

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

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3       In the Matter of the Appeal of John C. Oliver  
4       [AB 24-01]

**FINDINGS OF FACT AND DECISION**

5               These proceedings were commenced by virtue of an appeal of the Planning Commission's  
6       denial on January 11, 2024, of a Major Use Permit (UP 20-40) request for commercial cannabis  
7       cultivation of 22,000 square feet ("sf") of canopy inside eight 30' x 96' greenhouses within a fenced  
8       47,040 sf enclosure on a property located at 3545 Finley East Road, Kelseyville (APN: 008-026-07)  
9       (hereinafter, the "Project").

10           A duly noticed public hearing on the appeal scheduled before this Board was heard on  
11       April 23, 2024, at which time, evidence, both oral and documentary, was presented. Based upon the  
12       evidence and applicable law, we find the following:

- 13           1. That the Lake County Planning Commission held a noticed public hearing on January 11,  
14           2024, to consider the approval of a Major Use Permit (UP 20-40) and Mitigated Negative  
15           Declaration (IS 20-50) for approval of 22,000 sf of cannabis canopy inside eight greenhouses  
16           within a fenced 47,040 sf enclosure. The project is located at 3545 Finley East Road,  
17           Kelseyville, CA 95451.
- 18           2. That on January 11, 2024, the Planning Commission declined to adopt a Mitigated Negative  
19           Declaration (IS 20-50) and denied the Major Use Permit (UP 20-40) due to the following: (1)  
20           the location of the Project was not consistent with the character of the neighborhood; (2) the  
21           Project would alter the viewshed on Finley East Road and view of Mt. Konocti, which is  
22           considered sacred to culturally affiliated tribes; (3) the Project's proximity to adjacent farm  
23           labor quarters (residences); (4) the Project's impacts to Kelsey Creek; (5) the Project's  
24           proximity to a structure on adjacent property.
- 25           3. That the Project Applicant and Appellant is John C. Oliver. The appeal to this Board was  
26           timely filed on January 18, 2024. The reasons provided for the appeal are as follows: "Project  
27           meets all standards & regulations."

- 1       4. That the Board of Supervisors has conducted a de novo hearing in this matter on April 23,  
2       2024, as required by Section 21-58.34 of the Lake County Zoning Ordinance.
- 3       5. That the Appellant presented testimonial evidence in support of his appeal.
- 4       6. That the Community Development Department presented testimony and documentary  
5       evidence relevant to these proceedings including, but not limited to, a staff report dated  
6       January 11, 2024, attachments A1 through through A8 thereto.
- 7       7. That numerous members of the public testified and / or submitted written statements  
8       regarding this Project.
- 9       8. That this Board finds, based on the evidence and facts presented in this matter, as follows:
  - 10       a. That this Board finds that sufficient information exists in the record of this matter to  
11       support the adoption of the negative declaration and initial study and Mitigated  
12       Negative Declaration (IS 20-50). This Board adopts those findings enumerated in  
13       Section A of the “Recommendations” section of the May 25, 2023 staff report at pages  
14       21 through 22.
  - 15       b. That this Board finds that sufficient information exists in the records of this matter to  
16       support granting the Major Use Permit (UP 20-40) for this Project. The board adopts  
17       those findings enumerated in the Major Use Permit Findings for Approval section of  
18       the May 25, 2023 staff report at pages 19 through 21, and Section B of the  
19       “Recommendations” section of the May 25, 2023 staff report at page 22.
- 20       9. That this Board has considered and incorporates by reference the Community Development  
21       staff memorandum and attachments thereto submitted to this Board for the hearing, as well as  
22       other documentation submitted to this Board.
- 23       10. Based upon all the foregoing and for the reasons set forth hereinabove, this Board grants the  
24       appeal of the Appellant, John C. Oliver.
- 25       11. **NOTICE TO APPELLANT:** You are hereby given notice that the time within which any  
26       judicial review of the decision herein may be sought is governed by the provisions of the  
27       Code of Civil Procedure Section 1094.5.

1 Dated: \_\_\_\_\_

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2 CHAIR, Board of Supervisors

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4 ATTEST: SUSAN PARKER  
Clerk to the Board of Supervisors

APPROVED AS TO FORM:

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7 By: \_\_\_\_\_

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8 LLOYD C. GUINTIVANO  
County Counsel