



Legislation Details (With Text)

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File created: 7/18/2022 **In control:** Planning Commission

On agenda: 7/28/2022 **Final action:**

Title: 9:05 a.m. – (Continued from June 23, 2022) Public Hearing on Consideration of Major Use Permit (UP 19-42) and a Mitigated Negative Declaration (19-61). The applicant, BOTTLE ROCK FARMS FJA TRUST is proposing two (2) acres of medicinal commercial cannabis canopy area and two (2) acres of adult-use commercial cannabis canopy, for a total of four (4) acres of outdoor canopy area. The project includes, one (1) 4,750 square foot processing building and a 1,000 square foot immature plant area. The project is located at 9900 and 10030 Bottle Rock Road, Kelseyville, CA; and further described as APNs: 011-057-22 and 011-057-23.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Vicinity Map, 2. Attachment 2 - Project Description and Project Management Plan, 3. Attachment 3 - Proposed Site Plans, 4. Attachment 4 - Conditions of Approval, 5. Attachment 5 - Initial Study, 6. Attachment 6 - Mitigation Monitoring and Reporting Program, 7. Attachment 7 - Site Visit Photos, 8. Attachment 8- Biological Site Assessment, 9. Attachment 9 - Hydrology Report and Drought Management Plan, 10. Attachment 10 - Comments Received, 11. UP 19-42 Staff Report v.1

Date	Ver.	Action By	Action	Result
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Memorandum

Item #1
9:05 AM
July 28, 2022

STAFF REPORT

TO: Planning Commission

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

DATE: July 28, 2022

RE: Bottle Rock Farms FJA Trust, Major Use Permit (UP 19-42), Initial Study (IS 19-61)

Supervisor District Jessica Pyska
Planning Commissioner Maile Field

ATTACHMENTS: 1. Vicinity Map

2. Project Description and Property Management Plan
3. Proposed Site Plans
4. Proposed Conditions of Approval
5. Initial Study
6. Mitigation Monitoring Reporting Program
7. Site Visit Photos
8. Agency Comments/Public comments

I. **EXECUTIVE SUMMARY**

Bottle Rock Farms FJA Trust is requesting approval of a Major Use Permit for four A-Type 3 to allow cultivation up to 4-acre outdoor canopy area on adjoining parcels located at 9900 and 10030 Bottle Rock Road, Kelseyville on the Lake County, Assessor's Parcel Number (APN): 011-057-22 and 011-057-23. The property is currently developed with an existing and permitted single-family residential home and an agricultural exempt barn that is not proposed as part of the cultivation operation.

Each parcel includes a clearing that occurred as part of the three-acre conversion through the permitting process with the Department of Forestry and Fire Protection under a "*Less than 3-acre Conversion Exemption, Timber Conservation Plan*".

Both parcels have an s enclosed commercial cannabis cultivation area enclosed by a secured 6-foot fenced with the proposed project improvements and features as described below:

- North Parcel (9900 Bottle Rock Road): 87,120 square feet mature cannabis canopy area within a 93,000 square feet cultivation area. The proposed improvements on this parcel includes compost pile, waste area, employee parking spaces, 3,000 square feet temporary structures to hold 1,000 square feet of immature plants (include walkways and preparation area), stormproof shed, 3,000 gallon fire suppression water tank, ADA parking space, and 4,750 square feet processing building powered by solar.
- South Parcel (10030 Bottle Rock Road): 87,120 square feet mature cannabis canopy area within a 92,500 square feet cultivation area. The proposed improvements on this parcel includes compost pile, waste area, stormproof shed, employee parking spaces, six 5,000 gallon water storage tanks, and portable toilets.

Mature plants would be grown outdoor within fenced garden compounds. Cultivation would occur in full sunlight in amended native soil. According to the Property Management Plan, approximately 4,000 cubic yards of soil would be imported and tilled into the soil for the entire cultivation. "Auto-flowering" cultivars of cannabis would be grown, which have a transplant-to harvest cycle of approximately 10 weeks. Two crops would be harvested from each garden each year. The irrigation system for the cultivation operation would use water supplied by an existing well and a pump located in the central portion of the property. The water would be pumped via underground PVC piping to 5,000-gallon storage tanks. Irrigation would be provided via black poly tubing and drip tape (drip irrigation). A mixing tank may be used to add liquid fertilizers and other amendments to the irrigation water. A soil stockpile and compost pile would be established adjacent to each cultivation area.

The 4,750 square foot processing building would be used for the storage, drying, and trimming of cannabis. The building will include an ADA restroom. No cultivation would occur in this building. Electricity for the processing building would be provided by solar power with emergency backup electricity provided by a diesel generator. An existing well would serve the cultivation operation. Stormproof sheds or storage containers would be installed inside each cultivation compound. Employees would use the existing driveway for parking and staging. Employees would have access to a portable chemical toilet located at each of the cultivation areas.

Grading and vegetation removal would be required to construct the proposed processing building. The issuance of a building permit from the Community Development Department-Building Division allows up to 500 cubic yard of grading, which is sufficient for the construction of the processing building. The proposed cannabis cultivation would be set back a minimum of 100 feet from the top of the bank of the unnamed Class II watercourse in the vicinity of the project site.

According to the project descriptions submitted with the application and the Property Management Plan, onsite power would be supplied by solar power until a new electrical service is installed through PG&E. Solar power would be used to power all ancillary electric equipment which includes a processing building, well pump, security cameras, and security lights. Cannabis would be cultivated outdoors with no supplemental lighting. A solar system would be installed on the proposed processing building to power the operations at 9900 Bottle Rock Road and a solar system would be installed on the residence to power the operations at 10030 Bottle Rock Road. Backup generators would be used for emergency outages only.

According to the Site Management Plan and Water Use/Water Availability Study, the proposed project would require two (2) full-time managers as well as six (6) part-time employees, and cultivation operation will be operated by three people, typically, per day. Operations would occur up to seven (7) days per week with cultivation operations occurring approximately from March to November every year. Hours of operation for the proposed activities would typically be between 7:00 AM and 5:00 AM daily. The Lake County Zoning Ordinance restricts deliveries and pickups to 9:00 AM-7:00 PM Monday through Saturday and Sunday from 12:00 PM to 5:00 PM.

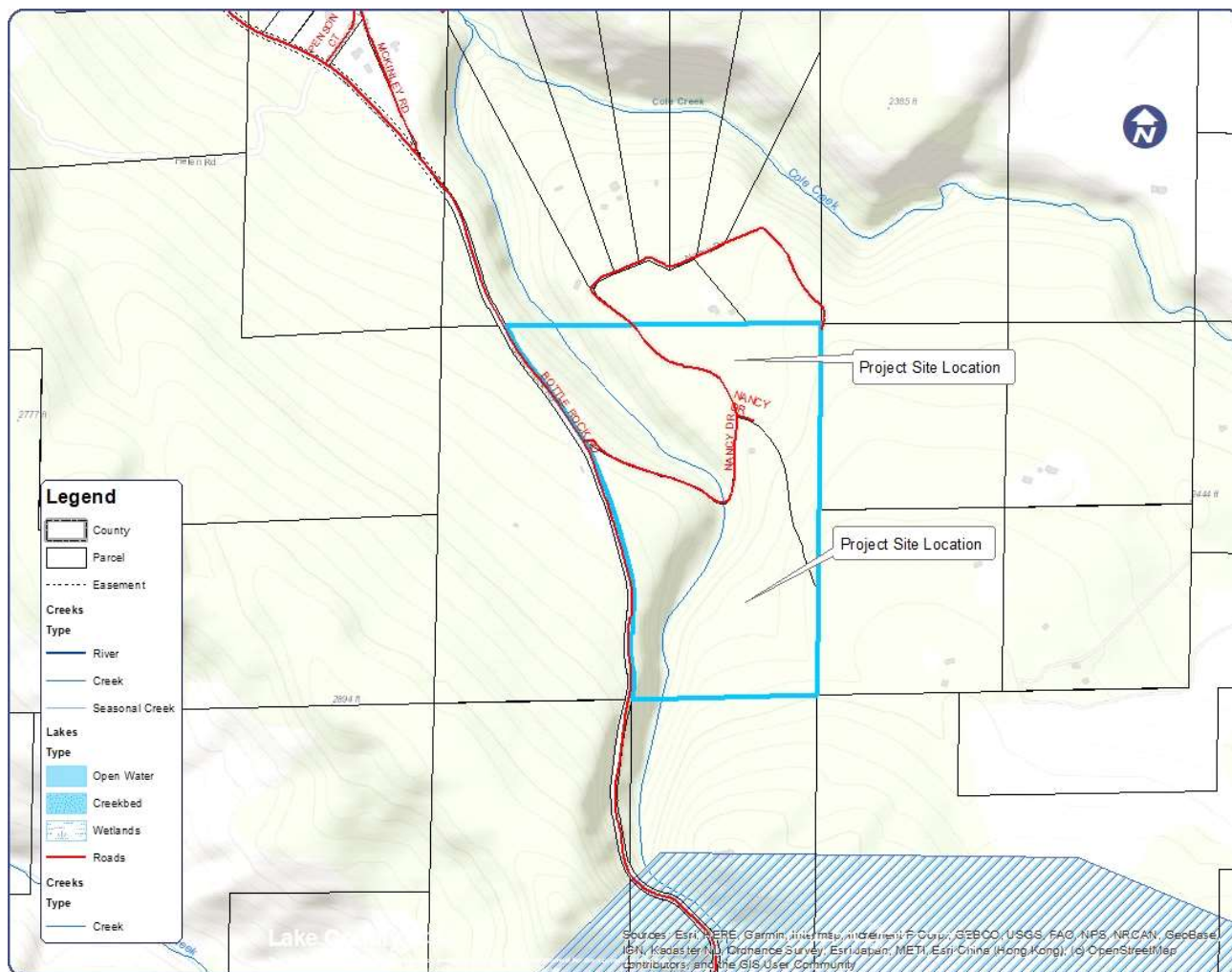


Figure 1. Proposed Site Plans and Cultivation Area

Recommendation

Staff is recommending approval of Major Use Permit, UP 19-42, and the adoption of a Mitigated Negative Declaration with amendments to Biological Resource Mitigations Measures BIO-1, BIO-2, BIO-3 as recommended based on the environmental analysis (Initial Study, IS 19-61) 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 19-61) for Major Use Permit (UP 19-42) 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.
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-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-6.
6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-6.
7. 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.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Kelseyville 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.
13. Planning Commission hereby finds that the new measure (BIO-5) is equivalent or more effective in mitigating or avoiding significant effects and that it in itself will not cause any potentially significant effect on the environment, therefore no recirculation of the proposed mitigated negative declaration is necessary.

B. Approve Major Use Permit UP 19-42 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, location, 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, Kelseyville 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).
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 (IS 19-61)

I move that the Planning Commission find that the **Mitigated Negative Declaration (IS 19-61)** prepared for Bottle Rock Farms FJA Trust on property located at 9900 and 10030 Bottle Rock Road, Kelseyville, CA 95451 further described as APNs: 011-057-22 and 011-057-23 will not have a significant effect on the environment with amendments to increase the effectiveness of Biological Resource Mitigations Measures BIO-1, BIO-2, BIO-3 and add Mitigation Measure BIO-5, 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 July 28, 2022.

Major Use Permit (UP 19-42)

I move that the Planning Commission find that the **Major Use Permit (UP 19-42)** applied for by Bottle Rock Farms FJA Trust on property located at 9900 and 10030 Bottle Rock Road, Kelseyville, CA 95451 further described as APNs: 011-057-22 and 011-057-23 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 of approval and with the findings listed in the staff report dated July 28, 2022.

***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.*