

1 **BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

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3 In the Matter of the Appeal of NinaStar LLC
4 [AB 24-05]

FINDINGS OF FACT AND DECISION

5 These proceedings were commenced by virtue of an appeal of the Lake County Planning
6 Commission’s (hereinafter, “Planning Commission”) denial of a Mitigated Negative Declaration and
7 Major Use Permit on December 12, 2024 for commercial cannabis cultivation consisting of two (2)
8 A-Type 3B licenses for 37, 446 square feet (sf) of mixed-light canopy within a 48,529 sf cultivation
9 area and an A-Type 13 Distributor, Self-Distribution, transport only license at 23180 Shady Grove
10 Road, Middletown (APN 004-006-16) (hereinafter, the “Project”).

11 A duly noticed public hearing on the appeal scheduled before this Board was heard on April 1,
12 2025, at which time, evidence, both oral and documentary, was presented. Based upon the evidence
13 and applicable law, we find the following:

- 14 1. That the Planning Commission held a noticed public hearing on December 12, 2024, to
15 consider the approval of proposed Major Use Permit (UP 20-14), and Mitigated Negative
16 Declaration (IS 20-16), for commercial cannabis cultivation. The project is located at 23180
17 Shady Grove Road, Middletown in Lake County, California.
- 18 2. That, at the December 12, 2024 public hearing, the Planning Commission denied without
19 prejudice the Mitigated Negative Declaration (IS 20-16) and denied without prejudice the
20 Major Use Permit (UP 20-14).
- 21 3. That the Project Appellant is NinaStar LLC (hereinafter, “Appellant”). The appeal to this
22 Board was timely filed on December 18, 2024. The reasons provided for the appeal include,
23 but are not limited to, the following allegations:
- 24 a. The Planning Commission’s decision was based on false and defamatory statements
25 made by individuals from the public, rather than the substantial evidence provided.
- 26 b. The Project complies fully with County requirements and CEQA guidelines, as
27 confirmed by reports and studies conducted by qualified professionals.

- 1 c. The Planning Commission failed to consider the evidence presented by Appellant,
2 resulting in an unjust decision that disregards established facts and professional
3 analysis.
- 4 4. That the Board of Supervisors conducted a de novo hearing in this matter on April 1, 2025 as
5 required by Section 21-58.34 of the Lake County Zoning Ordinance.
- 6 5. That the Appellant presented evidence both documentary and testimonial in support of their
7 appeal.
- 8 6. That the Community Development Department presented testimony and documentary
9 evidence relevant to these proceedings including, but not limited to, a staff report dated
10 December 12, 2024, attachments A1 through A11 thereto.
- 11 7. That this Board finds, based on the evidence and facts presented in this matter, as follows:
- 12 a. That the Appellant failed to provide sufficient evidence in support of its appeal.
- 13 b. That the Appellant failed to provide sufficient evidence to satisfy Finding No. 4 in
14 page 23 of the December 12, 2024 Staff Report, in that there are no adequate public or
15 private services, including but not limited to fire protection, water supply, sewage
16 disposal, and police protection to serve the Project due to water resources concerns.
17 Therefore, the Board cannot make all the required findings under Section 21-51.4 of
18 the Lake County Zoning Ordinance and denies a major use permit for this Project.
- 19 c. That this Board finds that this Project would have a significant effect on the
20 environment.
- 21 8. That this Board has considered and incorporates by reference the Community Development
22 staff memorandum and attachments thereto submitted to this Board for the hearing, as well as
23 other documentation submitted to this Board.
- 24 9. Based upon all the foregoing, and for the reasons set forth hereinabove, this Board denies the
25 appeal of the Appellant, NinaStar LLC.

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1 NOTICE TO APPELLANT: You are hereby given notice that the time within which any judicial
2 review of the decision herein may be sought is governed by the provisions of the Code of Civil
3 Procedure Section 1094.5.

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5 Dated: _____

CHAIR, Board of Supervisors

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7 ATTEST: SUSAN PARKER
8 Clerk to the Board of Supervisors

APPROVED AS TO FORM:

9
10 By: _____

LLOYD C. GUINTIVANO
County Counsel