



Legislation Text

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Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

DATE: May 13, 2021

SUBJECT: Noble Farms / Patty Lanier **REVISED**
Minor Use Permit Application (MUP 18-28) for Commercial Cannabis Cultivation, and Initial Study
(IS 18-33). APN: 012-048-11

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. **Revised** Site Plans
1. Property Management Plan
2. Agency Comments
3. Proposed Conditions of Approval
4. **Revised** Initial Study IS 18-63 and Mitigated Negative Declaration
5. Public Comments

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Minor Use Permit to allow the following commercial cannabis cultivation licenses: two (2) A-Type 2 outdoor licenses and one (1) Type 13 Self Distribution license. The applicant proposes a phased development; the time-frames by phase listed below. Together these licenses allow 15,000 square feet of cultivation area and 10,000 square feet of canopy area.

The 40+ acre subject site is located at 18211 Ponderosa Trail, Lower Lake, and is known as APN 012-048-11. The subject site contains a previously approved medical cannabis cultivation area, a dwelling, an on-site septic system and a domestic well, which will also be used for cannabis irrigation. The site is served by a private road (Ponderosa Trail) that connects with Noble Ranch Road. The topography of the parcel is a saddle between two broad hills; the eastern portion of the site is flat, while the western portion of the site has slopes in excess of 30% with undeveloped forest land. The 15,000 sq. ft. cultivation area is located as shown on the site plan below and slopes to the northwest toward Little High Valley. There are no wetlands or creeks on the property.

Background. In Spring, 2020, the applicant changed the scope of her project and proposed six phases of development including 10 greenhouses, however the use of structures for commercial cannabis cultivation such as greenhouses require compliance with Public Resource Code (PRC) 4290 and 4291 road standards. The road serving the applicant's property is substandard, and would have required significant improvements that were not financially feasible by the applicant.

The original initial study took into account the use of greenhouses and a drying building. The applicant has eliminated those structures, and instead seeks to use 'cold steel frame hoop houses', which are regarded as outdoor cultivation (no lighting), and the project then qualifies as an 'ag exempt' project, meaning that CalFire road standards would not apply.

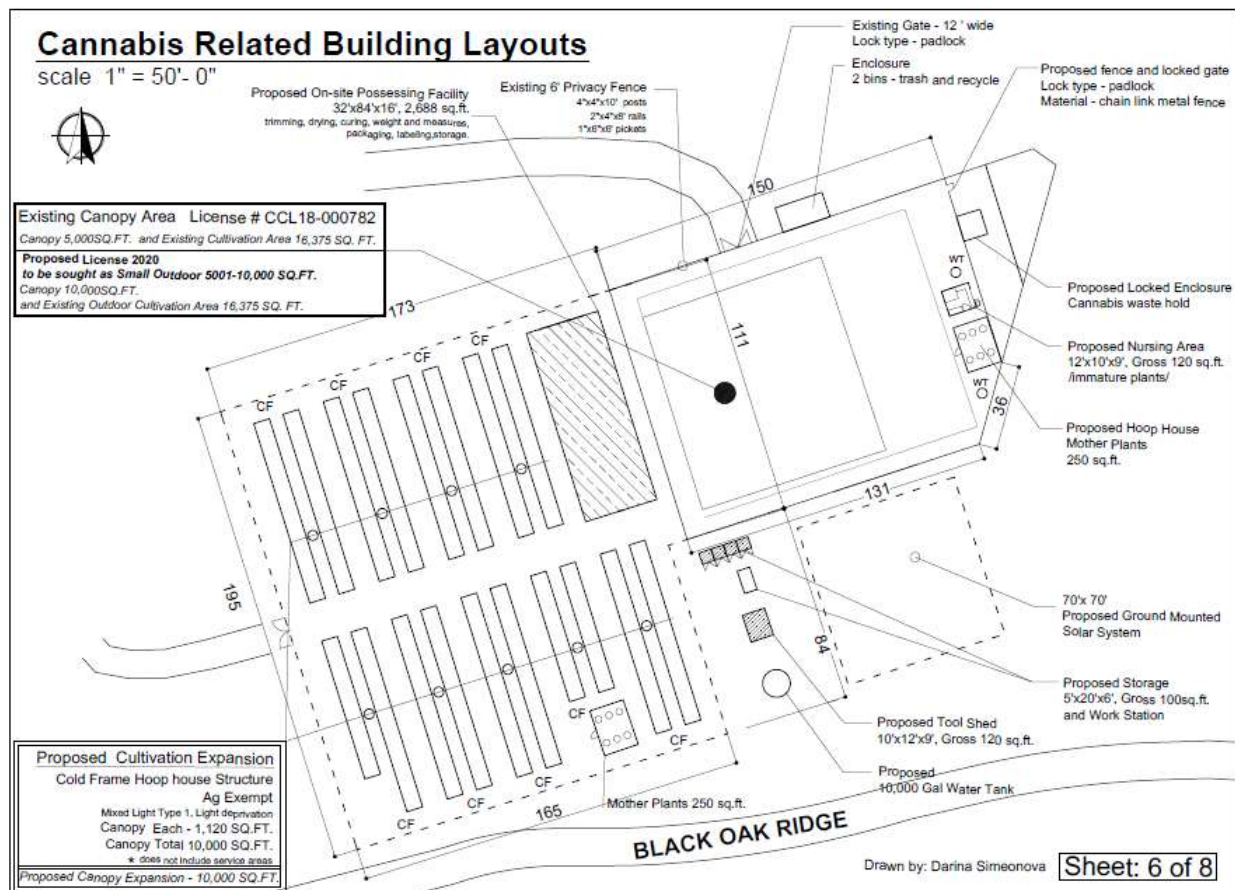
The Initial Study Addendum was sent to the State Clearinghouse on January 21, 2021, and was intended to reflect the new project details, and the subsequent mitigation measures that would be necessary to mitigate impacts with the revised project scope and details. The footprint of the cultivation area has not changed; only the structures have been removed.

The revised Plan proposes gradual increases in the size and scale of the outdoor cultivation areas as follows:

- Phase 1: 5,000 sq. ft. of canopy; estimated 6,500 sq. ft. of cultivation area. Target date: March 2020 through early activation (since expired).
- Phase 2: continue with Phase I canopy / cultivation area. Target date: March 2021
- Phase 3: continue with Phase I canopy / cultivation area. Target date: March 2022
- Phase 4: add 3,360 sq. ft. of canopy, 4,000 sq. ft. of cultivation area. Target date: March 2023
- Phase 5: add 3,360 sq. ft. of canopy; 4,000 sq. ft. of cultivation area. Target date: March 2024
- Phase 6: add 3,280 sq. ft. of canopy; 3,500 sq. ft. of cultivation area. Target date: March 2025

Construction

- Minimal site preparation will be needed based on the prior medicinal marijuana cultivation that was legally permitted on the site, and the application of the early activation permit that was issued by the County in 2020. An estimated 10 to 20 weekly construction-related trips are likely to occur. This site was granted 'Self Certification' in 2017 which allowed the cultivation of medicinal cannabis. Due to the prior self-certification, the proposed cannabis cultivation area is within an existing fenced in area, and the interior driveway is already in place.
- Staging of equipment will occur on the existing interior driveway.



The applicant has indicated that up to 3 employees will be on site during cultivation. Parking is provided to the west of the cultivation site.

The estimated water usage ranges between 75,000 and 112,500 gallons per year. This amount of proposed water usage is generally consistent with other comparably sized outdoor cannabis cultivation licenses.

CEQA analysis indicated that potential impacts to Aesthetics, Air Quality, Biological Resources and Cultural Resources could be mitigated through mitigation measures. These are identified later in this report.

Staff recommends conditional approval of **MUP 18-28**.

II. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt Mitigated Negative Declaration Addendum (IS 18-33) for Minor Use Permit MUP 18-28 with the following findings:

1. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6 and AQ-7.

2. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by mitigation measures BIO-1, BIO-2, and BIO-3.
3. Potential environmental impacts related to cultural / tribal cultural resources have been mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
1. All potential impacts have been reduced to less than significant levels with incorporation of mitigation measures and specific conditions of approval.
2. 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 REVISED Minor Use Permit MUP 18-28 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, 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.
7. The proposed use complies with all development standards described in Section 1.i
8. The applicant is qualified to make the application described in Section 1.ii.(g)
9. The application complies with the qualifications for a permit described in Section 1.ii.(i)

Sample Motions:

Mitigated Negative Declaration Addendum (IS 18-33)

I move that the Planning Commission find that that the Initial Study Addendum (IS 18-33) prepared for the project proposed by Patricia Lanier on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 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 May 13, 2021.

Minor Use Permit (MUP 18-28)

I move that the Planning Commission find that the Minor Use Permit (MUP 18-28) applied for by Patricia Lanier on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and the Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated May 13, 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 fee must be submitted prior to 5:00 p.m. on or before the seventh calendar*

day following the Commission's final determination.