



Legislation Text

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Memorandum

Date: June 27, 2024

To: Planning Commission

From: Mireya G. Turner, Community Development Department
Michelle Irace, Principal Planner
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Subject: Consideration of proposed Major Use Permit (UP 20-31) Flying O, LLC (Alexander Rashed) and Mitigated Negative Declaration (IS 20-38) for one (1) A-Type 3 “Medium Outdoor” License for 43,472 square feet (sf) commercial cannabis canopy and a Type 13 Distributor, Self-Distribution, transport only license located at 11540 Bachelor Valley Road, Upper Lake, CA (APN 002-024-22).

Executive Summary:

The applicant, Alexander Rashed of Flying O, LLC, is proposing cannabis cultivation operation consisting of one (1) A-Type 3 “Medium Outdoor” License for 43,472 square feet (sf) commercial cannabis canopy and an A-Type 13 Distributor, Self-Distribution, transport only license. The site is located approximately five miles northwest of Upper Lake. There is a Class II watercourse and associated riparian corridor traversing the parcel. Historical land uses include cattle grazing and Early Activation (EA 20-37) for cannabis cultivation. Infrastructure for cultivation was established during Early Activation. The applicant originally proposed mixed-light and outdoor cultivation; however the scope of the proposed project was reduced to outdoor cultivation only when the Department of Cannabis Control regulations for outdoor cannabis canopy were changed to address light-deprivation cultivation techniques not utilizing artificial lighting. The draft Initial Study/Mitigated Declaration (Attachment 4) has been updated accordingly. The total parcel acreage is 238.11 Acres.

Recommended Action:

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-38) for Major Use Permit (UP 20-31) with the following findings:

1. Potential environmental impacts related to Aesthetics (AES) can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-3.
 2. Potential environmental impacts related to Air Quality (AQ) can be mitigated to less than significant levels with the inclusion of mitigation measures AQ-1 through AQ-6.
 3. Potential environmental impacts related to Biological Resources (BIO) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1.
 4. Potential environmental impacts related to Cultural Resources (CUL) can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL- 3.
 5. Potential environmental impacts related to Geology and Soils (GEO) can be mitigated to less than significant levels with the inclusion of mitigation measures GEO-1.
 6. Potential environmental impacts related to Hydrology (HYD) can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1.
 7. Potential environmental impacts related to Noise (NOI) can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-2.
 8. Potential environmental impacts related to Tribal Cultural Resources (TCR) can be mitigated to less than significant levels with the inclusion of mitigation measures TCR-1 through TCR-5.
 9. Potential environmental impacts related to Wildfire (WDF) can be mitigated to less than significant levels with the inclusion of mitigation measures WDF-1 through WDF-5.
- B. Approve Major Use Permit UP 20-31 with the following findings:
1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, 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 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, Upper Lake-Nice Area Plan, and Lake County zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.
7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).