



Legislation Details (With Text)

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

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

Title: 9:30 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 19-32). Applicant: Patrick Smythe. Owner: Patrick Smythe. Proposed Project: Applicant is applying for a total of 41,796 square feet canopy (32,076 square feet outdoor cultivation and 9,720 square feet mixed-light cultivation) area within a total of 44,121 square feet of cultivation area and facilities including three (3) 30' x 108' greenhouses, one (1) 1,800 square foot processing facility, one (1) 525 square foot, one (1) 1,225 square foot concrete pad to hold to hold nine (9) 1,500-gallon water storage tanks and three (3) 3,500 -gallon water storage tanks. Location: 19697 and 19713 East Road, Lower Lake, CA; APN(s): 012-049-17 and 012-049-18. Environmental Evaluation: Mitigated Negative Declaration (IS 19-50).

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. UP19-32_StaffReport, 2. Attachment_1_VicinityMap, 3. Attachment_2_PropertyManagementPlan, 4. Attachment_3_SitePlans, 5. Attachment_4_ConditionsOfApproval, 6. Attachment_5_InitialStudy, 7. Attachment_6_Comments, 8. UP19-32_Conditions

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Prepared by: Michael Taylor, Assistant Planner

DATE: June 10, 2021

RE: Pat Smythe (Mighty Tasty Farms)

- Major Use Permit (UP 19-32)
- Initial Study (IS 19-50)
- Early Activation (EA 19-62)

Supervisor District Moke Simon
Planning Commissioner John Hess

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**

Pat Smythe (Mighty Tasty Farms) 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 19697 and 19713 East Road, Lower Lake, CA on Lake County APN 012-049-17 and 012-049-18. The applicant's proposal includes one (1) A-Type 3 "outdoor" License, one (1) A-Type 3B "Mixed-Light" License, and one (1) Type 13 Self-Transport Distribution License to allow a total of 41,796 square feet of commercial cannabis canopy area, within a 44,121 square feet cultivation area and include the following:

- 32,076 square feet outdoor cultivation area
- (3) 30' x 108' greenhouses, total of 9,720 square feet of indoor cultivation
- One (1) 525 square foot storage structure including private security room and restrooms
- One (1) 1,225 square foot concrete pad to hold nine (9) 1,500-gallon water storage tanks and three (3) 3,500-gallon water storage tanks
- Existing 30' x 60' building as a proposed processing facility

Mighty Tasty Farms is proposed as a fully organic cultivation using mostly dry fertilizers and liquid fertilizers as needed. The dry fertilizers include Max Sea, Beastie Bloom and Cha Ching and the liquid fertilizers include Rapid start and Cal Mag Plus. Mighty Tasty Farms will be using fertilizers and pesticides that are in compliance with the California Department of Food and Agriculture (CDFA) for use on cannabis plants, and will be stored in secondary containment structures in the manufacturer's original containers secured in a storage building.

The proposed cultivation will be irrigated via an existing water well (Well Permit Number WE-5329 AG) located approximately 130 feet west of the cultivation area. On May 25 and 26, 2021 a well analysis was conducted and results prepared. According to the analysis the well produces 18 gallons per minute with a static water level of 100 feet. The well recovered at 100 feet in 24 hours after a water level drop of 70 feet. The Property Management Plan indicates that total water usage for the cultivation growing season to be 485,007.60 gallons. Based on the well production report the well is capable of producing approximately 9,450,000 gallons of water a year. Given that the total water usage per grow season is 485,000.60 gallons only 5 percent of the total gallons of water produced per year is utilized. The well water will be pumped through underground pipes and stored in nine (9) 1,500-gallon water storage tanks and three (3) 3,500-gallon water storage tanks and a drip irrigation system used to conserve water.

Mighty Tasty Farms will utilize all-natural sunlight to cultivate 32,076 square feet of outdoor cannabis and 9,720 square feet of indoor cultivation with mixed light from both the sunlight and artificial lighting below 25 watts per square foot. All electricity for the project will be supplied from PG&E and used mainly for the processing facility as well as the security system. The applicant is proposing a backup generator to be used in emergency situations when electricity cannot be supplied by PG&E. The project does not propose the storage or use of any hazardous materials. All organic waste will be placed in the designated composting area within the cultivation area.

The project property is accessed from an existing gravel access easement (East Road) via Spruce Grove Road. The site access driveway currently has an electric gate with an emergency lock box. The gate will be locked outside of core operating business hours and whenever personnel are not present. Only approved managerial staff and emergency service providers will be able to unlock the gates. 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.

The proposed business hours of operation will be between 8:00 am and 6:00 pm with deliveries and pickups restricted to 9:00 am to 7:00 pm Monday through Saturday and Sunday from 12:00 pm to 5:00 pm. The Project Property is accessed directly off East Road which can be accessed from Spruce Grove Road in Lower Lake.

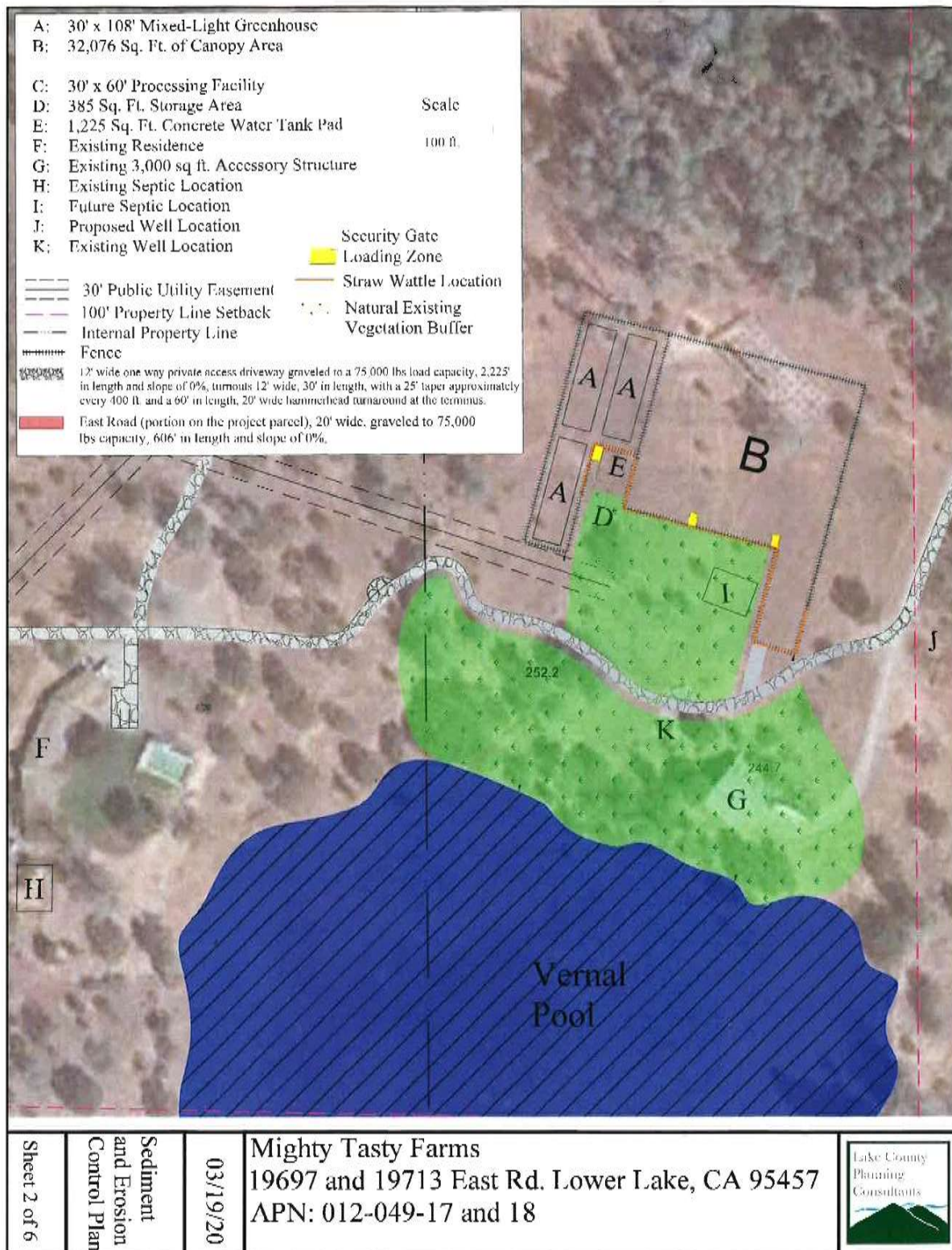


Figure 1. Proposed Site Plan and Cultivation Area
 Staff is recommending approval of Major Use Permit, UP 19-32, and the adoption of a

Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-50) with the incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 19-50) for Major Use Permit (UP 19-32) with the following findings found in Attachment 5:

1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-2.
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-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 and CUL-5.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-3.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-5.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures TRANS-1.
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 19-32 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 19-32)** applied for by **Pat Smythe** on property located at **19697 and 19713 East Road, Lower Lake, CA**, further described as **APNs: 012-049-17 and 012-049-18** 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 19-32)

I move that the Planning Commission find that the **Major Use Permit (UP 19-32)** applied for by **Pat Smythe** on property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APNs: 012-049-17 and 012-049-18** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **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, 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.