



Legislation Text

File #: 21-316, Version: 1

Memorandum

STAFF REPORT

TO: Planning Commission

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

DATE: April 22, 2021

RE: Gustafson Farms, LLC

- Major Use Permit (UP 20-28)
- Initial Study (IS 20-33)
- Early Activation (EA 20-32)

Supervisor District Tina Scott
Planning Commissioner Christina Price

ATTACHMENTS:

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

I. EXECUTIVE SUMMARY

Gustafson Farms 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*) at 4550 & 4460 George Road, Lakeport, CA on Lake County APN 008-031-60 and 008-032-44 which is recorded as one legal lot. The project is being proposed with 2 other contiguous parcels which are also recorded as one legal lot (APNS: 008-032-43 and 008-031-48) under "Parcel Map-123" (11 PM 47) to allow collocation/cluster of permits. The entire project site will only take place on one legal lot (008-031-60 and 008-032-44). However, the access to the project site will be through 4440 George Road into a private driveway to the cultivation site (008-031-48). The applicant's proposal includes two (2) A-Type 3 "medium outdoor", (1) A-Type 1C "outdoor specialty cottage", (1) A-Type 3B "mixed-light" with greenhouses using light deprivation, and up to 22,000 square feet of immature plants solely used for cloning and propagation used for selling and distribution. The total of 111,620 square feet of mature cannabis plants and up to 22,000 square feet of immature plants for nursery. The total cultivation area will be 237,220 square feet. The ancillary facility will include the following structures:

- **One (1) Type 13:** "Distributor Transport Only, Self-Distribution" License
- 50,000 square feet processing facility
- 24,000 square feet of greenhouse nursery

- 50,000 square feet drying facility
- three 200 square feet storage sheds: fertilizer and pesticide storage, equipment and tools, and security room
- Parking lots with ADA parking
- Portable restrooms with a future proposed permanent restroom
- 24,000 square feet of greenhouse structure used for mixed light
- five 2,500 gallons water storage tank

The cultivation area will be conducted within an enclosed area secured by a fence approximately seven feet in height. The fence will be screened which will help reduce visibility from the surrounding area. According to the Project Management Plan (Attachment 2) and the well log, the existing well produces approximately 185 gallons per minute. The well near the northeast parcel boundary will be pumped underground to the water storage tanks proposed near the cultivation site in the southern portion of the property. Gustafson Farms will utilize underground water lines from the well to the storage tanks, which are a combination of PVC piping and black poly tubing. Water use is projected to be approximately 234,000 gallons per month for the proposed mature canopy area. According to the applicant's comment, the outdoor cultivation will last approximately six months and approximately ten months for mixed-light throughout the year. The proposed cultivation method is in-ground with drip irrigation systems served by an existing permitted well.

The project's core business hours of operation will take place between 8:00 a.m.-6:00 p.m. with deliveries and pickups restricted to 9:00 a.m.-7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m.-5:00 p.m.

On December 15, 2020, the amendment of Chapter 21, Article 27.13, Section (at), involving outdoor cannabis cultivation and important farmland was amended and taken effect on January 14, 2021. The farmland protection zone is implemented to ensure the protection of all agricultural industries within the County of Lake, the following rules will apply when cannabis cultivation interfaces with Farmland Protection Zones. The grandfather clause is proposed for those applicants who are deemed complete after January 14, 2021. The applicant meets the grandfather clause, however, the applicant disclosed that he is willing to comply with all new local rules and regulations of the zoning ordinance within the three years through the sunset clause. Several conditions will be added to ensure compliance with the new ordinance and are reflected in Attachment four, bullet one, for written approval from the Community Development Director for a minor modification that does not result in increased environmental impact.

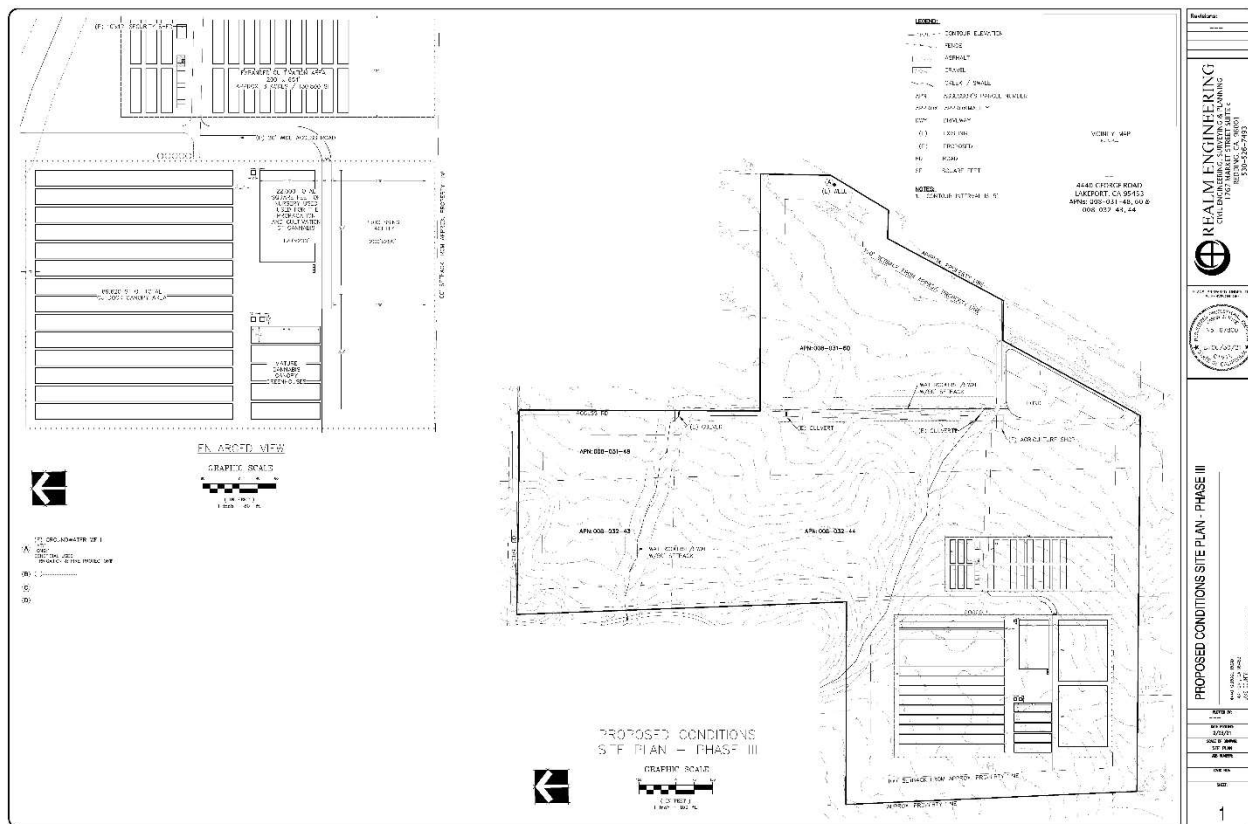


Figure 1. Proposed Site Plans and Cultivation Area

Staff is recommending approval of Major Use Permit, UP 20-28, and the adoption of a Mitigated Negative Declaration based on the environmental analysis (Initial Study, IS 20-33) with the incorporated Mitigation Measures and Conditions of Approval.

I. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. Adopt Mitigated Negative Declaration (IS 20-33) for Major Use Permit (UP 20-28) with the following findings found in Attachment 5:

1. Potential aesthetics impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-3.
2. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-5.
3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6.
4. 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-3.
5. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1 through GEO-6.

6. Potential hazards and hazardous materials impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-7.
7. Potential hydrology and water quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-5.
8. Potential noise impacts can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-3.
9. This project is consistent with land uses in the vicinity.
10. This project is consistent with the Lake County General Plan, Lakeport Area Plan, and Zoning Ordinance.
11. 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.
12. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Major Use Permit UP 20-28 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, Lakeport 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 apply for the permit described in Chapter 21, Article 27, Section 1.ii.(g)(h).
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 20-28)** applied for by **Gustafson Farms, LLC (Joseph Gustafson)** on property located at **4550 & 4460 [4440 & 4520] George Road, Lakeport, CA**, further described as **APNs: 008-031-60 and 008-032-44 [008-032-43 and 008-031-48]** 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 **April 22, 2021**.

Major Use Permit (UP 20-28)

I move that the Planning Commission find that the **Major Use Permit (UP 20-28)** applied for by **Gustafson Farms, LLC (Joseph Gustafson)** on property located at **4550 & 4460 [4440 & 4520] George Road, Lakeport, CA**, further described as **APNs: 008-031-60 and 008-032-44 [008-032-43 and 008-031-48]** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **April 22, 2021**.

***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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*