



Legislation Details (With Text)

File #: 21-419 **Version:** 1 **Name:**

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

File created: 5/7/2021 **In control:** Planning Commission

On agenda: 5/13/2021 **Final action:**

Title: 9:05 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-36) on Thursday, May 13, 2021, in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Owner: Paul Alexander Patrick, Applicant: Ghost Dance, LLC. Proposed Project: (1) A Type 3 (Outdoor), and (2) A Type 1C (Specialty Cottage) Commercial Cannabis Cultivation licenses consisting of 48,464 square feet of canopy area located within 49,329 square feet of cultivation area. Location: 20144 Jerusalem Grade Road, Middletown CA; APNs: 136-031-63 Environmental Evaluation: Mitigated Negative Declaration (IS 20-43).

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report_UP 20-36_Final (1), 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

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

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

DATE: April 26, 2021

RE: Ghost Dance, LLC

- Major Use Permit (UP 20-36)
- Initial Study (IS 20-43)
- Early Activation (EA 20-43)

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

Supervisor District 1 - Supervisor Simon
Planning Commissioner - Commissioner Hess

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 20144 Jerusalem Grade Road, Middletown, California, further described as Assessor Parcel Number (APN): 136-031-63. The applicant proposes the cultivation method to be above ground in planter pots or bags with a drip irrigation system. The applicant's proposal will include the following:

- **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 at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- **Two (2) A - Type 1C “Specialty Cottage” licenses:** Cultivation for adult use cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using artificial light at a rate above twenty-five watts per square foot, on one premises.
 - *The total proposed cultivation canopy is approximately 48,464 square feet located within 49,329 square feet of cultivation area.*
- One (1) 225 square foot trash area.
- One (1) 100 square foot portable restroom.
- One (1) 400 square foot compost area.
- One (1) 120 square foot security shed.
- One (1) 120 square foot chemical and pesticide storage shed.
- One (1) 250-gallon mixing tanks.
- Three (3) 5,000-gallon water tanks.
- One (1) 1,600 square foot parking lot for employees.

The total acreage of the parcel is approximately, 30.75± acres and is zoned “RL” for Rural Lands. The parcel is located approximately 2.3 miles northeast of the intersection of Highway 29 and Spruce Grove Road. Additionally, the cultivation site is approximately 1.3 miles from the nearest community growth boundary. The cultivation area has been established within a site previously used for horse pasture and other equestrian purposes. Tree vegetation removal within the property has been recently conducted by PG&E for transmission line maintenance and fire mitigation.

The cultivation operations will be closed to the public and visitations will only be allowed when specific permission is granted. All staff, all supplies, all product transporters, and all visitors will be required to sign a log in/ log out sheet. According to the applicant, personnel will be granted access within the premises to only those areas necessary to complete job duties. Additionally, video surveillance will be equipped on site that will record 24/7 at a minimum of 30 frames per second. The cultivation site will be enclosed with a 6-8 foot high fence. The posts will be set in ground and be made of steel tubing or wood posts. The fenced cultivation compound will have a locking gate with a metal padlock.

Energy Usage

The proposed project consists of outdoor cultivation. The overall power usage of this facility is minimal. The cultivation site will require power for security systems, water pumps and minor outdoor lighting. According to the applicant's Property Management Plan, the property has electricity provided by a solar power array and supplemented by PG&E. Additionally, the applicant has provided the following Best Management Practices (BMPs) in regards to energy usage:

- Use of solar power where electricity is needed, and use of high-efficiency storage batteries, such as lithium-ion.
- Use of passive solar energy techniques such as proper site selection, overhanging eaves, tree canopy cover, walls with high thermal inertia, etc.
- Use of LED lights or other high-efficiency lighting.
- Use of ambient light whenever possible.
- Use of highly insulative materials to reduce energy needed for structure heating and cooling.
- Use of electric vehicles or bicycles instead of combustion-powered vehicles, whenever possible.

The cultivation operation will utilize water from an existing groundwater well. According to the application package, the existing well produces approximately 10 gallons per minute which translates to approximately 5,259,492 gallons per year of full capacity. The total proposed water usage on an annual basis is approximately 154,000 gallons. The proposed project would utilize approximately 2.9% percent of the well's full capacity. A condition of approval has been added that requires the applicant to install a meter to the production well(s) that continuously measures the water level. Additionally, the applicant shall maintain a record of all data collected and shall provide a report of the data collected annually.

The applicant proposes a drip irrigation system as part of the commercial cannabis cultivation operation. The onsite well will fill the water storage tanks. Then the water tanks will supply water that will flow to the pump station then to separate zone valves which then the zone valves will supply water going to the drip irrigation system that feeds the canopy.

There is a proposed sediment trap (Straw Wattles) that will be located at the proposed cultivation site. The project will be seeded and equipped with straw wattles in every area that is disturbed. The seed protects and stabilizes the soil, the straw slows the water and the wattles filter out any unwanted contaminants. All diffused surface water will be slowed by the mulch from the hydroseed and the straw wattles protecting any receiving water bodies.

The above-ground pots will be filled with topsoil. Approximately 600 cubic yards of topsoil are estimated to be used for one acre of canopy. The applicant proposes a scheduled use of dry and liquid fertilizers typically used to optimize plant macronutrients and micronutrients. Fertilizer inputs consist of a mixture granular products, liquid products, and products generated on site, such as compost tea. Additionally, for this cultivation operation, pests will be controlled by employing approved and organic-certified pesticides. Weeds will be controlled using a line trimmer or mulch; herbicides will not be used. Chemicals and fertilizers will be stored in the chemical storage building near the mixing tanks at the top of the cultivation site and will be within secondary containment.

[illegible]

Staff is recommending approval of Major Use Permit, UP 20-36 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-43) 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 20-43) for Major Use Permit (UP 20-36) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measure AES-1.
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, and AQ-7.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4.
4. 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, CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-7, and CUL-8.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, and 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, Lower Lake 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 20-36 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, Lower Lake 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 20-36) applied for by **Ghost Dance, LLC** on property located at **20144 Jerusalem Grade Road, Middletown**, further described as **APN: 136-031-63** 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 26, 2021**.

Major Use Permit (UP 20-36)

I move that the Planning Commission find that the **Major Use Permit (UP 20-36)** applied for by **Ghost Dance, LLC** on property located at **20144 Jerusalem Grade Road, Middletown**, further described as **APN: 136-031-63** 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 **April 26, 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.*