally approved as an indoor grow within a 10,000 sq. ft. covered greenhouse, and is now proposed to be an outdoor cultivation inside the original 10,000 sq. ft. footprint. The parent parcels are 330 acres in size; therefore there will be comparably minimal non-permeable surfaces being added by Garden 1.

Staff is recommending **Approval with Conditions** of **MMU 20-13**.

Categorical Exemption (CE 20-67)

I move that the Planning Commission find that that Categorical Exemption (CE 20-67) applied for by **Eric Sklar** on a property located at **13333 Big Canyon Road, Middletown**, further described as **APN: 012-006-58** will not have a significant effect on the environment, and this project qualifies for a Categorical Exemption pursuant to CEQA section 15304 with the findings listed in the staff report dated **April 8, 2021**.

Modification (MMU 20-13)

I move that the Planning Commission find that the **Modification (MMU 20-13)** applied for by **Eric Sklar** on a property located at **13333 Big Canyon Road, Middletown**, further described as **APN: 012-006-58** does meet the requirements of Section 60 of the Lake County Zoning Ordinance and the Modification be granted subject to the conditions and with the findings listed in the staff report dated **April 8, 2021**.