



## Legislation Text

File #: 21-1043, Version: 1

### Memorandum

### STAFF REPORT

**TO:** Planning Commission

**FROM:** Mary Darby, Community Development Director  
Prepared by: Eric Porter, Associate Planner

**DATE:** October 14, 2021

**RE:** Coastal Oak Inc.; Amendment (MMU 21-07) to an approved Major Use Permit (UP 19-25); Commercial Cannabis Cultivation; Categorical Exemption  
Supervisor District 5

**ATTACHMENTS:**

1. Vicinity Map
2. Existing and Proposed Site Plan
3. Agency Comments
4. Amended Conditions of Approval for MMU 21-07
5. Original Conditions of Approval for UP 19-25
6. Initial Study IS 18-62
7. Hydrology Analysis; prepared by Caitlin Gilmore, P.E., Aug. 25, 2021

#### I. EXECUTIVE SUMMARY

This is an amendment to an approved A-Type 3B commercial cannabis cultivation decision that would, if approved, allow the conversion of 14,090 square feet (sq. ft.) of "mixed-light" (greenhouse) commercial cannabis canopy area to 15,000 sq. ft. of outdoor cannabis canopy area within the same footprint of the already-approved greenhouse cultivation area. The applicant is proposes to convert from a mixed-light facility to an outdoor facility in order to save on overhead costs associated with the greenhouse purchases. The cultivation site is located on one of three contiguous parcels that are a total of 80 acres in size. Assessor's Parcel Number (APN) 007-029-12 (cultivation site) and 02 and 10 (clustering sites). The project is located at 7560 State Highway 29, Kelseyville.

#### ***Article 60 - Expiration, Revocation, or Modification of Permits and Reapplication***

Subsection 60.33 Reapplication for amendment of permits describes the process of amending an approved major use permit. Article 60 of the Lake County Zoning Ordinance allows for changes to previously approved use permits, as is the case here. The change proposed is a cost-saving measure. The site is not within a mapped Farmland Protection Area, and greenhouses are not required for cannabis cultivation on this property. The detailed analysis of compliance is later in this report.

The parcel is accessible through an existing shared driveway that enters and exits from Highway 29 at the intersection of Bottle Rock Road. The project site is currently developed with a graveled access road, a single-family residence served

by an existing onsite septic system and existing permitted groundwater well, three existing cannabis cultivation sites, and a drying building. The three cultivation sites were originally approved under UP 19-25 in early 2020.

The proposal as presented to change the site from mixed light to outdoor will not negatively impact the parcel or surrounding areas because as evidenced within the hydrology report. The report lists the on-site water storage capacity of the pond; the recharge rate of the pond, and the annual water usage. The water analysis is as follows:

### **Water Analysis**

The applicant has provided a Technical Memorandum regarding water usage and aquifer data required by Ordinance No. 3106, and dated August 25, 2021. The Memorandum was prepared by Caitlin Gilmore, P.E. Within the Analysis, Ms. Gilmore states:

#### **Surface Water Pond Capacity**

The agricultural site water source is an onsite 2.5-acre surface water pond. The site pond is contained by an earthen dam on the west side which has a spillway elevation of approximately 514 (assumed datum). The pond averages 8 feet deep and has an approximate non-drought year starting water surface elevation of 512 feet based on observed levels in spring of 2019 and 2020. It is conservatively assumed for this study that the ponds' capacity is based on a maximum water surface elevation of 512, resulting in a storage volume of 7.7 acre-feet (ac-ft).

#### **Surface Water Usage**

The project operations rely solely on on-site surface water. Reported site operations water usage for year 2020 was 400,000 gallons or 1.2 acre-feet, representing approximately 16% of the pond storage capacity. Note that permitted annual water usage for the site is 25 acre-feet.

The pond loses water due to evaporation at a rate of 3.1 acre-feet per year on average based on NOAA monthly evaporation rates in Lake County from 1991-2020.

The pond loses water to seepage at a rate of 0.01 inches per day based on the loamy clay substrate. This equates to an estimated 0.8 acre-feet per year.

The total anticipated annual usage and loss at the site is 5.1 acre-feet.

#### **Surface Water Recharge Rate**

The watershed tributary to the pond is approximately 64 acres as determined by USGS stream stat and depicted in Figure 2. The mean annual precipitation of the watershed is 26 inches based on the Lake County Hydrology Standards (1999) Figure 3. Underlying watershed soils are type C and D based on USGS soil survey. For this study type C soils are assumed as they would produce the least runoff to the pond. A modified rational method is utilized to establish the average annual runoff volume based on mean annual precipitation. The equation is based on the Lake County Hydrology Standards. A C-value of 0.32 is calculated for 20% slopes, silty clay loam soil, fair vegetal ground cover and moderate surface storage.

$$\text{Volume (V)} = C * \text{MAP} * A * K$$

$$V = 0.32 * 26 \text{ inches} * 64 \text{ acres} * 26/35$$

$$V = 33 \text{ acre-feet per year}$$

Water recharge during a drought year is assumed to be 33% of an average year. This is based on historical local drought records of 1976-2014. Drought year recharge rate is estimated to be 11 acre-feet per year.

#### **Groundwater Wells**

Note that the project utilizes surface water only. However, local water wells exist on adjacent parcels. Based on the California State Department of Water Resources (DWR) well record, as depicted in Figure 5, there are no water wells within 1,500 feet of the onsite pond. The water wells are located outside of the pond watershed, and generally across from Highway 29. Based on the distance from the pond, the water wells and pond zones of influence are anticipated to have no impact on one another.

#### **Cumulative Impacts**

The site relies on an onsite surface water source that is solely for the use of the property. There are no other known

uses of the runoff from the watershed. Therefore, there is no cumulative impact of water use on the pond.

The pond's capacity and recharge rate exceed demand, even in a dry or very dry year.

**Recommendation:**

Staff is recommending **Approval with Conditions** of **Amendment MMU 21-07**.

I. **RECOMMENDATION**

**Staff recommends the Planning Commission:**

**A. Adopt a categorical exemption for this amendment with the following findings:**

1. Potential environmental impacts related to the proposed additional 910 sq. ft. of commercial cannabis expansion area and the conversion of 14,090 sq. ft. of greenhouse canopy area to 15,000 sq. ft. of outdoor canopy area qualifies for a categorical exemption to CEQA under section 15303(c).
2. Potential environmental impacts related to this amendment will have a less than significant impact to the site and neighborhood.
3. This project is consistent with land uses in the vicinity.
4. This project is consistent with the Lake County General Plan, the Kelseyville Area Plan and the applicable sections within the Lake County Zoning Ordinance.

**B. Approve Amendment MMU 21-07 with the following findings:**

1. This project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the area of the 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, Cobb Area Plan and Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.
7. This project is compatible with surrounding land uses.
8. This project will not result in any significant environmental impacts with the original and amended conditions incorporated.
9. That the applicant is fully qualified to make this application.

**Sample Motions:**

**Categorical Exemption**

I move that the Planning Commission finds on the basis of the original **Initial Study (IS 18-62)** and the allowances in CEQA section 15303(c) that allow minor expansions to commercial uses to be exempt from further CEQA review, that the Amendment application applied for by **Carl Tharp representing Coast Oak, Inc.** on a property located at **7560**

**Highway 20, Kelseyville** further described as **APNs: 007-029-12, 02 and 10**, will not have a significant effect on the environment and therefore a categorical exemption shall be approved with the findings listed in the staff report dated **October 14, 2021**.

**Amendment (MMU 21-07) to Use Permit (UP 19-25)**

I move that the Planning Commission find that the **Amendment (MMU 21-07) to Use Permit (UP 19-25)** applied for by **Carl Tharp representing Coast Oak, Inc.** on a property located at **7560 Highway 20, Kelseyville** further described as **APNs: 007-029-12, 02 and 10**, does meet the requirements of Section 27(at) and Section 51.4 of the Lake County Zoning Ordinance and the Amendment be granted subject to the revised conditions and with the findings listed in the staff report dated **October 14, 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 Lake County 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.*