



Legislation Text

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Memorandum

Item 2
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August 13, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Director, Community Development
Tocarra Thomas, Deputy Director
Mark Roberts, Principal Planner
Prepared by: Victor Fernandez, Assistant Planner

DATE: August 3, 2020

RE: **Spencer Clark; Major Use Permit (UP 18-48), Initial Study (IS 18-71); APN: 012-069-08**

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Existing and Proposed Site Plans
6. Initial Study IS 18-71

I. **EXECUTIVE SUMMARY**

The applicant is requesting approval of a Major Use Permit for Commercial Cannabis Cultivation which includes the planting, growing, harvesting, drying, curing, grading, trimming, and/or any combination of those activities, including processing. The applicant seeks approval of the following license(s):

- A - Type 3: "Outdoor": 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 on one premises.

The proposed use will occur on 21242 Morgan Valley Road, Lower Lake CA. The proposed use would allow up to 43,560 square feet (outdoor) of Canopy Area. The cultivation area is a circular area 230 feet in diameter that will contain 397 (100 gallon) pots on eleven (11) concentric circles. Radii of the circles are multiples of ten (10) feet. The canopy area will consist of 41,550 square feet and the cultivation area of 41,940 square feet which is approximately 0.9% of the total square footage of the property. The applicant proposes the cultivation will be above-ground in planter beds.

The applicant is proposing to install a 12'X16' fertilizer and chemical storage shed and a 12'X16' harvest storage shed. According to the applicant, all fertilizers will be stored in the proposed storage building and will be utilized minimally. The

applicant proposes to have a fertilizer application log and supply for management and/or the appropriate agencies to review. Fencing around the cultivation area will be six (6) feet high, comprised of a wildlife exclusionary wire grid attached to steel tubing, timber, or concrete posts driven in ground or set in concrete and spaced less than 100 feet apart with the wire grid also attached to a top horizontal rail joining all posts.

The water source for the cannabis cultivation operation is a permitted on-site well that draws approximately 48 gallons per minute (GPM) which translates to approximately 69,120 gallons per day or approximately 25,245,561 gallons per year. According to the Property Management Plan, the cultivation of cannabis will be using approximately 309,000 gallons annually (Approximately 1.22% usage of full capacity). The applicant proposes a drip irrigation system using 1/2gph emitters with a scheduled use of water to conserve its use. A condition of approval has been added that requires the applicant to install a meter to the production well(s) that continuously measures the water level. Additionally, the applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually (Please refer to Attachment 4 for more details). According to the applicant's Property Management Plan (Attachment 2), the following is the proposed water usage on a monthly basis:

Month	Irrigation	Household
January-April	-	2,000.00
May	30,000.00	1,000.00
June	45,000.00	1,500.00
July	60,000.00	2,000.00
August	60,000.00	2,000.00
September	60,000.00	2,000.00
October	45,000.00	1,500.00
November	9,000.00	1,000.00
December	-	500.00
Total	309000	13500

The applicant proposes the hours of operation to be Monday through Sunday, 8:00 a.m. - 5:00 p.m. The maximum employees on site would be approximately **2-3** employees.

Existing development on site consists of a residence, a water tank, a metal barn, a well, and fuel tanks. The existing residence will be used to accommodate the employee restroom.



The proposed structures will be constructed once the permit is obtained. Construction is anticipated to last approximately **3** days. Construction will take place Monday through Friday from 8:00 a.m. to 5:00 p.m. During construction the applicant will be using one (1) truck to transport materials.

Staff is recommending **conditional approval** of Major Use Permit (18-48).

I. **RECOMMENDATION**

Staff recommends the Planning Commission:

A. Adopt Mitigated Negative Declaration (IS 18-71) for Major Use Permit (UP 18-48) with the following findings:

1. 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, and AQ-7.
2. 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-2.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4.
4. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1, GEO-2, GEO-3.
5. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2, and NOI-3.
6. Potential wildfire impacts can be mitigated to less than significant levels with the inclusion of mitigation measures Wildfire-1, Wildfire-2, Wildfire-3, and Wildfire-4.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
9. 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.
10. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Use Permit UP 18-48 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 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).

Sample Motions:

Mitigated Negative Declaration

I move that the Planning Commission find that the **Initial Study and Mitigated Negative Declaration (IS 18-71)** applied for by **Spencer Clark** on property located at **21242 Morgan Valley Road, Lower Lake**, and further described as **APN: 012-069-08** 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 **August 3, 2020**.

Major Use Permit (UP 18-48)

I move that the Planning Commission find that the **Major Use Permit (UP 18-48)** applied for by **Spencer Clark** on property located at **21242 Morgan Valley Road, Lower Lake**, further described as **APN: 012-069-08** 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 listed in the staff report dated **August 3, 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.*