



Legislation Text

File #: 21-1093, Version: 1

Memorandum

STAFF REPORT

TO: Planning Commission

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

DATE: October 28, 2021

RE: Green Bear Cali LLC; Amendment (MMU 21-22) to an approved Use Permit (UP 18-35) for Commercial Cannabis Cultivation and Initial Study (IS 18-43).

Supervisor District 5

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions of Approval - Original
 3. Conditions of Approval - Modification
 4. Agency Comments
 5. Revised Site Plan
 6. Initial Study (IS 18-43) Addendum
 7. Water Availability Analysis

I. **EXECUTIVE SUMMARY**

On March 28, 2019, the Planning Commission approved Use Permit UP 18-35 on the subject site (Attachment 2). The original use permit approval was for 49,728 square feet of Mixed-light cultivation area comprised of 46,080 square feet of canopy area within (20) 2,304 sq. ft. greenhouses; a 3,000 sq. ft. metal processing building, two existing 330 sq. ft. covered workstations, and a 1,460 sq. ft. greenhouse for immature canopy. The site uses an existing permitted groundwater well, and a drip-micro spray irrigation system for water conservation. Please see Attachment 7.

On July 9, 2021, the County received an application for an Amendment to Major Use Permit, (file no. MMU 21-22, amending file no. UP 18-35; please see Attachment 3) that shows an amended canopy area of 27,900 sq. ft. of total canopy area within the twenty existing flowering greenhouses. The Minor Modification application adds an additional thirteen (13) 2,304 sq. ft. flowering greenhouses, each with 1,395 sq. ft. of canopy, plus three additional immature plant greenhouses. The thirteen flowering greenhouses would add an additional 18,135 sq. ft. of canopy area, **bringing the total proposed canopy area to 46,035 sq. ft.** The original cultivation area would remain at 49,728 sq. ft. of taxable Mixed-light area. The proposed Mixed-light canopy area of 46,035 sq. ft. is allowed on the 54.6 acre property per Article 27(at) subject to a use permit modification.

The 54.6 acre subject site takes access from Clark Drive, a paved, County-maintained road. The road is relatively flat at

this location, and there is good visibility entering and leaving the site.

The original application included a Biological Assessment and a Cultural Resource Evaluation, both of which included the 'expansion area' proposed for the new nurseries, and addendums for each Survey was provided with this modification application. Staff has received comments from notified agencies (Attachment 4); no adverse comments were received for this amendment to UP 18-35.

Staff is recommending Approval with Conditions of MMU 21-22.

I. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions; these agencies include, but are not limited to: CalFire; Air Quality; Environmental Health; Building Department; Road Department for any work that occurs in the County right-of-way, and the Planning Department. Staff has prepared an addendum for file no. IS 18-43 and has uploaded the CEQA documents to the State Clearinghouse as of September 8, 2021. (Attachment 6). The potential categories for impacts are Aesthetics, Air Quality, Tribal/Cultural and Noise. Mitigation measures have been prepared and are conditions of approval for this action. The mitigation measures that apply to this action are as follows:

Aesthetics

AES-1: Prior to cultivation, the applicant shall use blackout screening in or on all greenhouses to prevent light from being visible from roads and neighboring dwellings.

Air Quality

AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions.

AQ-2: All Mobile diesel equipment used for construction and/or maintenance must be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air toxic Control Measures for CI engines as well as Lake County Noise Emission Standards.

AQ-3: Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property.

AQ-4: The Cultivation of Commercial Cannabis is subject to AB 2588 Air Emission Inventory requirements administrated by the Lake County Air Quality Management District. Therefore, the applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.

AQ-5: All vegetation during site development and ongoing operation shall be chipped and spread for ground cover and/or erosion control. The burning of cannabis waste material is prohibited.

AQ-6: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation.

AQ-7: All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation.

AQ-8: All areas subject to low use (driveways, over flow parking, etc.) shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

Cultural / Tribal

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Noise

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

NOI-3: The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

Findings of Significance. The IS/MND contained Findings of Significance that identified categories listed above that had some potential for impacts. The IS/MND contained mitigation measures that have been translated into conditions of approval for the original and the amended project.

Sample Motions:

Initial Study Addendum (IS 18-43)

I move that the Planning Commission find that that the addendum to the Initial Study IS 18-43 applied for by **Green Bear Cali LLC** on a property located at **4680 Clark Drive, Kelseyville**, further described as **APN: 008-042-04** will not have a significant effect on the environment, and impacts resulting from this project can be mitigated with specific mitigation measures being added as conditions of approval, and with the findings listed in the staff report dated **October 28, 2021**.

Modification (MMU 21-22)

I move that the Planning Commission find that the **Modification (MMU 21-22)** applied for by **Green Bear Cali LLC** on a property located at **4680 Clark Drive, Kelseyville**, further described as **APN: 008-042-04** does meet the requirements of Sections 5, 51.4 and 60 of the Lake County Zoning Ordinance and the Modification be granted subject to the conditions and with the findings listed in the staff report dated **October 28, 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 Commission's final determination.*