

Denise McDowell

Hello,

As a long time tax paying resident along St Helena Creek south of Middletown I have a few concerns to share re: the potential permitting of the Nina Star Farms Cannabis grow.

The availability of water is a huge concern. As you may know most residents in the area relay on shallow wells for their water supply. These wells historically run dry during low rainfall years. California continues to be in a drought so we can expect that to continue into the future until rainfall dramatically increases.

I have tried to find out more information re: aquifers etc. in our area but Lake County does not have a person who manages water shed protection. I have messaged the State Water Resources Board for some answers and am awaiting their response.

Those of us south of Middletown do not have access to Middletown's water system, it does not extend beyond Twin Pines. Therefore we have had to truck in water. I personally spent over \$8,000 during the worst of the recent drought years of 2021-2023. According to a Cannabis farmer in Sonoma County, the proposed 37,446 sq feet of grow space at Nina Farms could support 8,700 plants. According to my recent Google search each plant requires 5.8 gallons of water/day during the final growth period (June-October). Potentially needing 1,305,000 gallons of water?!

What recourse will the residents have if and when our wells run dry every year from this water usage?

I am also very concerned about the fragil trout population which migrates up from Lake Berryessa to St Helena Creek (and other creeks in our area). We personally have seen about 30 behind our property recently. It stands to reason that Nina Star's potential water usage would put the State's aspirations of preserving and reestablishing a viable trout population in California's streams at risk. I have tried to reach Fish & Wildlife re: this question and am awaiting a response from them as well. I did check the California State Dept of Fish & Wildlife website and found a document "A Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources" that confirms my concerns. Listed are pesticides, rodenticides, fertilizers, pollutants, noise, and artificial lighting. All described as having a detrimental effect on fish, wildlife and associated ecosystems. The review focuses on outdoor and greenhouse cultivation, "The combination of limited water resources, a water-hungry crop, and cultivation in sensitive ecosystems means that marijuana cultivation can have environmental impacts that are disproportionately large given the area under production" (Carah et al. 2015).

I feel these concerns alone should caution the County about permitting such a large cannabis grow so near St Helena Creek.

Thank you,

Denise McDowell

(Lake County resident since 1967)

**To: County of Lake Board of  
Supervisors**

**Fr: Monica Rosenthal**

**March 31, 2025**

**Re: 10:00am Consideration of Appeal – Major Use Permit (UP 20-14) Nina Star Farms, Commercial Cannabis Cultivation at 231 80 Shady Gove Road, Middletown, CA 95461**

As a Middletown resident, I am asking you to deny this appeal for the following reasons:

1. It is **NOT in compliance with the intent Middletown Area Plan or the General Plan**. Both the General Plan and the Middletown Area Plan seek to protect scenic Highway 29 for the traveling public with natural features and riparian vegetation including agricultural activities such as grazing lands, walnut orchards, vineyards which would provide scenic vistas, not huge steel buildings painted red and 6'10" fencing. See excerpts from the Area Plan below.
2. It **does not conform to the purpose of Article 5 of the Zoning Ordinance to protect the County's agricultural soils**. This project is NOT similar to an agricultural use; it is similar to an industrial commercial use with over 42,000 sq ft of greenhouses plus a 5,400 sq ft. processing facility with a 6'10" perimeter fence. The project proposes nine (9) steel buildings, fully sealed, with impermeable flooring. The exterior will be painted red to resemble a barn or more accurately, to resemble 'lipstick on a pig.'
3. There is **not sufficient water supply in the area**. Water is an extremely limited resource throughout Middletown, but particularly limited in the south Middletown area along Highway 29. Residents regularly truck in water during the hot summer months when their wells stop functioning and St. Helena creek runs dry. Additionally, comments submitted from the Department of Cannabis Control on Dec. 22, 2023 states that the Initial Study "would be improved if it analyzed other projects near the site that could also draw water from the aquifer. The IS/MND only compares the groundwater recharge to the proposed project and does not include other expected projects that could also draw water from the aquifer." Limited information is provided in the Staff Report regarding the Hydrology Report of 9/9/2021. The analysis is not sufficient to properly evaluate and provide for the safety of community and surrounding areas. Approval of this project will jeopardize access to water and water quality. This project does not meet Water Resources Goal WR-1: to provide for the current and long-range water needs of the County and for the protection of the quality and quantity of groundwater resources.
4. **Regarding Land Use, Policy LU-1.3: The County shall prevent the intrusion of new incompatible land uses into an existing community area**. This project is incompatible. Please deny the appeal.

The following is an excerpt from the Middletown Area Plan.

**"The Lake County General Plan identifies Highway 29 as a potential scenic highway from the intersection of Highway 20 at Upper Lake south to Napa County line.** The portion traversing the Planning Area offers views of the surrounding mountains and rolling hills. This scenic viewshed encompasses the ridge lines east and west of the route including Mt. St. Helena, the Callayomi and Coyote Valleys and the riparian vegetation associated with St. Helena Creek. In addition to natural features, the

cultural landscape included agricultural activities such as **grazing lands, walnut orchards, and vineyards which provide scenic vistas** for the traveling public. **Highway 29 is a gateway to Lake County from the Bay Area and is consequently a critical scenic resource."**

The Middletown Area Plan further states....

**"Route 29 from the Napa County line to the Horne Winery should be considered open space corridors of significance and considered potential to become designated scenic highways or routes."**

The intent as noted above is "grazing lands, walnut orchards, and vineyards" to provide scenic vistas; not nine (9) red steel buildings. The planned development for these agriculture parcels located along Highway 29 was meant to be natural, green scape vistas preserving the look of the natural environment and riparian corridor of St. Helena Creek.

I would argue that this split agricultural/rural lands parcel is not the place for a pear shed or any type of metal wine storage building nor is it the site for eight (8) greenhouses and a processing facility. It is the site for natural landscape and the open space feeling and beauty of agricultural crops as identified in the Area Plan before cannabis stepped out into the ag world following its legalization.

The future update of the Area Plans and General Plan needs to address the changes this new industry brings to development and community, but in the meantime, I urge you to uphold the intent of those who developed our current County and community plans.

**There are several Major Use Permit FINDINGS that cannot be met for this proposed project.**

1. This project is detrimental to the health, safety, morals, comfort and general welfare of the community and the County.

2. The size and location of the parcel is not adequate.

While it is 44 acres, it is split zoned with the RL portion of the property located on the other side of the creek and is not part of this project due to the bridge crossing being inadequate. Therefore, only the front portion of the parcel zoned agriculture and bordering scenic Highway 20 will support the nine (9) steel metal greenhouses totally almost 48,000 sq ft.

3. The project is not in conformance with the General Plan or the Middletown Area Plan as noted above.

4. The project site may currently be in violation—while the Staff report prepared for the Planning Commission meeting held in Dec. 2024 identified 12 shipping containers, ariel view and neighbor observations show there are almost two (2) dozen shipping containers on site. Are they permitted?

5. There is not adequate water nor has there been an adequate water analysis performed that considers impact to surrounding projects/parcels.

One final comment, there is another cannabis project located at 23320 Shady Grove Road, Middletown that is in the planning stage within CDD that is yet to surface at the Planning Commission for review.

**Please deny this appeal.**

Thank you for your consideration.

Monica Rosenthal  
Middletown Resident

Elizabeth Kershaw

To: County of Lake Board of Supervisors,

Date: March 31, 2025,

Re: 10:00am Consideration of Appeal - Major Use Permit (UP 20-14) Nina Star Farms,  
Commercial Cannabis Cultivation at 23180 Shady Grove Rd, Middletown CA.

For public record, my name is Elizabeth Kershaw and I am an outspoken neighbor against the Ninastar cannabis grow. I have written three letters (attached) to the Board of Supervisors and personnel of the CDD. Most recently I spoke up at the Dec 12 planning meeting where the permit was denied and then again at the Mar 25th BOS meeting discussing the appeal.

In preparation for tomorrow's Board of Supervisors meeting where the appeal will be considered, I'm again urging you to deny the permit on a number of very important factors.

Today I'm sharing with you a letter dated March 26, 2024 from the law office representing Ninastar (attached). This letter was very strongly worded, in a threatening manner, that I retract my statements in the three letters that I sent to the county opposing the permit.

I as a neighbor within close proximity of the proposed grow was given the opportunity by the Declaration of a Negative Impact Notice to voice my concerns. All of the concerns that I stated were true and can be validated, are extremely reasonable and I stand by the truths in my statements. I have not and will not retract them.

The threatening wording in the legal letter used the following sentences:

\* we demand the immediate withdrawal of your Complaints with Lake County

\* Failure to acknowledge your false accusations and withdraw your Complaints with Lake County may compel us to take appropriate legal action to protect the interests of our client, including without limitation, filing a tortious interference lawsuit in a venue of appropriate jurisdiction.

\*We expect your written confirmation that such unsubstantiated assertions will be formally retracted by April 7, 2024.

\*will leave our client no other choice but to seek legal remedies in furtherance of protection of their business

This kind of threatening actions by the owners of the permit application is completely unacceptable and even illegal. My statements are protected under ant-SLAPP statues in California,

"...California has a strong anti-SLAPP law. To challenge a SLAPP suit in California, defendants must show that they are being sued for "any act . . . in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue." Cal. Civ. Proc. Code § 425.16 (2019). Under the statute, the rights of free speech or petition in connection with a public issue include four categories of activities: statements made before a legislative, executive or judicial proceeding; statements made in connection with an issue under consideration by a governmental body; statements made in a place open to the public or a public forum in connection with an issue of public interest; and any other conduct in furtherance of the exercise of free speech or petition rights in connection with "a public issue or an issue of public interest." § 425.16(e)...."

This is clearly in relation to an issue made in front of a governmental body (Planning Commission, Board of Supervisors); clearly a public issue; My neighbors ND i have clearly petitioned against the MUP; and is conduct in furtherance of your petition.

"...In ruling on the motion to strike, a California court will first determine whether the defendant established that the lawsuit arose from one of the statutorily defined protected speech or petition activities. *Braun v. Chronicle Publ'g Co.*, 61 Cal. Rptr. 2d 58 (Cal. Ct. App. 1997)...."

<https://www.rcfp.org/anti-slapp-guide/california/#:~:text=California%20has%20a%20strong%20anti,a%20public%20issue.%E2%80%9D%20Cal>

This threat letter adds to the already bad behavior of this project. I urge you to thoughtfully consider and hopefully agree, that this project is NOT good for the neighbors around them, nor the community of Middletown and the beautiful county it is located in. I urge you to deny the appeal.

To: Lake County Board of Supervisors  
Date: 3/31/25  
Re: School Bus Stop Near Nina Star Farms

Dear Board Members,  
It has been brought to the community's attention that cannabis grows are not to be permitted within close proximity to schools and children. There is a school bus stop located extremely close, approx 262 feet from the entrance of Nina Star Farms. Attached is a Google map of the bus stop showing its proximity to the project.

Again, the community encourages the Board to deny the appeal.

Sincerely,  
Elizabeth Kershaw

Dear Members of the Board,

My name is Tara Ybarra, and I'm writing to respectfully urge you to uphold the original decision to deny the proposed cannabis project by Nina Star Farms, located along Highway 29 in Middletown.

I grew up directly across from Shady Grove Road, and I still have family living in the area today. I care deeply about this community, the land, and the future of Lake County. I want to be clear: I am not opposed to cannabis cultivation in Lake County. I support legal, responsible operations in appropriate locations. However, I believe this particular site poses serious risks to our water supply, safety, and local quality of life, and does not align with the County's long-term goals for sustainable development.

This project is located along Highway 29, a designated Scenic Corridor, directly beside the "Welcome to Lake County" sign. This is one of the first views travelers experience when entering the county. Replacing that natural and symbolic entry point with industrial fencing, shipping containers, and potential odor sends the wrong message. It undermines Lake County's tourism economy and contradicts years of effort to promote our county as a peaceful, rural destination.

Beyond its visual impact, I am especially concerned about the impact this project would have on our already fragile water resources. This region is water-sensitive. Many residents rely on St. Helena Creek and shallow wells, and some already truck in water during the summer. A neighbor who has lived near the creek for over 70 years once irrigated a 13-acre walnut grove and still had an eight-foot swimming hole. Today, that water is gone. The changes are undeniable.

The applicant's hydrology report claims the project's well produces 16 gallons per minute, but the official well completion report states it only produces 3 gallons per minute. That equals 4,320 gallons per day, even running nonstop—yet the project's construction phase alone requires 5,000 gallons per day. The numbers don't add up. Furthermore, the well is one of three in the area whose spheres of influence include St. Helena Creek, which means any drawdown will directly affect the local shared water supply. I have attached a Well Report for the property in question, including the sphere of influence, and creek is within the sphere boundaries.

Under the California Environmental Quality Act (CEQA), residents have raised a legitimate concern that this project may result in significant environmental impacts. The current Mitigated Negative Declaration (MND) does not adequately address the impact on local water resources. If this permit is approved, CEQA will require a full Environmental Impact Report (EIR). The financial and administrative burden of an EIR is significant. It can cost hundreds of thousands of dollars, take at least a year to complete, and still require mitigation efforts beyond that.

This project also raises questions about transparency. While it has been presented as a single parcel, photo documentation shows that it is being managed in coordination with a neighboring parcel, sharing irrigation infrastructure, equipment, and hosting over 40 shipping containers—many of which appear to be unpermitted. These signs indicate a

much larger coordinated operation, proceeding without full disclosure to the County or the public. I have attached 3 Google images showing the containers of the Nina Star Farms Project as well as the sister project that is also currently happening on the neighboring property.

Additionally, a local resident who submitted a formal protest received a letter from the applicant's attorney asking her to withdraw her objection. This is deeply concerning. It may constitute a violation of California's anti-SLAPP law, which protects the public's right to participate in government processes without intimidation or retaliation. Such action undermines trust in the public process and should be taken seriously.

Finally, there is the matter of fire risk. This area of Lake County has not yet burned, but we are ten years past the Valley Fire, and wildfire threats have only increased. Adding infrastructure and increased human activity in this rural, dry region—without a clear fire mitigation plan—poses a danger to surrounding residents.

This project raises too many concerns to be approved without further scrutiny: an insufficient water supply, unaddressed CEQA obligations, lack of transparency, pressure on community members, and real safety risks.

I am not asking the Board to oppose cannabis in Lake County. I am asking you to support responsible planning and uphold the integrity of the process that protects the people, land, and future of Lake County.

Please uphold the decision to deny this permit. Thank you for your time, your attention, and your continued service to our community.

Sincerely,

Tara Ybarra

Subject: Addressing Water Scarcity South of Middletown and Concerns Regarding Proposed Cannabis Operations.

Dear Members of the Lake County Board of Supervisors,

I am writing to you as the General Manager of the Callayomi County Water District (CCWD) to bring attention to the ongoing water scarcity issues south of Middletown, particularly in the area between Twin Pine Casino and Lazy S Mobile Ranch on Bradford Road, and to express concerns about potential impacts from proposed cannabis operations in this region.

CCWD currently provides potable water service to the Middletown area, extending as far south as Twin Pine Casino. Beyond this point, the region is characterized by extremely limited water availability. During the drought years of 2020–2022, CCWD offered bulk water as a courtesy to more than 25 residents in this area to help meet their basic needs. Even now, in 2025, we continue to provide bulk water to 13 residents during the summer months of July through October, as local water sources remain insufficient. Many of these residents rely on infiltration galleries along St. Helena Creek, which have consistently dried up each summer since 2020, leaving them without a reliable water supply.

Recognizing the severity of this issue, numerous residents in the area have expressed a strong desire for CCWD to expand our water system to reach Lazy S Mobile Ranch. In response, CCWD has been actively pursuing grant funding to extend our infrastructure southward. This expansion would not only provide a stable water supply to these

residents but also enhance fire protection infrastructure for the Middletown area, improving public safety in a region prone to wildfire risk.

To explore all possible solutions, I have personally reviewed every well drilling log available through the State Department of Water Resources database to assess the feasibility of installing a district well to serve this area as a separate water system zone that will eventually tie into our existing system. Unfortunately, my research indicates that most wells in this region either produce no water or yield only 1–5 gallons per minute (gpm), far below what would be required to sustain a reliable water supply for residential use, let alone additional demands.

Given this persistent scarcity, I urge the Board to exercise caution regarding any proposed cannabis operations in this area. Approving such a project without first conducting a more extensive hydrogeological study to confirm adequate and long-term water availability risks exacerbating the existing strain on local water resources. Residents in this region are already struggling to secure sufficient water, and any additional demand could further jeopardize their access. Moreover, CCWD is unable to provide water to cannabis grows due to district policy, which aligns with Lake County ordinances prohibiting such use.

We respectfully request your consideration of these factors in your planning and decision-making processes. CCWD remains committed to working collaboratively with the County to address water scarcity and improve infrastructure for the benefit of all residents. Should you require additional data or wish to discuss potential solutions, I am available at your convenience.

Thank you for your attention to this critical matter.

Todd Fiora  
General Manager  
Callayomi County Water District

Supervisors Crandell, Rasmussen, Sabatier, Owen and Pyska

Re: Item 6.9. Consideration of Appeal (AB 24-05) of Planning Commission's Denial of Major Use Permit (UP 20-14), Nina Star Farms, LLC

In reference to the above appeal, we are concerned with many of the issues raised by others regarding this project. In particular, this project is positioned just off Hwy 29, which is considered by Caltrans to be eligible for designation as a Scenic Highway.

The full parcel 014-006-16 has been zoned by Lake County as being in the Scenic Combining District (SC).

Per page 7 of the Staff Report, *"The project has been strategically developed to ensure that the **ancillary structures** for cannabis cultivation are situated outside of the **Scenic Corridor within the Scenic Combining District**. In alignment with this requirement, a setback of 500 feet from the roadway has been established."*

The Staff Report further states on pg 13, *"Article 34– Scenic Combining District ... **The***



***project has been designed for the cannabis cultivation ancillary structures to be constructed out of the Scenic Combining District's Scenic Corridor. For this project, a setback of 500 ft from the roadway has been implemented. Site Plans (Attachment 1) identify the 500' setback from the Scenic Corridor.***

The concept of a 500-foot Scenic Corridor setback in the Scenic Combining District has come up in several projects. In fact, the word "corridor" is not mentioned in Article 34. We have made several requests to CDD, but to-date, we have not been able to find any document outlining this setback. **We are requesting that CDD produce the County-approved Scenic Corridor document**, which would clarify our concern.

Unless this is submitted, we respectfully request the Board consider the actual wording in Article 34 on the Scenic Combining District which states:

**"Uses permitted, when located within the Scenic Combining District** adjacent to County Roads:

- ii. **Agricultural processing** such as fruit dehydrators, packing, sheds **not exceeding a use area of five thousand (5,000) square feet**, including an incidental retail sales area of up to five hundred (500) square feet for products processed on the premises;
- iii. **Greenhouses, hothouses and incidental structures not exceeding a use area of five thousand (5,000) square feet**

Additionally, accessory structures are not to exceed 15 feet.

We thank you for your consideration in denying the appeal,  
Holly Harris/Chuck Lamb