



## Legislation Details (With Text)

**File #:** 21-521      **Version:** 1      **Name:**

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

**File created:** 6/4/2021      **In control:** Planning Commission

**On agenda:** 6/10/2021      **Final action:**

**Title:** 9:25 a.m. Public Hearing to consider denial of a Major Use Permit (UP 20-05) for commercial cannabis cultivation on a 47.6+ acre property. Applicant: Scotts Valley Organics LLC. Owners: Andres Rey and Jeffrey Caltaldo. Proposed Project: Two (2) A-Type 3 medium outdoor cannabis cultivation licenses requesting 90,000 sq. ft. of cannabis cultivation area and one (1) A-Type 13 self-distribution license to transport cannabis to and from the site. Location: 2105 Rivas Road, Lakeport, CA; APN: 005-020-41. Environmental Evaluation: None undertaken per California Environmental Quality Act section 15270

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. UP 20-05 Staff Rept DENIAL REC V2, 2. Attachment 1 vicinity map, 3. Attachment 2 PMP, 4. Attachment 3a agency comments, 5. Attachment 3b agency comments, 6. Attachment 3c agency comments, 7. Attachment 4 findings for denial, 8. Attachment 5 site plans

| Date | Ver. | Action By | Action | Result |
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### Memorandum

### STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director

Prepared by: Eric Porter, Associate Planner

**DATE:** June 10, 2021

**RE:** Scotts Valley Organics; Major Use Permit (UP 20-05), and Initial Study (IS 20-05), Early Activation (EA 20-05)

Supervisor District 4

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan
3. Agency Comments; Violation letter from Calif. Dept of Fish and Wildlife
4. Proposed Findings for Denial
5. Site Plans

### I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for the cultivation of commercial cannabis. The applicant has

proposed the following:

- **(2) A - Type 3 “Outdoor”** cultivation areas. Center Grow seeks to obtain a Major Use Permit for Commercial Cannabis Cultivation for **proposed total cannabis cultivation area is 90,000 square feet. Projected canopy area will be about 80,000 sq. ft.**
- **A-Type 13 ‘Self Distribution’ license**
- The proposed cultivation area will be surrounded by a 6-foot tall wire fence, with privacy mesh to screen the cultivation areas from any view
- One on-site well (existing)
- One 2,400 sq. ft. drying building
- Pesticides, Fertilizers, and hazardous materials including gasoline, diesel, and oil will be stored in the proposed Agricultural storage shed. Pesticides and fertilizers will be held within their manufacturer’s original containers, which are within secondary containment structures. The flammable/petroleum products will be in state of California approved containers and within secondary containment that is separate from the pesticides and fertilizers. The storage sheds will be located within the fenced in cultivation area.
- Excess vegetated waste will be composted on site in a designated composting area in compliance with Title 14. It is estimated approximately 400 pounds of organics vegetative waste will be produced annually. The growing medium (soil) will be reused from the composted areas.
- Hours of operation are Monday through Saturday, 7:00 AM to 8:00 PM, for authorized staff, deliveries and pickups. The facility will be closed to public visitors.

On January 15, 2021, the Planning Department received a letter from the California Department of Fish and Wildlife recommending *denial* of this application due to significant violations related to illegal grading, re-routing the water channel on site, and other environmentally damaging activities. The letter from Fish and Wildlife is provided within Attachment 3, Agency Comments. As of May 11, 2021, no further corrective action has been taken to resolve the site violations by the Applicant.

Staff is recommending **Denial** of **UP 20-05**. Citation: Lake County Zoning Ordinance, Article 60.31.

## **RECOMMENDATION**

### **Staff recommends the Planning Commission:**

#### **A. Find that CEQA section 15270 exempts applications that are denied from undertaking a CEQA review and deny Initial Study (IS 20-05) for Use Permit (UP 20-05) with prejudice and with the following findings:**

1. Environmental impacts related to air quality have occurred as the direct result of grading without permits that took place on the property during the course of Early Activation at a point in time between June 21, 2020 and December 18, 2020.
2. Potential environmental impacts related to Cultural resources may have occurred as the direct result of grading without permits that took place on the property during the course of Early Activation at a point in time between June 21, 2020 and December 18, 2020.
3. Environmental impacts related to hydrology and water quality have occurred as the direct result of the grading without permits that took place on the property during the course of Early Activation at a point in time between June 21, 2020 and December 18, 2020.
4. No further CEQA evaluation was undertaken due to the violations stated within this document based on the subsequent denial recommendation for this project per CEQA section 15270.

#### **B. Deny Use Permit (UP 20-05) with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for has been proven to be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of

such proposed use, and has been detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. That the project is not in conformance with the applicable provisions and policies of this Code or with the applicable provisions of the California State Fish and Game Codes, sections 1602, 5650, and 5652 as stated in Attachment 3B.
3. That violations of Chapters 5 and 21 of the Lake County Code have occurred on the property located at 2105 Rivas Road, Lakeport, also known as APN: 005-020-41.

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 20-05)** applied for by **Scotts Valley Organics** on property located at **2105 Rivas Road, Lakeport**, and further described as **APN: 005-020-41** will have had a significant negative environmental impact on the environment and therefore a mitigated negative declaration shall be denied with the denial findings listed in the staff report dated **June 10, 2021**.

**Major Use Permit (UP 20-05)**

I move that the Planning Commission find that the **Use Permit (UP 20-05)** applied for by **Scotts Valley Organics** on property located at **2105 Rivas Road, Lakeport**, and further described as **APN: 005-020-41** does not meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be denied subject to the denial findings listed in the staff report dated **June 10, 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.*