



Legislation Details (With Text)

File #:	21-321	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:	9:45 a.m. Continued from PC Meeting April 8th, 2021. Public Hearing to consider a Major Use Permit (UP 19-31) to consider approval of a commercial cannabis cultivation project on a 333+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-39) on Thursday April 22, 2021, 9:45 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: Badlands LLC. Proposed Project: Twelve (12) A-Type 3 medium outdoor cannabis cultivation licenses requesting 529,560 sq. ft. of cannabis cultivation area and one (1) A-Type 13 self-distribution license. Location: 21518 Bartlett Springs Road, Lucerne, CA; APN: 016-032-01. Environmental Evaluation: Mitigated Negative Declaration.				
Sponsors:	Community Development				
Indexes:					
Code sections:					
Attachments:	1. Badlands staff report Final, 2. Attachment 1 vicinity map, 3. Attachment 2a PMP, 4. Attachment 2b PMP, 5. Attachment 3a agency, 6. Attachment 3b agency, 7. Attachment 4 conditions, 8. Attachment 5 site plans, 9. Attachment 6 IS				

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: Badlands / Damien Ramirez; Major Use Permit (UP 19-31) and Initial Study (IS 19-39)

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Conditions of Approval
5. Existing and Proposed Site and Grading Plans
6. Initial Study IS 19-39

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for **(12) A-Type 3 (medium outdoor) cultivation areas** consisting of up to 529,560 square feet (sq. ft.) of cultivation area, and an **A-Type 13 Self Distribution license**. The property is located at 21518 Bartlett Springs Road, Lucerne, and is APN: 016-032-01. The applicant is also proposing two 1,500 sq. ft. sheds to use as drying buildings, and 6' tall security fencing.

Staff is recommending **Approval with Conditions** of **UP 19-31**.

RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 19-39) for Use Permit (UP 19-31) 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 and AQ-7.
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 to Cultural / Geological / Tribal Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures CUL-1 and CUL-2.
4. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
5. Any changes to the project will require either an amended Use Permit and/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 19-31 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.
7. That the proposed use complies with all required standards and criteria found within Article 27 (at) of the Lake County Zoning Ordinance.
8. That the applicant is qualified to make this application.

9. That this application complies with all qualifications found in Article 27 (at) of the Lake County Zoning Ordinance.

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 19-39)** applied for by **Badlands LLC** on property located at **21518 Bartlett Springs Road, Lucerne**, and further described as **APN: 016-032-01** 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 8, 2021**.

Major Use Permit (UP 19-31)

I move that the Planning Commission find that the **Use Permit (UP 19-31)** applied for by **Badlands LLC** on property located at **21518 Bartlett Springs Road, Lucerne**, and further described as **APN: 016-032-01** 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 **April 8, 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 fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*