

Americana Organics Cannabis Use Permit Appeal

Zone File No. 2022-0090

June 4, 2024

Department of Community Services
Planning Division

Presented by:

Tracy Gonzalez, Associate Planner



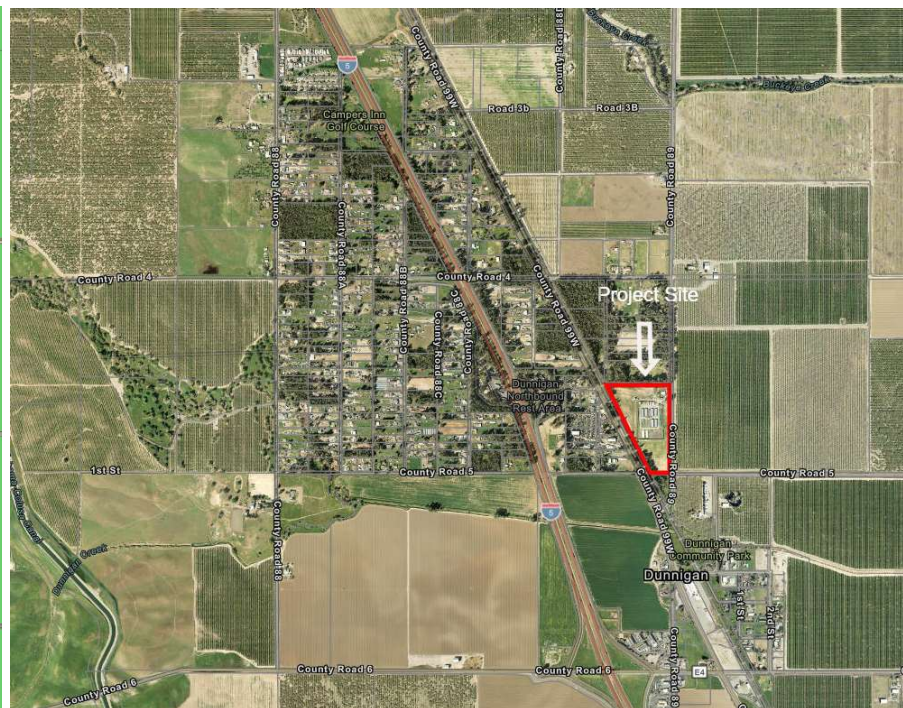
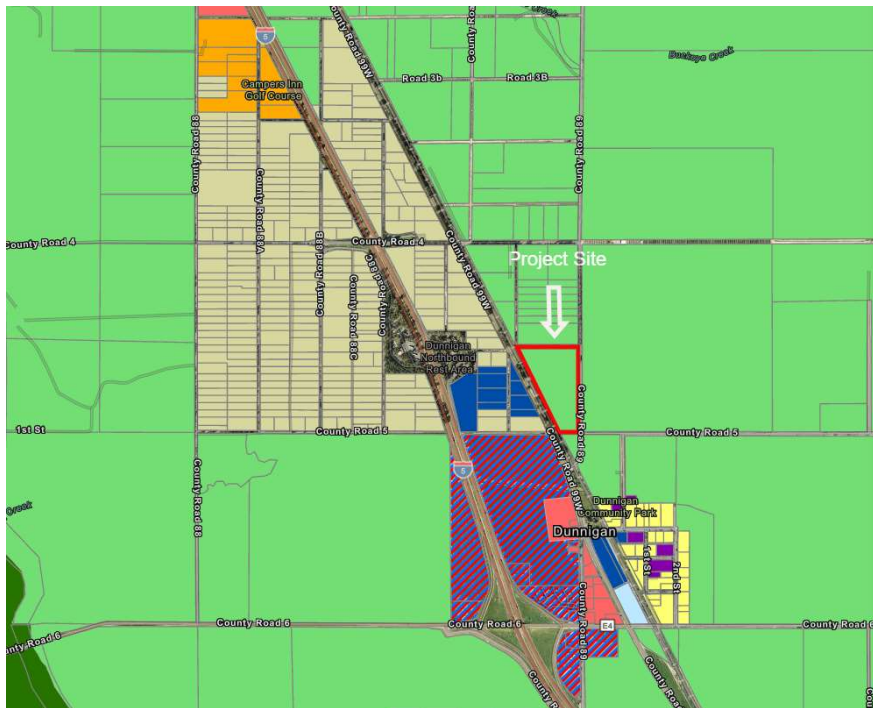
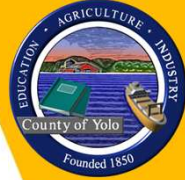
Project Background & Location

Project Applicant: Eduardo Fernandez

Property Owner: BKMK, LLC

Cannabis Business: Americana Organics, Inc.

Project Location: 3340-78 County Road 89, Dunnigan



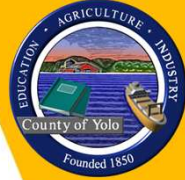
Overview

Project Request:

- Cannabis Use Permit to allow up to 2 acres of cannabis cultivation canopy
- Nursery License
- Distribution License
- Retail Non-Storefront (delivery) License
- Four buffer exception requests

Timeline

- **December 2022:** Cannabis Use Permit application submitted.
- **January 17, 2024:** The Dunnigan Citizens Advisory Committee recommended approval of the project to the Planning Commission.
- **May 9, 2024:** The Planning Commission unanimously approved the Cannabis Use Permit, but did not approve the applicant's request for exceptions to the CLUO buffer requirements from legal off-site residences within 600 feet of the project.
- **May 15, 2024:** Appeal filed.



Project Summary

Existing

- The site has been in cannabis cultivation since 2017.
- Americana Organics currently cultivates up to one acre of cannabis canopy each year.
- The current cultivation area includes:
 - (6) greenhouses;
 - ±60 outdoor raised cultivation beds and hoop house frames;
 - (7) shipping containers for dry storage and equipment;
 - and miscellaneous storage buildings, all within a six-foot tall chain link fence with green privacy slats and barbed wire.
- 3 to 10 employees are typically employed
- Planting typically begins around March and harvest is in phases, ending around Oct/Nov

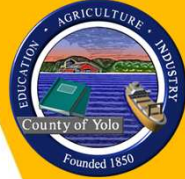
Proposed

- Request for addition of one acre of cannabis canopy (south of the existing fenced area)
- Request for issuance of a distribution license, a retail non-storefront license, and a nursery license
- Request for approval of three buffer exceptions from offsite residences in the Heavy Industrial (I-H) zone, and one buffer exception from the Rural Residential-2 Acre (RR-2) zone boundary
- New structures include:
 - Construction of four previously permitted and partially constructed greenhouses
 - A new 3,500 square foot metal building to be used for drying, trimming, distribution, employee bathroom and breakroom, and non-storefront retail activities.
- Hours of operation: generally 7am to 7pm



BUFFERS FROM SENSITIVE LAND USES

- As proposed, the Project does not meet CLUO buffer requirements from sensitive land uses (i.e., 600 feet from outdoor cannabis uses to off-site residences or to a residential zone boundary)
 - CLUO allows for existing licensees to request approval of buffer reductions and buffer exceptions.
 - Review of exception/reduction requests are discretionary.
- There are three offsite legal residences in the I-H zone located less than 600 feet from the proposed outdoor cannabis cultivation area.
- There is a residential zone boundary within ± 280 feet of the outdoor cannabis cultivation area.



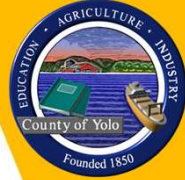
Project Recommendations and Approvals

Dunnigan Citizen's Advisory Committee:

- Recommended approval of the project to the Planning Commission, contingent upon a formal statement from the landowner of the RR-2 zoned parcel.
 - Letters of support from the affected property owners, including the RR-2 landowner, have been received (Att. G).
 - Staff called each landowner prior to the May 9th public hearing to ensure the letters of support were still valid.

Planning Commission:

- Approved project, but did not adopt staff's recommendation to authorize buffer exceptions.
- As part of the approval, the Commission modified the Recommended Actions to clarify that the 600-foot buffer shall apply to all existing residences located on residentially-zoned parcels.



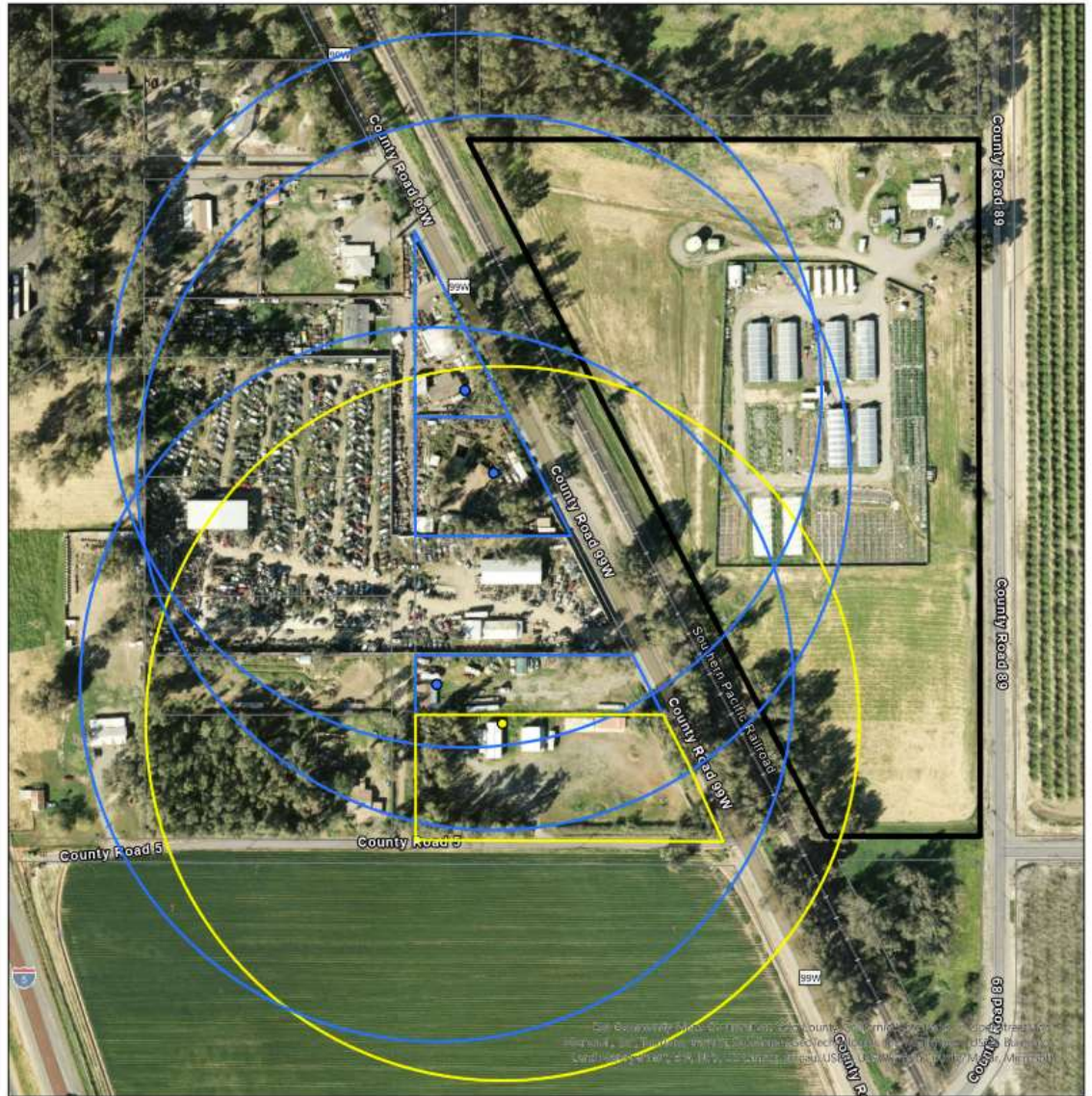
ATTACHMENT H

PLANNING COMMISSION RECOMMENDED BUFFERS (600-FOOT)

Legend

- Rural Residential - 2 Acre (RR-2) Parcel
- Heavy Industrial (I-H) Parcels
- APN: 051-202-011
- APN: 051-202-012
- APN: 051-202-014
- APN: 051-202-015
- Americana Organics ZF2022-0090

0 140 280 560 US Feet



Recommended Action

That the Board of Supervisors:

Receive a staff presentation and conduct a *de novo* public hearing to consider the Planning Commission's recommendation for the following:

1. Determine that the project is consistent with the Cannabis Land Use Ordinances Environmental Impact Report (SCH# 2018082055), certified by the Board of Supervisors on September 14, 2021 (Resolution 21-111), and determine that no further environmental review is needed pursuant to Sections 15168(c), 15162, and 15183 of the California Environmental Quality Act (CEQA) Guidelines, and approve the Finding of CEQA Compliance (Attachment C);
2. Adopt the Findings (Attachment D-1) in support of approval of the project;
3. Approve the Cannabis Use Permit subject to, and as modified by, the Conditions of Approval (Attachment E-1);
4. Deny the request for a buffer exception to allow outdoor cannabis cultivation within ± 480 feet of an offsite legal residence;
5. Deny the request for a buffer exception to allow outdoor cannabis cultivation within ± 390 feet of an offsite legal residence;
6. Deny the request for a buffer exception to allow outdoor cannabis cultivation within ± 520 feet of an offsite legal residence;
7. Approve a buffer exception to allow outdoor cannabis cultivation within ± 220 feet of a residential zone boundary, but clarifying that the 600-foot buffer shall apply to all existing residences located on residentially-zoned parcels;
8. Authorize the project applicant to apply for issuance of a cannabis cultivation license; and
9. Authorize the project applicant to apply for license allocation of a distribution license, retail non-storefront license, and nursery license.

**Reminder: Because this is a de novo public hearing, the Board has full discretion in deciding this issue, including upholding the Planning Commission's decision, approving the Use Permit and the exception requests to the CLUO buffer requirements (or modifications thereto), or denying the use permit outright.*

