



Legislation Details (With Text)

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On agenda: 10/28/2021 **Final action:**

Title: 9:20 A.M. Public Hearing to reconsider approving Use Permit UP 20-22. Applicant/Owner: WeGrow LLC / Zarina Otchkova. Proposed Project: Fifteen (15) A-Type 3B mixed light commercial cannabis cultivation licenses and one A-Type 13 'Self Distribution' license. The applicant is proposing thirty (32) 90' x 125' greenhouses; two (2) 90' x 125' greenhouses for immature plant starts; four (4) 50' x 100' drying buildings; one (1) 200 sq. ft. shed; twenty (20) 5,000 gallon water tanks; one (1) 6-foot tall galvanized woven wire fence covered with privacy mesh to screen the greenhouses from public view. Total proposed cultivation area is 387,600 sq. ft. (roughly 9 acres); total proposed canopy area is 330,000 sq. ft. The applicant is also proposing the removal of 100 blue oak trees, which will require a 3:1 tree replacement using similar species trees prior to the start of cultivation. Location: 16750 Herrington Road, Middletown, CA (cultivation site); 17610 Sandy Road, Middletown, CA and 19678 Stinson Road, Middletown, CA consisting of 309+ acres. (Eric Porter)

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. UP 20-22 SR V6 FINAL, 2. Attachment 1 vicinity map, 3. Attachment 2 PMP revised_2, 4. Attachment 3a Original Agency Comments, 5. Attachment 3b Agency comments, 6. Attachment 3c Agency Comments new, 7. Attachment 3d agency comments new, 8. Attachment 3e agency comments new, 9. Attachment 4 COA 2, 10. Attachment 5 current site plans, 11. Attachment 5b engineered Erosion plan, 12. Attachment 6a IS Addendum, 13. Attachment 6b memo to OPR, 14. Attachment 6c Geologic MM, 15. Attachment 7a Bio Rept Orig, 16. Attachment 8 Tree Plan, 17. Attachment 8b Tree Plan addendum, 18. Attachment 9 Water Analysis, 19. Attachment 10a public comments Orig, 20. Attachment 10b public comments Orig, 21. Attachment 10c letters Orig, 22. Attachment 10d public comments Orig, 23. Attachment 10e letter of support, 24. Attachment 11 Traffic Analysis, 25. Attachment 12 power memo, 26. Attachment 12a letter, 27. Attachment 12b Plan compliance

Date	Ver.	Action By	Action	Result
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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Community Development Department
Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: October 28, 2021

RE: RESUBMITTAL - WeGrow LLC

- **Major Use Permit Resubmittal (UP 20-22)**
- **Initial Study Addendum (IS 20-25)**

Supervisor District 1

Location: 16750 Herrington Road, Hidden Valley Lake (cultivation site); 17610 Sandy Road and 19678 Stinson Road, Middletown (cluster sites)

Assessor Parcel Numbers (APNs): 013-060-40 (cultivation site); 013-014-03 and 11

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan - Revised
 3. Agency Comments
 4. Conditions of Approval
 5. Current Site Plans
 6. Initial Study Addendum (CEQA)
 7. Biological Assessments
 8. Tree Removal and Revegetation Plan
 9. Water Availability Analysis; Hurvitz Env. Services, 8-10-2021
 10. Public Comments
 11. Traffic Analysis
 12. Memo - Power Availability and Analysis
 - a. Attachment 12a - Letter from Applicant re: Power to Site
 - b. Attachment 12b - County Codes related to Power

I. EXECUTIVE SUMMARY

Background

The original application was sent to the Planning Commission at a public hearing that occurred on April 22, 2021. The hearing was a combination of 'in-person' and remote via Zoom due to Covid-19 protocol. There was significant testimony from concerned persons who attended. Ultimately the Planning Commission approved the project on a 4 to 1 vote.

A timely appeal was filed by a neighboring development. The appeal was heard by the Board of Supervisors on June 8, 2021. The Board realized that the site plan reviewed in the CEQA document that was uploaded to the State Clearinghouse was different than the Planning Commission-approved site plan, and denied the use permit without prejudice.

The applicant then re-applied for a use permit and prepared and submitted updated studies, a cumulative water availability analysis (Hurvitz, August 10, 2021), a Tree Removal and Revegetation Plan, two updated well tests, and several other studies that are of record. The CEQA documents were then revised and uploaded to the State Clearinghouse on September 1, 2021 for a 2nd 35 day review period, and a 'Notice of Intent' was sent to each of the people who had submitted testimony during the first hearings before the Planning Commission and the Board of Supervisors.

I. RECOMMENDATION

Staff recommends that the Planning Commission:

A. Adopt Mitigated Negative Declaration Addendum (IS 20-25) for resubmitted Major Use Permit (UP 20-22) with the following findings:

1. Potential impacts to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation

measures AES-1, AES-2 and AES-3.

2. Potential air quality impacts 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, AQ-7 and AQ-8.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measure BIO-1.
4. Potential environmental impacts related to cultural, historic geological and tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
5. Potential energy-related impacts can be mitigated to less than significant levels with the inclusion of mitigation measure EN-1.
6. Potential impacts related to hydrology and water quality can be mitigated to less than significant impacts with the inclusion of mitigation measures HYD-1.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2, and NOI-3.
8. Potential transportation-related impacts can be mitigated to 'less than significant' levels with the inclusion of mitigation measure TRANS-1 and TRANS-2.
9. Potential impacts related to wildfire can be mitigated to 'less than significant' levels with the inclusion of mitigation measure WILD-1.
10. This project is consistent with land uses in the vicinity.
11. This project is consistent with the Lake County General Plan, Middletown Area Plan and the applicable Zoning Ordinance standards and criteria for a commercial cannabis cultivation operation.
12. 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.
13. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve resubmitted Major Use Permit UP 20-22 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 or will be 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).

Mitigated Negative Declaration Addendum (IS 20-25)

I move that the Planning Commission find that the Major Use Permit (UP 20-22) applied for by **WeGrow LLC** on property located at **16750 Herrington Road, Hidden Valley Lake**, and further described as **APNs 013-060-40, 013-014-03 and 11** will not have a significant effect on the environment and therefore a mitigated negative declaration addendum shall be approved with the findings for approval listed in the staff report dated **October 28, 2021**.

Resubmitted Major Use Permit (UP 20-22)

I move that the Planning Commission find that the **resubmitted Major Use Permit (UP 20-22)** applied for by **WeGrow LLC** on property located at **16750 Herrington Road, Hidden Valley Lake**, and further described as **APNs 013-060-40, 013-014-03 and 11** does meet the requirements of Section 51.4 and Article 27, Section 1 [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 for approval listed in the staff report dated **October 28, 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.*