



Legislation Text

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Memorandum

Item 4  
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December 10, 2020

STAFF REPORT

TO: Planning Commission

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

DATE: November 3, 2020

SUBJECT: Jerusalem Gold; Major Use Permit (UP 19-34), Categorical Exemption (CE 20-37); APNs: 013-017-25, 013-017-26, 013-017-27, & 013-017-28

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency/Public Comments
5. Site Visit Photos
6. Proposed Conditions of Approval

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 licenses:

- A - Type 3: "Outdoor": The project proposal consist of an expansion of the existing (12,304 square feet) canopy area to areas (42,080 square feet total) that was previously disturbed for fuel management practices.
- Type 13 Self-Transport Distribution License: to transport cannabis goods to entities licensed pursuant to California Code.

Bridget King and Jerusalem Gold (a California corporation) is requesting to obtain an A-Type 3 "outdoor" license on an existing legacy cannabis cultivation operation located primarily on parcel described as 013-017-27. The proposed location

is at 25432 Jerusalem Grade, Lower Lake, California and consists of four (4) contiguous parcels, under the same ownership, further described as APNs 013-017-25; 013-017-26; 013-017-27; and 013-017-28.

The property is currently improved with a pre-fabricated single-family dwelling and is generally vacant except for an existing legacy cannabis cultivation operation under the previous local ordinance (Article 72). The nearest creek is approximately 400 square feet from the cultivation area and all required buffers set forth by the County Zoning Ordinance is in conformance. The site is bounded on all sides by vacant rural land and three of the four adjoining properties are owned by the federal Bureau of Land Management ("BLM"). The site is accessed by a dirt driveway off of Jerusalem Grade.

The cannabis cultivation facilities will be developed and continue operating on APN 013-017-27 within a 6-foot fenced enclosure as depicted on the attached site plans (Attachment 2). The existing cannabis operation consists of above-ground smart pots and the proposed expansion will utilize both above ground and previously disturbed holes in ground to limit the amount of disturbances to the ground. The cannabis cultivation facilities will be set back over 1,000 feet from the adjoining property lines. Setbacks from all property lines will be maintained. A 6-foot tall chain-link fence with site obscuring slats will form the cultivation area perimeter enclosure.

Access to the cultivation facilities will be provided on a 12 feet wide base gravel/base rock driveway following the alignment of an existing driveway extending northward from the house area. The driveway will run through existing pasture to the existing pump-house for the well and a new parking area.

Three parking spaces will be provided just outside the fenced area, including two standard parking spaces and one handicapped accessible parking space. Employees parking outside the perimeter fence will access the cultivation facilities enclosure through the keypad controlled, 12-foot wide chain-link gate or the 6-foot wide pedestrian gate.

The project scope will not involve any newly disturbed area and no additional ground disturbances is proposed. The project proposal will include using existing holes for planting and utilizing above ground planter pots for the remaining of the canopy area. The proposed project also include an 80 square foot storage shed for pesticide and fertilizer.

Staff recommends conditional approval of **UP 19-34**.

I. RECOMMENDATIONS

**Staff recommends that the Planning Commission:**

**A. Find that this project has been found to be Categorical Exempt from CEQA as a Class 4 Exemption.**

1. The project is consistent with CEQA Categorical Exemption, Class 4 (Minor Alterations to Land), which consists of minor or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
2. This project remains consistent with the Lake County General Plan, Middletown Area Plan and the Lake County Zoning Ordinance.
3. The site consists of an existing legacy cannabis cultivation operation under the old county ordinance (Article 72). The project proposal consist of using existing holes for planting in ground and new expansion of cannabis plants in above-ground planter pots located in a previously disturbed area. There has been no change in the project which would create new significant environmental impacts.
4. This project is consistent with land uses in the vicinity.
5. This project will not result in any significant adverse environmental impacts.

**B. Approve Major Use Permit, UP 19-45 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. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. This project is consistent with the Lake County General Plan, Middletown Area Plan, and Lake County Zoning Ordinance.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and.
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:**

##### **Categorical Exemption**

I move that the Planning Commission find that the Notice of Exemption prepared for Major Use Permit (UP 19-45) applied for by Bridget King on a property located at 25432 Jerusalem Grade, Lower Lake, CA, further described as APN: 013-017-25; 013-017-26; 013-017-27; 013-017-28 is exempt from CEQA because it falls within Categorical Exemption Class 4 (15304), based on the findings set forth in Staff Report dated November 3, 2020.

##### **Major Use Permit (UP 19-39)**

I move that the Planning Commission find that the Major Use Permit (UP 19-45) prepared for the project proposed by Bridget King on a property located at 25432 Jerusalem Grade, Lower Lake, CA, further described as APN: 013-017-25; 013-017-26; 013-017-27; 013-017-28 does meet the requirements of Section 51.4 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 November 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.*