



## Legislation Details (With Text)

**File #:** 21-420      **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:** 9:10 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 19-49) on Thursday, May 13, 2021, in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant: Lake County Investment Group, LLC (Laythen Martines) Owner: Wheeler Roger Trust. Proposed Project: Applicant is applying for a total of five (5) acres of canopy area within approximately less than a total of twenty (20) cultivation area between two parcel (project locations). Location: 1000 and 1270 State Highway 53, Clearlake, CA; APN(s): 010-055-26 and 010-055-27. Environmental Evaluation: Mitigated Negative Declaration (IS 19-71).

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. UP 19-49\_Martinez\_Staff Report\_v2\_tnt comments\_HAM, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Property Management Plan, 4. Attachment 3-Site Plans, 5. Attachment 4-Conditions of Approval UP 19-49, 6. Attachment 5-Initial Study for Highway 53 (IS19-71)

Date	Ver.	Action By	Action	Result
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## Memorandum

### STAFF REPORT

**TO:** Planning Commission

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

**DATE:** May 13, 2021

**RE:** Lake County Investment Group, LLC

- Major Use Permit (UP 19-49)
- Initial Study (IS 19-71)

Supervisor District Bruno Sabatier  
Planning Commissioner Everardo Chavez Perez

**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

Lake County Investment Group, LLC 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)* at 1000 & 1270 State Highway 53, Clearlake, CA on Lake County APN 010-055-26 & 010-055-27. The applicant's proposal includes five **(5) A-Type 3 "Outdoor" Licenses** for outdoor cultivation of adult-use cannabis without the use of light deprivation and/or artificial lighting in the canopy area of one acre in size per licenses. The five acre canopy area will be split between two parcels with a total of 20 acres cultivation area. The cultivation areas are as follows and can be found in Attachment 5-Initial Study.

<b>North Parcel Cultivation Area: 010-055-27</b>	<b>South Parcel Cultivation Area: 010-055-26</b>
247,856.40 sf cultivation area	387,684 sf cultivation area
3,071 Smart Pots =49,136 sf canopy area	28 above-ground beds =164,800 sf canopy area
6-foot tall animal fencing	6-foot tall animal fencing
128 sf security trailer for the grow area with 90-days of storage using solar panels as an energy source.	8' x 10' secured storage container used for stored cannabis good when necessary.
400 sf (20' x 20') composting area	400 sf (20' x 20') composting area
(12) 5,000-gallon polyethylene water tank; 56 sf each of surface area.	(4) 4,500-gallon water tanks; 50 sf each of surface area.
(3) 500-gallon polyethylene water tank; 16 sf each of surface area.	11,000-gallon concrete water tank; 350 sf.
8,000-gallon concrete tank; 250 sf	
two existing wells powered by a generator in a 5' x 5' well-house.	



## I. RECOMMENDATION

**Staff recommends that the Planning Commission take the following actions:**

1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-4.
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 biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-8.
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 and CUL-4.

5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-6.
6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HYD-7.
7. 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.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
9. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures TRIB-1 through TRIB-2.
10. This project is consistent with land uses in the vicinity.
11. This project is consistent with the Lake County General Plan, Shoreline Communities Area Plan, and Zoning Ordinance.
12. 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.
13. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

**B. Approve Major Use Permit UP 19-49 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 application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii and attachments 1 through 6.

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Major Use Permit (UP 19-49)** applied for by **Lake County Investment Group, LLC (Laythen Martines)** on property located at **1000 & 1270 State Highway 53, Clearlake, CA,**

further described as **APNs: 010-055-27 & 010-055-26** 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 **May 13, 2021**.

**Major Use Permit (UP 20-03)**

I move that the Planning Commission find that the **Major Use Permit (UP 19-49)** applied for by **Lake County Investment Group, LLC (Laythen Martines)** on property located at **1000 & 1270 State Highway 53, Clearlake, CA**, further described as **APNs: 010-055-27 & 010-055-26** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **May 13, 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.*