



Legislation Text

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Memorandum

Item 2  
9:10 am  
November 12, 2020

STAFF REPORT

**TO:** Planning Commission

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

**DATE:** October 20, 2020

**RE:** South Lake Farms (Chris Jennings).

- Major Use Permit (UP 19-07)
- Initial Study (IS 19-12)
- Early Activation (EA 19-58)

Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Proposed Site Plans
6. Initial Study
7. Biological Assessment

I. **EXECUTIVE SUMMARY**

The applicant 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*) located at 23492 Jerusalem Grade Road (parcel size  $\pm$ 181.270.) Middletown, California, APN 013-013-11. The applicant's proposal will include the following:

- **Eight (8): 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 on one premises.

- *The total proposed cultivation canopy is approximately 348,480 square feet. (8 acres) and will be cultivated in above ground pots (known as smart pots) located within 360,550 square feet of cultivation area.*
- The cultivation area will be conducted within an enclosed area secured by a fence approximately six (6) feet in height. The fence will be screen with a privacy mesh, which will help reduce visibility within the surrounding area.
- The proposed outdoor cultivation method is via an above ground organic soil mixture in fabric pots ("smart pots") with drip irrigation systems in full sun.
- One (1) - 10,000 square foot. Agricultural Exempt Drying Storage Facility
- A 5,000 gallon water tank
- Eleven (11) - Employee parking spaces.
- The applicant proposes the hours of operation to be Monday through Sunday, 5:00 AM - 7:00 PM. The max employees on site would be approximately 7 employees.
- Site construction is expected to take approximately three (3) to four (4) months to complete

#### Water Source and usage

- The operation will be using an existing onsite well, that produces approximately 24 gallons Per Minutes (GPM) according to a well report dated April 29, 2019.
- The water from the well, will be pumped via underground PVC piping to the 5,000 gallon water storage tank. Once the water has reached the water tank, it will then be
- Gravity fed via an underground PVC piping to the cultivation area. Once the water has reached the cultivation area, *black poly tubing and emitters (drip irrigation) will be used to distribute the water to each planting station.*

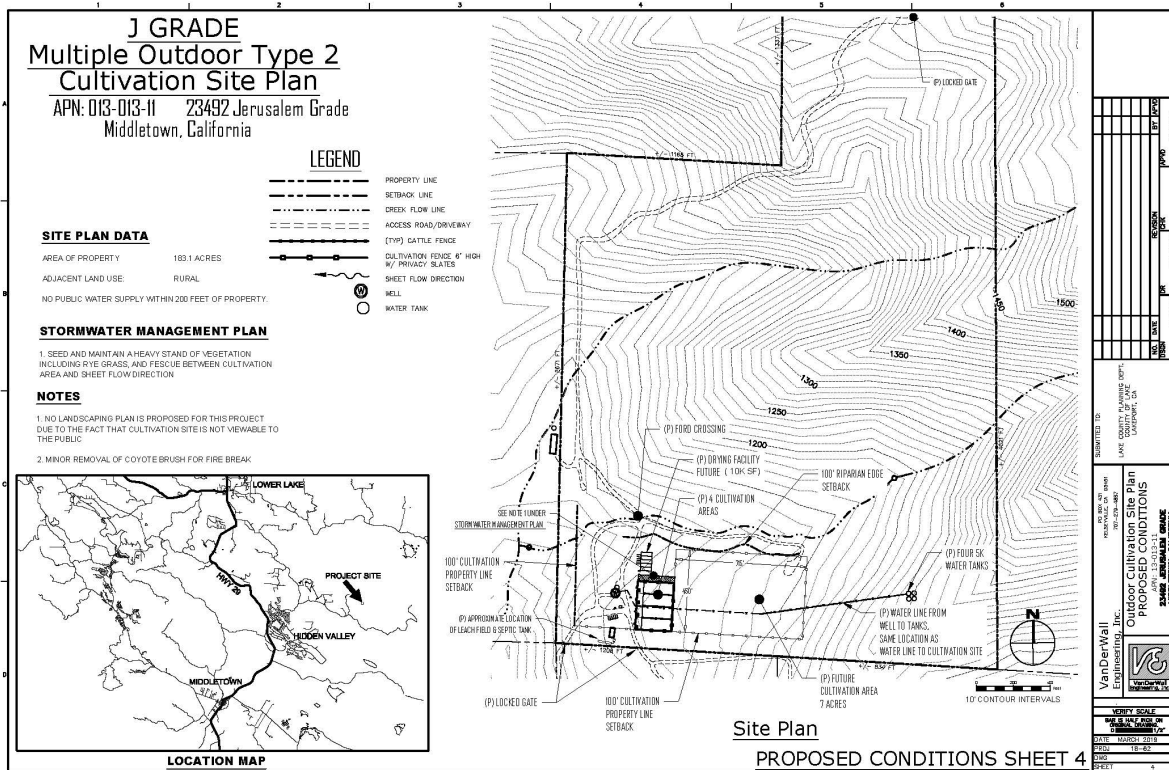
#### Water usage:

- According to the application package, the applicant proposes to use approximately 949,000 gallons per year. The project site currently has an existing and permitted well that produces approximately 24 gallons per minute. This translates to a full capacity of 15,159,327 gallons per year. The proposed water usage that is required for the cultivation of commercial cannabis, it calculates to approximately 6.2% of water to be used from full capacity.

#### Access

- The proposed cannabis cultivation operation is accessible from existing shared access way (goes through multiple parcels) located off of Jerusalem Grade Road, an unpaved County road at this location.

### **Proposed Site Plans and Cultivation Area**



Staff is recommending approval of Major Use Permit, UP 19-07 and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 19-12) with the incorporated Mitigation Measures and Conditions of Approval.

## I. RECOMMENDATION

Staff recommends the Planning Commission take the following actions.

### A. Adopt Mitigated Negative Declaration (IS19-12) for Major Use Permit (UP 19-07) 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, and AQ-5.
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 and BIO-2.
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 Major Use Permit UP 19-07 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 Major Use Permit (UP 19-07) applied for by **South Lake Farms** on property located at **23492 Jerusalem Grade Road, Middletown**, and further described as **APN: 013-013-11** 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 **October 20, 2020**

**Major Use Permit (UP 19-07)**

I move that the Planning Commission find that the **Major Use Permit (UP 19-07)** applied for by **South Lake Farms** on property located at **23492 Jerusalem Grade Road, Middletown**, further described as **APNs: 013-013-11** 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 **October 20, 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.*