



## Legislation Text

File #: 20-49, Version: 1

### Memorandum

**TO:** Planning Commission

**FROM:** Michalyn DelValle, Community Development Director  
Prepared by: Eric Porter, Associate Planner

**DATE:** January 13, 2020

**RE:** Carl Tharp; Major Use Permit (UP 19-25) and Initial Study (IS 18-62)  
Supervisor District 5

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan (available upon request)
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site Plans
6. Initial Study IS 18-62
7. Public Comments

#### **I. EXECUTIVE SUMMARY**

The applicant is requesting a major use permit for (1) A Type 2 (small outdoor) cultivation area consisting of 10,000 square feet (s.f.) of cultivation space on APN: 007-029-02; (1) A-Type 2B (small mixed light) consisting of 7,920 s.f. of greenhouse cultivation and an additional 2,000 s.f. of nursery area on APN: 007-029-10, and (1) A-Type 3B (medium mixed light) consisting of 14,080 s.f. on APN: 007-029-12. The applicant is also requesting a Type 13 'self-distribution' license. The properties are addressed as 7540, 7560 and 7580 S. Highway 29, Kelseyville, APNs: 007-029-02, 10 and 12. Total cultivation area is **32,000 s.f.** Of this cultivation area, 22,000 s.f. of cultivation area is mixed light, and 10,000 s.f. is outdoor.

The applicant initially applied for three minor use permit licenses under three separate fees, however shortly after the applicant submitted, the County changed its policy on multiple licenses, and is allowing all three distinct cultivation areas under one CEQA review, and under one Major Use Permit, file no. UP 19-25.

The Planning and Building Division conducted a site inspection on Tuesday November 26, 2019 to determine the following: (1) whether compliance with Public Resource Codes (PRC) 4290 and 4291 were met; (2) whether the site plan accurately depicted the site layout, and (3) whether any buildings were present that were not accounted for on the site plan submitted.

Regarding (1), PRC compliance, the only non-compliant aspect was the 2<sup>nd</sup> gate, which measured 13'-8" at the opening, however the way the metal gate is constructed, it would be easily modified to meet the required 14' opening width.

Regarding (2), the site plan accurately depicts the site configuration with one exception; there are three shipping containers on the site, but only two are shown on the site plan. The applicant indicated by email that the structures might be used. Since they are not considered cultivation area, these containers can be used for chemical and pesticide storage. Two of these containers will be used to dry cannabis plants; all three will be required to have faux roofs and siding to replicate buildings.

Regarding (3), there are six greenhouses on the site that have not been permitted but are shown on the site plan submitted. A condition has been included that the applicant must obtain a building permit for the greenhouses and shipping containers.

The applicant has also applied for a Type 13 Self-Distribution license for cannabis to and from the site; this license is under consideration within this Use Permit review.

A permit is required from the California Department of Food and Agriculture (CalCannabis) for the future commercial cannabis operation. The Lake County Community Development Department regulates among other things odor control, and a standard condition of approval requires an Odor Control Plan for each cultivation site. No trees will be removed by this action; the site is already cleared from prior Self Certification that occurred in 2017 under former Article 72 of the Lake County Zoning Ordinance.

Staff is recommending **Approval with Conditions** of UP 19-25.

**Recommended Action:**

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 18-62)** applied for by **Carl Tharp** on property located at **7540, 7560 and 7580 S. Highway 29, Kelseyville** and further described as **APNs: 007-029-02, 007-029-10 and 007-029-12** 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 **January 13, 2020**.

**Major Use Permit (UP 19-25)**

I move that the Planning Commission find that the **Use Permit (UP 19-25)** applied for by **Carl Tharp** on property located at **7540, 7560 and 7580 S. Highway 29, Kelseyville** and further described as **APNs: 007-029-02, 007-029-10 and 007-029-12** does meet the requirements of Articles 51.4 and 27 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 **January 13, 2020**.

***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.*