File #: 21-481, **Version:** 1

Memorandum

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director

Prepared by: Eric Porter, Associate Planner

DATE: May 27, 2021

RE: **Stella Green Farms LLC; Major Use Permit (UP 20-01) and Initial Study (IS 20-01)**

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Site Plans
3. Property Management Plan
4. Agency Comments
5. Proposed Conditions of Approval
6. Initial Study IS 20-26
7. Public Comments

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit for **one (1) A-Type 3 "medium outdoor" license** consisting of 46,120 square feet (sq. ft.) of cultivation area, and an **A-Type 13 Self Distribution license,** however the property is located less than 1000 feet from an established non-cannabis agricultural use and is within a mapped Farmland Protection Area. The applicant has indicated that she will transition to an **A-Type 3B 'medium mixed light' license** inside of greenhouses within two years of the date of this approval**.** The property is located at 5805 Highland Springs Road, Lakeport, and is APN: 008-044-24. In addition to the A-Type 3/3B and Type 13 licenses, the applicant is proposing:

- (1) 60' x 40' drying building
- (3) 2500 gallon water tanks
- (1) 36' x 90' drying building (existing)
- (1) 200 sq. ft. shed
- Drip irrigation system
- Above-ground fabric pots

The total proposed cultivation area is 46,120 sq. ft., and the proposed canopy area was estimated to be 43,560 sq. ft. in total area, however because the site is located less than 1000 feet from other established non-cannabis agricultural uses and is required to be inside of greenhouses within two (2) years of the date of approval. The applicant has stated that she will transition into greenhouses within two (2) years as required by Ordinance 3103. The total proposed cultivation area under consideration will be about 24,400 sq. ft., and the total canopy area will be 22,000 sq. ft following the two year transition period.

Staff is recommending **Approval with Conditions** of **UP 20-01.**
RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 20-01) for Major Use Permit (UP 20-01) with the following findings:

1. Potential impacts to Aesthetics can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1, AES-2 and AES-3.

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, AQ-7 and AQ-8.

3. Potential environmental impacts related to Cultural / Geological / Tribal Resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.

4. Potential environmental impacts related to Hydrology and Water Quality Resources can be mitigated to less than significant levels with the inclusion of mitigation measure HYD-1.

5. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.

6. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

7. 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 Major Use Permit UP 20-01 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for with the change to the license type described herein 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 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)

10. The project can be made to comply with Ordinance No. 3103 by enabling the transition from outdoor to greenhouse cultivation on or before May 27, 2023. Condition no. A19.

Sample Motions:

Mitigated Negative Declaration
I move that the Planning Commission find that the **Initial Study (IS 20-01)** applied for by **Stella Green Farms LLC** on property located at **5805 Highland Springs Drive, Lakeport,** and further described as **APN: 008-044-24** 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 27, 2021**.

Major Use Permit (UP 20-01)
I move that the Planning Commission find that the **Major Use Permit (UP 20-01)** applied for by **Stella Green Farms LLC** on property located at **5805 Highland Springs Drive, Lakeport,** and further described as **APN: 008-044-24** 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 **May 27, 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's decision, 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 Planning Commission's final determination.