



Legislation Details (With Text)

File #: 21-314 **Version:** 1 **Name:**

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

File created: 4/16/2021 **In control:** Planning Commission

On agenda: 4/22/2021 **Final action:**

Title: 9:10 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 19-46) on Thursday, April 22, 2021, 9:10 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements. Applicant/Owner: Stuart Spivack. Proposed Project: Applicant is applying for a total of 28,012 square feet canopy area within a total of 28,252 square feet of cultivation area and facilities including (2) 120 square feet accessory structures and water tanks. Location: 1027 Watertrough Road, Clearlake Oaks, CA; APN(s): 628-100-10. Environmental Evaluation: Mitigated Negative Declaration (IS 19-65).

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. UP 19-46 Frosty Oaks SR V4, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Project Description and Management Plan, 4. Attachment 3-Site Plans, 5. Attachment 4-Conditions of Approval UP 19-46(draft), 6. Attachment 5-Spivack Initial Study (IS19-65), 7. Attachment 6-Agency Comments

Date	Ver.	Action By	Action	Result
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Memorandum

Item 2
9:10 AM
April 22, 2021

STAFF REPORT

TO: Planning Commission

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

DATE: April 22, 2021

RE: Frosty Oaks, LLC

- Major Use Permit (UP 19-46)
- Initial Study (IS 19-65)
- Early Activation (EA 19-70)

Supervisor District Eddie Crandell
Planning Commissioner Batsulwin Brown

ATTACHMENTS: 1. Vicinity Map

2. Property Management Plan
3. Proposed Site Plans
4. Proposed Conditions of Approval
5. Initial Study
6. Agency Comments

I. **EXECUTIVE SUMMARY**

Frosty Oaks is requesting approval of a Major Use Permit for commercial cannabis cultivation. Location: 1027 Watertrough Road and 21822 & 21946 Merrian Drive, Clearlake Oaks, CA. APNs: 628-100-10 (cultivation site); 628-080-04 and 628-090-03 (co-location lots / no cultivation).

The applicant's proposal includes one (1) **A-Type 3 "Medium Outdoor" License**, outdoor cultivation for adult-use cannabis without the use of light deprivation and/or artificial lighting in the **28,013** sq. ft. of canopy area and one (1) **Type 13 "Self-Distribution" License**. Also proposed:

- 120 sq. ft. storage shed
- 120 sq. ft. security shed
- Four (4) 5,000 gallons water storage tanks
- Two (2) 2,500 gallons water storage tanks (one will be CalFire compliant steel or fiberglass for use as fire suppression tank)
- 6' tall fence with screening around the cultivation areas

Water Analysis

According to the Project Management Plan (Attachment 2), the existing well produces approximately 10 gallons per minute and will utilize the proposed water tanks for storage during the dry season. The well near the northeast parcel boundary will be pumped underground to the water storage tanks proposed near the cultivation site in the eastern portion of the property. Frosty Oaks will install underground water lines from the well to the storage tanks, which are a combination of PVC piping and black poly tubing. Water use is projected to be approximately 600,247 gallons per year. The proposed outdoor cultivation method is in planting beds with drip irrigation systems served by an existing permitted well.

Project Details

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. The chemicals used for the operation will be contained and sealed to prevent spillage per the property management plan submitted by the applicant.

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.

I. **RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 19-65) for Major Use Permit (UP 19-46) with the following findings found in Attachment 5:

1. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-6.
2. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-11.
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-4.
4. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-7.

5. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-8.
6. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Shoreline Communities Area Plan, and Zoning Ordinance.
9. 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.
10. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 19-46 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, Shoreline Communities 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 19-46)** applied for by **Frosty Oaks, LLC (Stuart Spivack)** on property located at **1027 Watertrough Road and 21822 & 21946 Merrian Road, Clearlake Oaks, CA**, further described as **APNs: 628-100-10, [628-080-04 & 628-090-03]** 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 **April 22, 2021**.

Major Use Permit (UP 19-46)

I move that the Planning Commission find that the **Major Use Permit (UP 19-46)** applied for by **Frosty Oaks, LLC (Stuart Spivack)** on property located at **1027 Watertrough Road and 21822 & 21946 Merrian Road Clearlake Oaks, CA**, further described as **APNs: 628-100-10, [628-080-04 & 628-090-03]** 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 **April 22, 2021**.

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.