

RESOLUTION 020P-011

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT APPLICATION WITH SITE PLAN REVIEW AND ENVIRONMENTAL REVIEW (APPLICATION NO. CUP 20-04) TO ALLOW FOR THE CULTIVATION OF COMMERCIAL CANNABIS OUTDOORS LOCATED AT 185 W. GALE AVE

WHEREAS, the City of Coalinga Community Development Department received an application for Conditional Use Permit, Site Plan Review and Environmental Review to allow for the cultivation of commercial cannabis on a portion of the property at 185 W. Gale Ave (APN: 070-041-17ST); and,

WHEREAS, the subject project requires approval of a conditional use permit, site plan review, and environmental review in accordance with Title 9, Chapter 2 of the Coalinga Municipal Code; and

WHEREAS, appropriate applications were filed and deemed complete by the Coalinga Community Development Department on September 1, 2020; and

WHEREAS, the City Council has determined that this project is exempt from further environmental review under CEQA Guidelines §15304 as a Class 4 exemption (minor alterations to land), and;

WHEREAS, the subject application was reviewed for compliance with all applicable sections of the Coalinga Municipal Code; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on September 28, 2020 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law, and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following conditional use permit findings based on the development proposal:

General Plan Consistency. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood Compatibility. The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

Asset for the Neighborhood. The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

WHEREAS, the Planning Commission has made the following site plan review findings based on the development proposal:

- All provisions of the Planning and Zoning Code are complied with;
- The following project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property including but not limited to:
 - Facilities and improvements;
 - Vehicular ingress, egress and internal circulation;
 - Setbacks;
 - Height of buildings;
 - Location of services;
 - Fences and/or walls;
 - Landscaping.
- Proposed lighting is so arranged as to direct the light away from adjoining properties;
- Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility;
- Proposed development has adequate fire and police protection;
- Proposed development can be adequately served by city sewer and water;
- Drainage from the property can be properly handled;
- The proposed development is generally consistent with the Zoning Ordinance, the General Plan, and any other applicable plans.

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**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does approve the Development Application (CUP 20-04) subject to the conditions attached hereto which are also incorporated by this reference as Exhibit "A".

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at their regularly scheduled meeting held on the 28<sup>th</sup> Day of September 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Planning Commission Chairman

ATTEST:

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City Clerk/Deputy City Clerk

**Exhibit “A”**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT APPLICATION NO. 20-04**

**Administrative**

COA-1. *Actions voiding approval.* If the construction of a building or structure, or the use(s) established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void. The approved phased site plan shall become void if occupancy of said phase has not occurred within the following timeframes:

- Phase 1 (1 Year from the date of Resolution 020P-011)
- Phase 2 (3 Years from the date of Resolution 020P-011)
- Phase 3 (3 Years from the date of Resolution 020P-011)

This Conditional Use Permit shall only remain valid so long as the applicant maintains, in good standing, an approved regulatory permit issued by the Coalinga Police Department and certified by the City Council, and valid State of California Commercial Cannabis License. Without a valid regulatory permit and State issued license, as prescribed by law, this Conditional Use Permit (local approval) is null and void.

COA-2. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.

COA-3. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

- COA-4. *Extensions.* Approval of any phase of the site plan may be extended for an additional period or periods of one (1) year upon a written application to the Commission before the expiration of the phase.
- COA-5. *Fees.* All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit. The Developer is responsible for paying all applicable development impact fees as well all regional fees related to the project. All cannabis licensing fees and taxes shall be paid in accordance with the City of Coalinga's cannabis regulations and policies prior to occupancy and start of operation.
- COA-6. *Alterations.* Any minor alternations to the approvals shall be reviewed and approved by the Assistant City Manager, unless under his/her discretion warrants review and approval by the Commission.
- COA-7. *Acknowledgement.* Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
- COA-8. *Revocation of approvals.* Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any law or City Ordinance is violated in connection. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to [Section 9-6.111](#),
- COA-9. *Phasing Plan.* This project is a phased development plan:
- a. Phase 1 of development will be to commercially cultivate approximately 9.76 acres of commercial cannabis (possible hoop houses). Prior to placing plants in the ground all the required security enhancements and screened fencing shall be complete to the satisfaction of the Police Chief including payment of applicable licensing fees and initial tax payments. Prior to first harvest of phase 1 the following shall occur and be completed:
    - i. Renovation of the five (5) existing industrial buildings on site as identified on the site plan.
    - ii. Demolition of one existing building as identified on the site plan.
    - iii. Install the 2,500 square foot secured and monitored composting area.
    - iv. Complete all the required on (parking, ADA accessibility, ect) and off-site improvements including preparation for Phase 2.

- b. Phase 2 will include the cultivation of an additional 1.53 acres of commercial cannabis, including additional security, fencing, a 6,500-nursery green house, and optional construction of green houses for cultivation of mature plants. Mixed light may be permitted as long as light is not emitted from the facility which requires the use of blackout shades on the greenhouses to avoid nuisance lighting.
- c. Phase 3 of the development plan will include an additional 1.87 acres dedicated to commercial cultivation in the north portion of the property as identified on the site plan. Required improvements at this phase will include secured fencing, construction of a guard house and slide gate at the main entrance of the facility. In addition, there shall be a minimum 5-foot landscaped area adjacent to Gale Ave (2023).

### **Public Works/Engineering**

- COA-10. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer.
- COA-11. A final site plan shall be submitted to the Community Development Department to ensure that all conditions of approval have been incorporated.
- COA-12. The applicant shall comply with all of the requirements of the Building Official.
- COA-13. The applicant shall furnish and install new water service, irrigation controller and backflow prevention device for all irrigated areas. This shall be reviewed and approved by the Public Works and Utilities Coordinator.
- COA-14. The applicant proposes to install screened chain link fencing along the Gale Avenue frontage for outdoor grow facilities. The chain link fencing shall be installed clear of the existing 70' public right of way line of Gale Avenue and clear of an existing 16.5' wide oil pipeline easement.
- COA-15. The applicant shall comply with all 2013 California Building Code (CBC) Chapter 11B ADA accessibility guidelines or latest edition.
- COA-16. Existing on-site storm water runoff is being directed to an existing on-site storm water ponding basin which shall remain in operation. Any use of the storm water ponding basin as an outdoor grow facility shall be secondary. No change to on-site storm water retention facilities shall be made.

- COA-17. The applicant proposes to install privacy screening on the existing chain link fencing (cyclone) surrounding the facility. The westerly portion of the chain link fence installed along the southerly property line encloses an existing public utility easement that may require periodic access by Public Works (PW) staff to maintain the existing water main installed in that easement. If access by PW staff is not desired by the applicant within the outdoor grow areas then the existing chain link fence shall be relocated 15' north as required to provide clear access.
- COA-18. A portion of the property lies within zone "A" special flood hazard areas inundated by 100-year storm. The applicant shall comply with all federal, state and city regulations which control development in flood prone areas.

### **Planning**

- COA-19. An occupancy permit for the existing structure(s) shown on the approved site plan shall not be issued until all proposed buildings, structures and other stated improvements are completed, or the Assistant City Manager authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.
- COA-20. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations.
- COA-21. If mixed light is proposed a cultivation lighting plan shall be submitted including equipment technical data sheets for the type of lamps to be used. Mixed light shall only be permitted so long as the lighting is shielded from outside exposure thus creating nuisance lighting.
- COA-22. The applicant shall provide a copy of their State of CA Cannabis license application to the Community Development Department to ensure consistency with local approvals prior to start of operation.
- COA-23. The applicant shall provide a copy of their State Water Resources Control Board (SWRCB) Discharge Permit related to outdoor cultivation and maintain compliance with all requirements (initial and ongoing) from the SWRCB related to but limited to their Site Management Plan, Nitrogen Management Plan and Annual Reports.

### **Environmental**

- COA-24. In the event that archaeological remains are encountered during grading, work shall be halted temporarily, and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Native

American community shall also be notified and consulted in the event any archaeological remains are uncovered.

**Public Safety**

COA-25. The applicant shall comply with all the requirements of the Police Department and Fire Department and obtain all required local (Police, Fire, Finance), County, State, or Federal permits prior to the start of operations. The applicant shall comply with all the requirements in their cannabis regulatory permit in addition to the conditional use permit requirements.