



## Legislation Details (With Text)

**File #:** 22-866      **Version:** 1      **Name:**

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

**File created:** 8/4/2022      **In control:** Planning Commission

**On agenda:** 8/11/2022      **Final action:**

**Title:** 9:25 a.m. – PUBLIC HEARING - Consideration of an amendment (MMU 21-24) to a Major Use Permit (UP 18-32); and Mitigated Negative Declaration based on Initial Study (IS 21-37); to allow the conversion of one (1) acre of outdoor cannabis cultivation to 22,000 sq. ft. of mixed light cultivation; Applicant is JASON JONES ON BEHALF OF CENTER GROW; Project located at 26066 and 27084 Jerusalem Grade Road, Middletown (APNs: 013-017-62 and 66)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. Original Conditions of Approval, 3. Modified Conditions of Approval, 4. Agency Comments, 5. Site Plans, Revised, 6. Water Analysis, 7. IS 21-37, 8. Staff Report

Date	Ver.	Action By	Action	Result
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### Memorandum

### STAFF REPORT

**TO:** Planning Commission

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

**DATE:** August 11, 2022

**RE:** Center Grow / Jason Jones; Modification (MMU 21-24) to a Use Permit (UP 18-32) for Commercial Cannabis Cultivation and Initial Study (IS 21-37); Project Location: 26066 and 27084 Jerusalem Grade Road, Middletown (APNs: 013-017-62 & 66)

Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Original Conditions of Approval
3. Modification Conditions of Approval
4. Agency Comments
5. Revised Site Plans, dated 8-25-2021
6. Water Analysis; dated March 11, 2022
7. Initial Study (IS 21-37)

#### I. EXECUTIVE SUMMARY

On October 8, 2020, the Planning Commission approved Use Permit UP 18-32 for one acre of outdoor cannabis cultivation on the subject site.

On August 31, 2021, the County received an application for a modification to the cultivation area to enable the applicant to convert one acre of outdoor cannabis cultivation to ½ acre (22,000 sq. ft.) of greenhouse “mixed light” cultivation.

The project, following this modification, will result in a slight decrease in water usage. The proposed greenhouse buildings are specifically intended for mature cannabis plants, and the overall cultivation area will be reduced by almost half from what had been approved under UP 18-32.

The greenhouse buildings are to be constructed in an area that had been previously disturbed by medicinal and adult-use outdoor cannabis cultivation beginning in year 2017. The site had also been burned in the Valley Fire in 2015. Dead trees were removed, and the proposed expansion area was surveyed by the Biologist and Archaeologist prior to the 2018 use permit submittal. No additional impacts to any of the 21 California Environmental Quality Act (CEQA) categories were determined to occur with this project.

The 79 acre subject site is accessed by an existing private access way located on Jerusalem Grade Road, an unpaved dirt road in this location. The previous Building Official made a determination that Jerusalem Grade Road at this location was agriculturally exempt from CalFire Road Standards.

The original application included a Biological Survey and an Archeological Survey, both of which took into consideration the area proposed for the new greenhouses.

Staff recommends Conditional Approval of MMU 21-24.

**I. RECOMMENDATION**

**Staff recommends the Planning Commission:**

A. Adopt the Initial Study (IS 21-37) for Modification MMU 21-24 with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigation to ‘less than significant’ through the implementation of mitigation measure AES-01.
2. Potential environmental impacts related to air quality can be mitigation to ‘less than significant’ through the implementation of mitigation measures AQ-1 through AQ-7.
3. Potential biological resource impacts can be reduced to ‘less than significant’ through the implementation of mitigation measures BIO-1 through BIO-3.
4. Potential environmental impacts related to Cultural and Tribal resources can be mitigation to ‘less than significant’ through the implementation of mitigation measures CUL-1 through CUL-3.
5. Potential environmental impacts related to noise impacts can be mitigation to ‘less than significant’ through the implementation of mitigation measures NOI-1 through NOI-3.
6. Potential environmental impacts related to cumulative impacts can be mitigation to ‘less than significant’ through the implementation of mitigation measures established within 1, 2, 3, 4 and 5 above.
7. This project will have ‘less than significant’ environmental impacts based on the analysis provided in the Initial Study for IS 21-37, and the subsequent mitigation measures established in the Initial Study and as stated herein.

**B. Approve Modification MMU 21-24 with the following findings:**

1. That the project complies with the required findings for approval of a modification as are described in Lake County Zoning Ordinance, Article 60.33.
2. 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.

3. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
4. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
5. There are adequate services available to serve the project.
6. This project is consistent with the Lake County General Plan, Middletown Area Plan and Lake County Zoning Ordinance.
7. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

#### **Sample Motions:**

##### **Initial Study (IS 18-37)**

I move that the Planning Commission find that based on the Initial Study (IS 21-37) applied for by **Center Grow / Jason Jones** on a property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, further described as **APNs: 013-017-62 and 66**, the project modifications will not have a significant effect on the environment, and that no new mitigation measures are necessary per the findings listed in the staff report dated **August 11, 2022**.

##### **Modification (MMU 21-24)**

I move that the Planning Commission find that the **Modification (MMU 21-24)** applied for by **Center Grow / Jason Jones** on a property located at **26066 and 27084 Jerusalem Grade Road, Middletown**, further described as **APNs: 013-017-62 and 66** does meet the requirements of Section 60 of the Lake County Zoning Ordinance and the Modification be granted subject to the conditions and with the findings listed in the staff report dated **August 11, 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'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 Commission's final determination.*