



Legislation Details (With Text)

File #: 21-424 **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: 9:30 a.m. Continuation from Public Hearing April 22, 2021 to consider MAJOR USE PERMIT (UP 19-46) in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California.
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. Staff Report-Frosty Oaks LLC_Final, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Project Description and Management Plan, 4. Attachment 3-Site Plans, 5. Attachment 4-DERPOA CCR, 6. Attachment 5-Spivack Initial Study (IS19-65), 7. Attachment 6-Agency Comments

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: Frosty Oaks, LLC

- Major Use Permit (UP 19-46)
- Initial Study (IS 19-65)

Supervisor District Eddie Crandell
Planning Commissioner Batsulwin Brown

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Proposed Site Plans
4. Double Eagle Ranch Property Owner Association CC&R Declaration
5. Initial Study
6. Agency Comments

I. EXECUTIVE SUMMARY

Frosty Oaks 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 1027 Watertrough Road, Clearlake Oaks, CA on Lake County APN 628-100-10. The applicant's proposal includes 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 of one acre in size, within a **28,252** square feet cultivation area and include the following:

- **One (1) Type 13:** "Distributor Transport Only, Self-Distribution" License
- 120 square feet storage shed
- 120 square feet security shed
- Four (4) 5,000 gallons water storage tanks
- Two (2) 2,500 gallons water storage tanks

The cultivation area will be conducted within an enclosed area secured by a chain-link fence approximately six (6) feet in height. The fence will be screened with a privacy mesh, which will help reduce visibility within the surrounding area. 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 utilize the existing 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.

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.

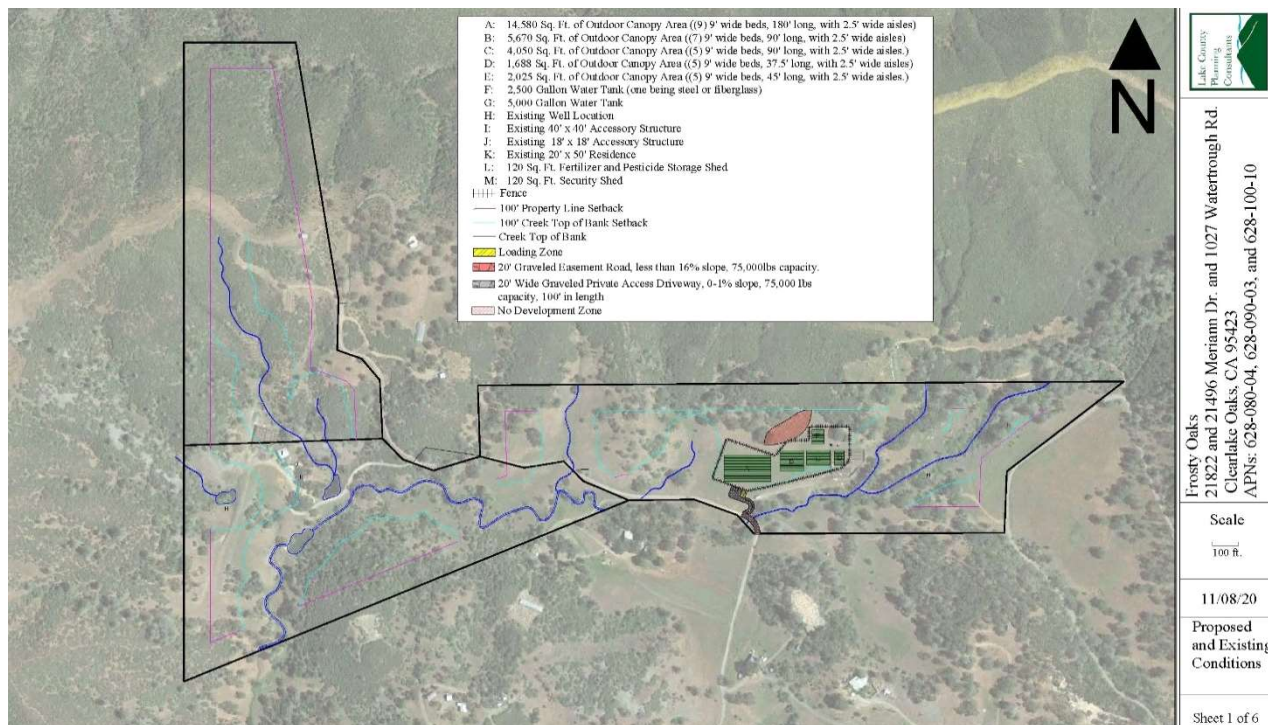


Figure 1. Proposed Site Plans and Cultivation Area

Staff is recommending denial of Major Use Permit, UP 19-46, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-65) with the

incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. **Deny** Mitigated Negative Declaration (IS 19-65) for Major Use Permit (UP 19-46)

B. **Deny Major Use Permit UP 19-46 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for **will** 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.

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, Clearlake Oaks, CA**, further described as **APNs: 628-100-10, [628-080-04 & 628-090-03]** cannot be adopted if the Use Permit is denied per staff's recommendation in the staff report dated **May 13, 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, Clearlake Oaks, CA**, further described as **APNs: 628-100-10, [628-080-04 & 628-090-03]** **does not** 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 denied 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.*