



Legislation Text

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Memorandum

Item 3
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December 10, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Thomas, Deputy CDD Director
Mark Roberts, Principal Planner

Prepared by: Eric Porter, Associate Planner

DATE: September 24, 2020

RE: Mary Draper (Lucerne Property); Major Use Permit (UP 19-01) and Initial Study (IS 19-03). APNs: 006-024-12 and 13; 006-005-62 and 63

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan
3. Agency Comments
4. Proposed Conditions of Approval
5. Site Plans
6. Initial Study IS 19-03
7. Tree Removal Plan

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):

- Four (4) A-Type 3 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 applicant is proposing 260,000 sq. ft. of cultivation area with an estimated 220,000 sq. ft. of canopy area. The applicant is proposing four individual cultivation areas; three of the areas are each 60,000 sq. ft., and the fourth is 47,825 sq. ft.
- One (1) A-Type 13 Self Distribution license.
- Two (2) 1,500 sq. ft. sheds to use as drying buildings.
- One (1) 1,350 sq. ft. Agriculture Exempt barn.
- 6' tall security fencing to enclose the cultivation areas.

- Twelve (12) 5,000 gallon water tanks.
- One (1) 10,000 gallon water tank.

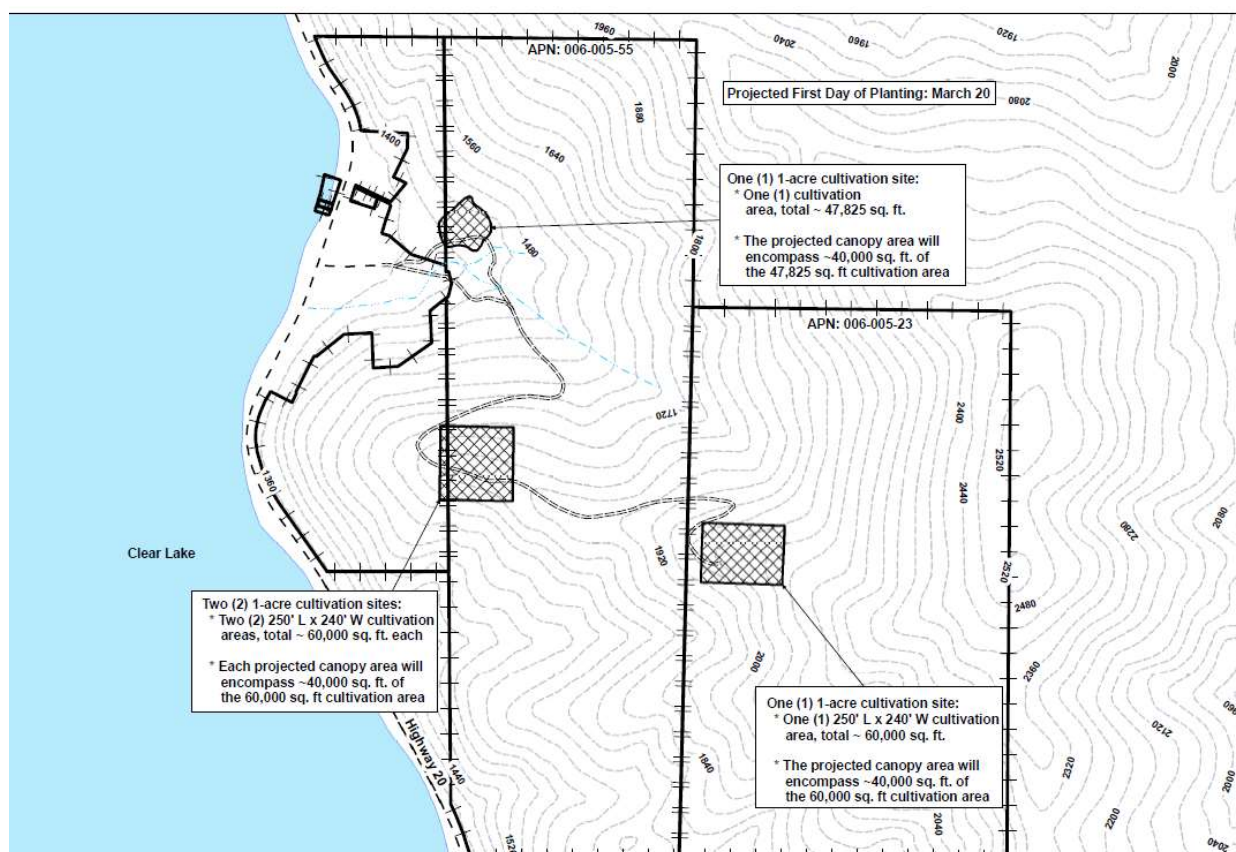
Water Usage

The cultivation areas will be served by a drip irrigation system. The applicant is proposing twelve 5,000 gallon water storage tanks, and one 10,000 gallon water storage tank. Water sources include an on-site well and 1898 water rights to water from Clear Lake.

A Water Availability Analysis was conducted on January 9, 2020 by Lake County Pump and Water Services. The test consisted of a four hour well run that took intermittent well level and flow readings. The rate of flow varied from 37.87 gallons per minute at the end of the four hour run, to 70 gallons per minute at the start of the run. The water level started at 2.47 feet, and dropped to 100.32 feet near the end of the test. No recharge rate level test was conducted at the end of the well run.

Estimated water usage is between 1,000,000 and 2,000,000 gallons per harvest season. Using a median figure of 50 gallons per minute flow rate, the well is capable of producing up to 12,960,000 gallons of water over a six month (estimated) harvest period of time. This is not including water rights that the applicant has to Clear Lake water, identified as the 'backup water source'.

The backup water source, Clear Lake, is included within a Grant Deed dated August 27, 1898, and which allows water to be taken from Clear Lake for irrigation purposes. The amount of prescribed water allowed per year is not defined within this grant deed. The applicant has stated in an email dated September 2, 2020 that there is no limit to the amount of water prescribed in this grant deed.



The applicant is proposing the removal of 18 coastal oak trees that are within the boundary area of 'Garden 4'. Article 27, subsection (at)(iii), "Prohibited Activities", states that tree removal should be avoided. The specific wording is as follows:

(a) Tree Removal

*The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus spices.) for the purpose of developing a cannabis cultivation site **should be avoided and minimized**. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.*

Staff has addressed this by adding Mitigation Measure AES-1, which requires tree replacement at a 5 to 1 ratio, with 5 new trees being required for each oak tree that is removed.

Staff is recommending **Conditional** approval of Major Use Permit (UP 19-01).

II. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 19-03) for Use Permit (UP 19-01) with the following findings:

1. Potential environmental impacts related to aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measure AES-1.
2. Potential environmental impacts related to air quality 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.
3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant impacts with the inclusion of mitigation measures BIO-1, BIO-2, and BIO-3.
4. As mitigated through specific mitigation measures and conditions of approval, this project will result in less than significant environmental impacts.
5. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Use Permit UP 19-01 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 can be mitigated to be reasonably adequate to safely accommodate the 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. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

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 apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
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 (IS 19-03)** applied for by **Mary Draper** on property located at **7004 and 7232 E. Highway 20, Lucerne**, and further described as **APN: 006-024-12 and 13; 006-005-62 and 63** 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 **September 24, 2020**.

Major Use Permit (UP 19-06)

I move that the Planning Commission find that the **Use Permit (UP 19-06)** applied for by **Mary Draper** on property located at **7004 and 7232 E. Highway 20, Lucerne**, and further described as **APN: 006-024-12 and 13; 006-005-62 and 63** 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 **September 24, 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.*