



Legislation Details (With Text)

File #: 21-479 **Version:** 1 **Name:**

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

File created: 5/21/2021 **In control:** Planning Commission

On agenda: 5/27/2021 **Final action:**

Title: 9:25 a.m. Public Hearing to consider a Major Use Permit (UP 19-13) to consider approval of a commercial cannabis cultivation project on a 230+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-25) on Thursday May 27, 2021, 9:25 p.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: Tiffany Devitt. Proposed Project: Twelve (10) A-Type 3 medium outdoor cannabis cultivation licenses requesting 650,000 sq. ft. of cannabis cultivation area and one (1) A-Type 13 self-distribution license. Location: 2800 Manning Road, Lakeport, CA; APN: 008-009-03. Environmental Evaluation: Mitigated Negative Declaration.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Devitt SR FINAL, 2. Attachment 1 vicinity map, 3. Attachment 2 revised site plans, 4. Attachment 3 PMP, 5. Attachment 4 agency comments, 6. Attachment 5 COAs 2, 7. Attachment 6 IS, 8. Attachment 7 Public Comments

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: May 27, 2021

RE: Kindness Farms / Tiffany Devitt; Major Use Permit (UP 19-13) and Initial Study (IS 19-25)

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 19-25
7. Public Comments

I. EXECUTIVE SUMMARY

Project Overview

The applicant is requesting a major use permit for **ten (10) A-Type 3 (medium outdoor) cultivation area** consisting of up to 650,000 square feet (sq. ft.) of cultivation area, *however given the location of the site within the mapped Farmland Protection Area, this license will change to ten (10) A-Type 3B licenses within two years of use permit approval, and the allowable canopy area will be reduced to 22,000 sq. ft. per license following the license change;* and an **A-Type 13 Self Distribution license**. The property is located at 2800 Manning Road, Lakeport, and is APN: 008-009-03.

Project History

This application was originally submitted by a different cultivator on May 1, 2020; however the original cultivator did not pass live scan, and the present applicant took over the application in Fall 2020.

In December 2020, the applicant applied for a variance to allow outdoor cultivation to occur on an area that is mapped as 'high value farmland'. On May 25, 2021, the Board of Supervisors allowed for limited duration outdoor cultivation that was required to transition to greenhouse cultivation within several years of use permit approval if the application was determined to be complete on or before December 15, 2020. This application, minus the variance burden of proof, was complete before December 15, 2020. The variance is no longer required based on Ord. no. 3103, the 'transition ordinance for outdoor cannabis in high value farmland (Farmland Protection Zoned-mapped land).

Staff is recommending **Approval with Conditions** of **UP 19-13**.

II. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 19-27) for Use Permit (UP 19-15) 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 and AES-2.
2. 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, and AQ-6.
3. 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.
4. Potential environmental impacts related to Cultural / Geologic (prehistoric) / Tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
5. Potential environmental impacts related to Hydrology and Water Quality can be mitigated to 'less than significant' levels with the inclusion of mitigation measure HYD-1.
6. Potential environmental impacts related to noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
7. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
8. 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 19-15 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 development standards described in Section 1.i
8. That the applicant is qualified to make the application described in Section 1.ii.(g)
9. That the application complies with the qualifications for a permit described in Section 1.ii.(i)

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study (IS 19-27)** applied for by **Tiffany Devitt** on property located at **2800 Manning Road, Lakeport**, and further described as **APN: 008-009-03** 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 **May 27, 2021**.

Major Use Permit (UP 19-15)

I move that the Planning Commission find that the **Use Permit (UP 19-13)** applied for by **Tiffany Devitt** on property located at **2800 Manning Road, Lakeport**, and further described as **APN: 008-009-03** does meet the requirements of Section 51.4 and Section 27(at) 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 27, 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's decision, 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.*