



Legislation Details (With Text)

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

File created: 5/16/2022 **In control:** Planning Commission

On agenda: 5/26/2022 **Final action:**

Title: 9:30 a.m. - (Continued from May 12, 2022) - Public Hearing on Consideration of Major Use Permit (UP 19-44) and a Mitigated Negative Declaration (IS 19-63). The applicant, Auto Canna, LLC (Auto Canna) is proposing Four (4) A-Type 3: "Outdoor" license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 "Distributor Transport Only, Self-Transport Distribution" license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 21258 Morgan Valley Road, Lower Lake, CA; Assessor Parcel Numbers: 012-069-57.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 Vicinity Map, 2. Attachment 2 Property Management Plan Updated Feb 2022, 3. Attachment 3 Site & Grading Plans Updated May 2021, 4. Attachment 4 COA UP 19-44 Updated PC 05262022, 5. Attachment 5 Initial Study_MND with MMRP, 6. Attachment 6 Hydrology Report DMP, 7. Attachment 7 Biological Assessment Report, 8. Attachment 8 Oak Habitat Conservation & Mitigation Plan, 9. Attachment 9 Agency Comments & Communication, 10. Attachment 10 Site Visit Photos, 11. Attachment 11 Staff Report

Date	Ver.	Action By	Action	Result
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Memorandum

ITEM #6
9:30 AM
MAY 26, 2022

STAFF REPORT

TO: Planning Commission

FROM: **Mary Darby, Community Development Director**
Prepared by: LACO Associates
Planner: Andrew Amelung, Cannabis Program Manager

DATE OF REPORT: May 19, 2022

RE: Auto Canna, LLC

- **Major Use Permit (UP 19-44)**
- **Early Activation (EA 19-69 and EA 21-69)**
- **Complex Grading Permit (GR 20-13)**
- **Initial Study (IS 19-63)**

District Supervisor *Moke Simon*
Planning Commissioner *John Hess*

- ATTACHMENTS:**
1. Vicinity Map
 2. Property Management Plan
 3. Site and Grading Plans
 4. Conditions of Approval
 5. Initial Study/Mitigated Negative Declaration with the Mitigation Monitoring Reporting Program (MMRP)
 6. Hydrology Report and Drought Management Plan
 7. Biological Assessment
 8. Oak Habitat and Mitigation Plan with Arborist Report
 9. Agency/Public Comments
 10. Site Visit Photos

I. EXECUTIVE SUMMARY

Auto Canna, LLC 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 21258 Morgan Valley Road, Lower Lake, CA on Lake County APN 012-069-57 for (2) A-Type 3 “Medium Outdoor” and one (1) A-Type 2 “Small Outdoor” commercial cannabis cultivation licenses. The outdoor cultivation for adult-use cannabis is without the use of light deprivation and/or artificial lighting in the 93,560 sf canopy area within a 100,560 sf cultivation area.

The existing site improvements include:

- (4) 5,000 gallons water tanks for storage, irrigation, and emergency fire suppressant.
- Four 5,000-gallon Heavy-Duty Plastic Water Storage Tanks
- Groundwater well with solar-powered pump
- 120 sf Security Center/Shed (wooden)
- (5) 320 sf Metal Shipping/Storage Containers (to be removed upon approval of UP 19-44)
- Cultivation area of 53,560 sf

Proposed improvements include:

- 5,000 sf processing facility with restrooms
- 120 sf wood storage sheds for agriculture chemicals; fertilizers, pesticides, and petroleum products
- 120 sf wood security building
- (4) 5,000 gallons water tanks for storage, irrigation, and emergency fire suppressant for a total of 8 water tanks (total of 8 tanks).
- Grading for road maintenance to meet California Fire and Forestry commercial road standards and for the placement of ancillary facility where necessary (as shown on site plans map)
- Shaded fuel break

- Remaining cultivation area consisting of 47,000 sf
- Additional septic system for processing facility

The project site location is currently improved with existing groundwater well to be pumped into the four (4) 5,000 gallons water tanks for storage, an existing septic system for a single-family dwelling. An additional septic system is proposed for the processing facility which will include the restroom. A 4290 Inspection was conducted on January 14th, 2020. Upon issuance of a Major Use Permit and Grading Permit, Auto Canna will improve the existing 14-foot wide access road to meet 4290 requirements (20-foot wide road, with less than 16 percent grade, and an aggregate surface capable of supporting fire apparatus weighing 75,000 pounds). The project will result in approximately 4-acres of ground disturbance with the grading and clearing for the cultivation operation and for creation of defensible space. No trees will be removed within the defensible space, but grasses will be mowed and trimmed.

The applicant's proposal has been revised and reduced in scope since being submitted in November 2019. Originally, Auto Canna's proposed project included 158,800 sq. ft. of outdoor canopy, and required the disturbance of approximately 8 acres and the movement of approximately 20,000 cubic yards of earthen material. The project scope has since been reduced to a total proposed outdoor canopy area to 93,560 sq. ft. and reduced the area to be disturbed to approximately 4 acres with less than 1,000 cubic yards of earthen material needing to be graded. The complex grading permit will allow adequate emergency access and compliance with regulatory road standards, the construction of the proposed ancillary facilities on the project site, including the removal of 66 blue oak trees (27 healthy trees).

Early Activation permits were issued for this property in 2019 and 2021.

Staff is recommending approval of Major Use Permit, UP 19-44, and the adoption of a CEQA determination of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-63) with the incorporated Mitigation Measures and Conditions of Approval.

The Mitigated Negative Declaration determination also includes and addresses Complex Grading Permit (GR 20-13).

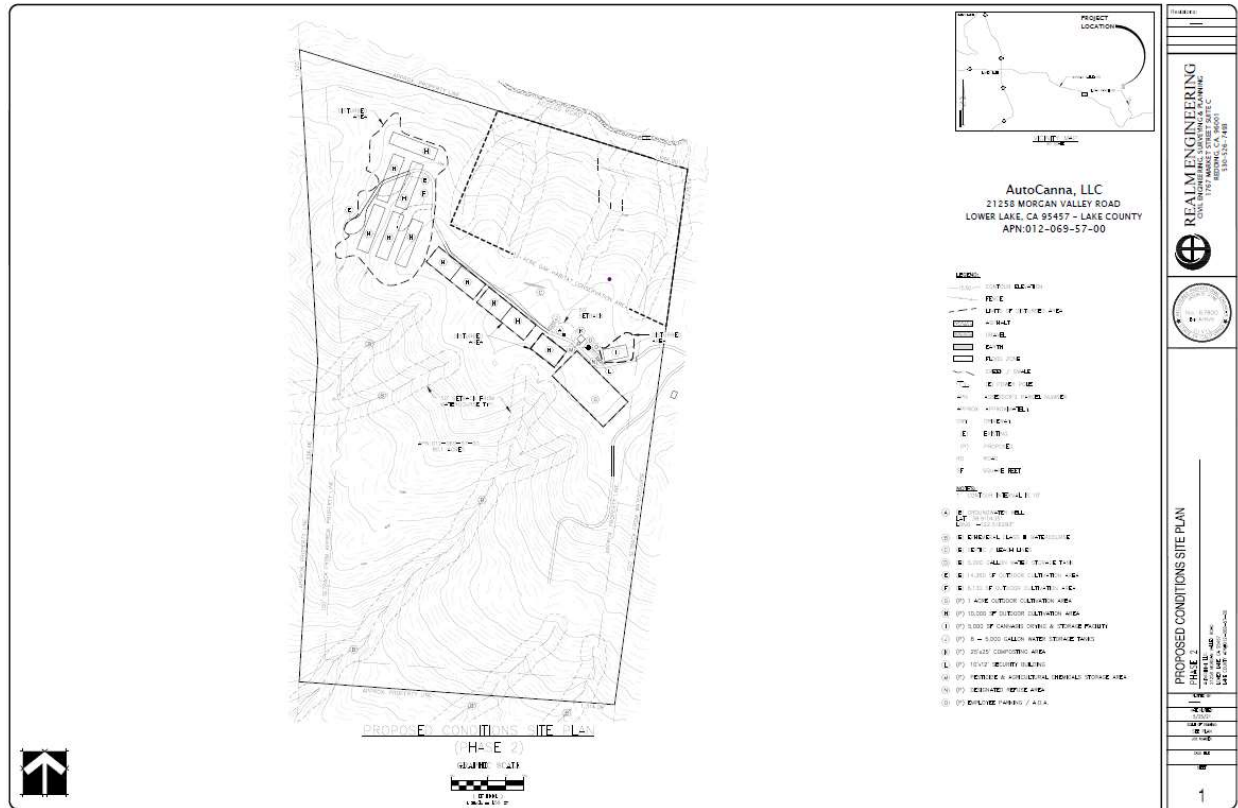


Figure 1. Proposed Site Plans and Cultivation Area

I. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 19-63) for Major Use Permit (UP 19-44) 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-7.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-8.
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-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-7.
6. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-4.
7. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
8. This project is consistent with land uses in the vicinity.

9. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Zoning Ordinance.
10. 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.
11. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 19-44 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 apply for the permit described in Chapter 21, Article 27, Section 1.ii.(g)(h).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

Sample Motions:

Environmental Determination

I move that the Planning Commission makes a determination in accordance with the California environmental Quality Act (CEQA) for a Mitigated Negative Declaration with findings for **Major Use Permit (UP 19-44) and Complex Grading Permit (GR 20-13)** applied for by **Auto Canna, LLC** for the property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APN 012-069-57**, will not have a significant effect on the environment as recommended in this staff report and therefore a mitigated negative declaration along with the accompanying Mitigation **Monitoring Reporting Program (MMRP)** shall be approved with the findings listed in the staff report dated **May 26, 2022**.

Major Use Permit (UP 19-44)

I move that the Planning Commission find that the amended **Major Use Permit (UP 19-44)** applied for by **Auto Canna, LLC** on property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APNs: 21258 Morgan Valley Road, Lower Lake, CA** 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 26, 2022**.