



## Legislation Details (With Text)

<b>File #:</b>	21-604	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	6/18/2021	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	6/24/2021	<b>Final action:</b>			
<b>Title:</b>	9:20 a.m. Public Hearing to consider approving Use Permit UP 20-45. Applicant/Owner: Blue Lake Organics LLC / Jose and Alma Franco. Location: 10680 and 10717 Schuette Road, Upper Lake, CA on property consisting of 41+ acres. APNs: 003-001-21 and 003-002-11. (Eric Porter)				
<b>Sponsors:</b>	Community Development				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Blue Lakes FINAL, 2. Attachment 1 vicinity map, 3. Attachment 2 site plans, 4. Attachment 3 PMP, 5. Attachment 4 agency comments, 6. Attachment 5 COAs, 7. Attachment 6 IS, 8. Attachment 7 public comment				

Date	Ver.	Action By	Action	Result
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## Memorandum

**TO:** Planning Commission

**FROM:** Prepared by: Eric Porter, Associate Planner

**DATE:** June 24, 2021

**RE: Blue Lakes Organics LLC; Major Use Permit (UP 20-45) and Initial Study (IS 20-56)**

Supervisor District 3

- ATTACHMENTS:**
1. Vicinity Map
  2. Site Plans
  3. Property Management Plan
  4. Agency Comments
  5. Proposed Conditions of Approval
  6. Initial Study IS 20-56
  7. Public Comments

### **I. EXECUTIVE SUMMARY**

The applicant is requesting a major use permit for **one (1) A-Type 3 "medium outdoor" license** consisting of 20,000 square feet (sq. ft.) of cultivation area for the first two phases, then expanding each of the two 10,000 sq. ft. cultivation areas to 20,000 sq. ft. each. The applicant has also applied for an **A-Type 13 Self Distribution license**. The properties are adjacent to one another and are located at 10680 and 10717 Schuette Road, Upper Lake, and are APNs: 003-001-21

and 003-002-11. In addition to the A-Type 3 and Type 13 licenses, the applicant is proposing:

- 64 SF. surveillance storage
- (2) drying sheds (192 SF. each /384 SF. in total)
- (1) ADA restroom (64 SF.)
- (1) fertilizer storage shed (96 SF.)
- Existing (1) fertilizer storage shed
- The property is accessed from Schuette Road.

### Water Analysis

The larger of the two properties, tax lot 003-002-11, had a well drilled on the property in year 2011. On April 16, 2020, the applicant had a well test performed on this well by JAK Drilling. The well produced 15.5 gallons consistently over a four hour time-frame, and had a rapid recharge rate. The depth to the water in 2011 was 21 feet; the year 2020 test showed the depth to the aquifer as being 27 feet.

Staff is recommending **Approval with Conditions** of **UP 20-45**.

### RECOMMENDATION

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

#### **A. Adopt mitigated negative declaration (IS 20-56) for Major Use Permit (UP 20-45) with the following findings:**

1. 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, AQ-6 and AQ-7.
2. Potential environmental impacts related to Cultural / Geological / Tribal Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
3. 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.
4. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
5. 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 Major Use Permit UP 20-45 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for with the change to the license type described herein 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. The proposed use complies with all development standards described in Section 1.i
8. The applicant is qualified to make the application described in Section 1.ii.(g)
9. 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 20-56)** applied for by **Blue Lake Organics LLC** on property located at **10717 and 10680 Schuette Drive, Upper Lake**, and further described as **APNs: 003-001-21 and 003-002-11** 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 **June 24, 2021**.

**Major Use Permit (UP 20-45)**

I move that the Planning Commission find that the **Major Use Permit (UP 20-45)** applied for by **Blue Lake Organics LLC** on property located at **10717 and 10680 Schuette Drive, Upper Lake**, and further described as **APNs: 003-001-21 and 003-002-11** does meet the requirements of Section 51.4 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 **June 24, 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 Planning Commission's final determination.*