



Legislation Text

File #: 24-213, Version: 1

Staff Report

Date: March 28, 2024

To: The Planning Commission

From: Community Development Director Mireya G. Turner
Principal Planner Michelle Irace
Assistant Planner II Mary Claybon

Subject: Consideration of proposed Major Use Permit (UP 20-23), and Mitigated Negative Declaration (IS 20-26), for five A-Type 3 “Medium Outdoor” licenses, one A-Type 4 “Nursery” license, and one A-Type 13 Self-Distribution license for up to 193,800-sf (4.45 acres) of cannabis cultivation; Applicant: Vann Ranch/Omar Malfavon; Located: 15095, 15365, 15187, 15525, & 17247 Elk Mountain Road, Upper Lake (002-021-04, 15, 16, 17, and 23)

Executive Summary:

The applicant is requesting a major use permit for five (5) A-Type 3 “Medium Outdoor” licenses, one (1) A-Type 4 “Nursery” license, and one (1) A-Type 13 Self-Distribution license. The property is located at 15095, 15187, 15263, 15365 & 15525 Elk Mountain Road, Upper Lake (APNs: 002-021-04, 002-021-15, 002-021-16, and 002-021-17 for cultivation) and (APN 002-021-23 clustering). 4.45 acres of commercial cannabis canopy is proposed within seven cultivation areas. West Fork Middle Creek, an intermittent Class II watercourse, flows through the Project property from northwest to southeast. Multiple ephemeral and intermittent watercourses flow through the Project property into West Fork Middle Creek. Historical land uses include agriculture (animal grazing), orchards, and legacy cannabis operations. Most of the Project property burned in the Mendocino Complex Fire of 2018. The project was issued Early Activation in 2020. Total combined acreage is approximately 351.78 acres.

Recommended Action:

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration (IS 20-26) for Major Use Permit (UP 20-23) with the following findings:
 - 1. Potential environmental impacts related to (Aesthetics) can be mitigated to less than significant levels with the inclusion of mitigation measures AES-1 through AES-4.
 - 2. Potential environmental impacts related to (Air Quality) 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) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1 through BIO-6.
4. Potential environmental impacts related to (Cultural Resources) can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-2.
5. Potential environmental impacts related to (Geology and Soils) can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-3, GEO-1 through GEO-2.
6. Potential environmental impacts related to (Hazards and Hazardous Materials) can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1 through HAZ-8.
7. Potential environmental impacts related to (Hydrology) can be mitigated to less than significant levels with the inclusion of mitigation measures HYD-1 through HYD-2.
8. Potential environmental impacts related to (Noise) can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1 through NOI-2.
9. Potential environmental impacts related to (Tribal Cultural Resources) can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 through CUL-2.
10. Potential environmental impacts related to (Wildfire) 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 20-23 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).
9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).