

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

2
3 In the Matter of the Appeal of Peter Luchetti
4 [PL-26-12]

FINDINGS OF FACT AND DECISION

5 These proceedings were commenced by virtue of an appeal of the Planning Commission's
6 determination on January 8, 2026, to adopt a mitigated negative declaration and to approve a Major
7 Use Permit (PL-25-13) and Mitigated Negative Declaration PL-25-13 (IS 21-16) for cultivation of
8 19.6 acres outdoor commercial cannabis canopy within a 34-acre cultivation area and a Type 13
9 Distribution, Self Transport only license located at 19955, 19986, 20110, and 22222 Grange Road,
10 Middletown (APNs 014-290-08; 014-300-02, 014-300-03, & 014-300-04) (hereinafter, the
11 "Project").

12 A duly noticed public hearing on the appeal scheduled before this Board was heard on
13 April 21, 2026 and continued for further hearing on May 19, 2026, at which times,
14 evidence, both oral and documentary, was presented. Based upon the evidence and applicable
15 law, we find the following:

- 16 1. That the Lake County Planning Commission held a noticed public hearings on December
17 11, 2025 and January 8, 2026, to consider the adoption of a Major Use Permit (PL-25-
18 613) and Mitigated Negative Declaration (IS 21-16), which, if approved, would allow
19 cultivation of 19.6 acres outdoor commercial cannabis canopy within a 34-acre cultivation
20 area and a Type 13 Distribution, Self Transport only license located at 19955, 19986,
21 20110, and 22222 Grange Road, Middletown (APNs 014-290-08; 014-300-02, 014-300-
22 03, & 014-300-04).
- 23 2. That on May 22, 2025, the Planning Commission adopted Initial Study PL-25-13 (IS 21-
24 16) and Major Use Permit (PL-25-613) (UP 21-15) and Mitigated Negative Declaration
25 PL-25-13 (IS 21-16).
- 26 3. That the Project applicant is Rancho Lake, LLC and the property owner is Comstock
27 Ranch, LLC (James Comstock).

- 1 4. That the Appellant is Peter Luchetti. The grounds provided as the basis for the appeal are
2 summarized as follows:
- 3 a. The Planning Commission’s decision was not supported by substantial evidence
4 and constitutes an abuse of discretion.
- 5 b. The Mitigated Negative Declaration should not be adopted on the following
6 grounds:
- 7 i. The hydrology report relied upon is insufficient to demonstrate that the
8 extraction of water for 19.6 acres of cannabis canopy will not adversely
9 affect the underlying aquifer and the analysis fails to account for
10 cumulative impacts of this Project combined with other approved
11 cultivation sites in the Middletown/Grange Road area. The adoption
12 disregards the hydrological analysis provided by 276 Ranch LLC’s
13 hydrologist, who runs the well monitoring for the Coyote Valley for the
14 Hidden Valley Community Services District.
- 15 ii. The Project failed to include a required consultation of wildfire evacuation
16 and overall combined traffic impacts specifically addressing the Project
17 and Guenoc Valley Resort emergency evacuation via the Grange Road
18 Connector which runs through the Comstock Ranch.
- 19 iii. The biological assessment provided by the applicant is dated and contains
20 significant errors and omissions regarding local flora, fauna, and sensitive
21 species, as well as water and other environmental impacts.
- 22 iv. The Project fails to demonstrate full compliance with Public Resources
23 Code Sections 4290 and 4291.
- 24 c. The Project is fundamentally incompatible with the existing, long-standing
25 agricultural character of the immediate vicinity based on the following grounds:
- 26 i. The Project introduces a proven risk of pesticide and chemical drift, use of
27 fertilizers and other inorganic compounds for cannabis farming and
28 processing.

- 1 ii. The Project lacks a designed and professionally engineered odor control
- 2 system.
- 3 iii. The approved setbacks are insufficient to mitigate nuisance impacts on the
- 4 Luchetti family residence and ranch staff housing, and the Project creates
- 5 significant noise, dust, and odor nuisances that degrade the quality of life
- 6 and property value.

- 7 5. That the Board of Supervisors conducted a de novo hearing in this matter as required
- 8 by Section 58.34 of the Lake County Zoning Ordinance.
- 9 6. That the Appellant presented evidence and arguments both documentary and testimonial
- 10 in support of this appeal.
- 11 7. That persons testifying in support of the appeal included Peter Luchetti, Martin Hirsch,
- 12 Ryan Crawford, and Eric Smith.
- 13 8. That the Community Development Department presented testimony and documentary
- 14 evidence relevant to these proceedings including, but not limited to: (1) the staff report
- 15 dated December 11, 2025 and Attachments 1 through 12 thereto; (2) the staff report dated
- 16 January 8, 2026 and Attachments 1a through 12 thereto; and (3) the May 19, 2026
- 17 memorandum to the County of Lake Board of Supervisors, and Exhibits A1 through A13,
- 18 A, and B thereto. Mireya Turner, the Director of Community Development presented the
- 19 Department’s case. Community Development Senior Planner Mary Claybon also testified.
- 20 9. That the evidence presented by the Community Development Department included the
- 21 following:
 - 22 a. In response to Appellant’s assertion of CEQA violations and inadequate
 - 23 environmental review of water resources.
 - 24 i. Putah Creek, a perennial Class I watercourse, traverses the northernmost
 - 25 section of the property from west to east. Additionally, Crazy Creek, an
 - 26 intermittent Class II watercourse, flows from west to east through the
 - 27 northwest portion of the site and joins Putah Creek. Several unnamed
 - 28 intermittent Class III watercourses also run from south to north, ultimately

1 feeding into Putah Creek. All setbacks from watercourses have been
2 identified.

3 b. In response to Appellant's assertion of CEQA violations and inadequate
4 environmental review of hydrological impacts.

5 i. The site is enrolled with the California Water Resources Quality Control
6 Board's General Order and the applicant has submitted of a Notice of
7 Applicability dated October 31, 2020, or prior, as required under Lake
8 County Zoning Ordinance, Article 27, Uses Generally Permitted. A
9 Hydrogeologic Assessment was prepared by Hurvitz Environmental
10 Services Inc. According to the Assessment, the proposed cultivation
11 operation has an estimated annual water use requirement of approximately
12 49.2 acre-ft/year. The recharge rate is estimated to be approximately 793.2
13 acre-ft/year. The Report concluded that the site can sustainably produce the
14 water needed to meet the Project demands. The Drought Management Plan
15 identifies Best Management Practices per the State Water Resources
16 Control Board's Cannabis General Order to conserve water resources
17 during normal times and in times of drought. The project consultant and the
18 certified Hydrogeologist, Lee Hurvitz of Hurvitz Environmental Services,
19 Inc. provided information that Putah Creek and the project's well do not
20 have direct interference, as further discussed within the assessment. The
21 irrigation well is located approximately 230 feet from the current Putah
22 Creek channel. The radius of pumping influence suggests that groundwater
23 well use would not have a direct effect on stream flow at this distance. This
24 project does not involve water rights or surface water diversion.

25 c. In response to Appellant's assertion of CEQA violations and inadequate
26 environmental review of traffic impacts and emergency evacuation access.

27 i. The internal traffic analysis conducted indicated an average of 24 daily
28 trips, with up to 40 trips during peak seasons, which does not meet the

1 CEQA threshold of 110 or more trips to necessitate a detailed traffic study.
2 A formal traffic study was not recommended for this project, in accordance
3 with CEQA guidelines. Staff was directed to reach out for agency comment
4 to the fire district, who deferred to Lake County Sheriff's Office and Office
5 of Emergency Services (OES). According to OES, it does not conduct or
6 certify evacuation capacity, clearance times, or traffic modeling, and is not
7 able to determine whether a specific project would or would not affect
8 evacuation performance along Grange Road.

9 OES does provide input related to operational awareness, preparedness,
10 and workplace safety, particularly for projects located along evacuation
11 routes or in hazard-prone areas. Evacuation routes are incident-specific.
12 While Grange Road may function as an evacuation route under certain
13 conditions, how and when it is used depends on the type of incident,
14 conditions at the time, and direction from the Sheriff's Office. There is no
15 single, fixed evacuation pattern that applies to all scenarios.

16 Conditions of Approval were amended by the Planning Commission prior
17 to project approval at the January 8, 2026, hearing to include a condition
18 from Lake OES as a result of the agency comment received.

- 19 d. In response to Appellant's assertion of CEQA violations and inadequate
20 environmental review of biological surveys.
 - 21 i. The Draft Initial Study/Mitigated Negative Declaration includes mitigation
22 measures specific to biological resources; as identified within the
23 biological surveys and agency comment received during the review period.
24 According to the CEQA analysis, impacts relating to Biological Resources
25 would be reduced to Less than Significant with Mitigation Measures BIO-1
26 through BIO-5. These mitigation measures are reiterated within the
27 projects Conditions of Approval.

- 1 ii. The following assessments were analyzed in accordance with CDFW,
2 USFWS, and CNPS requirements and provided for analysis. ·
- 3 1. Biological Assessment Natural Investigations Company, Inc. G.O.
4 Graening, PhD and Tim Nosal, MS dated March 3, 2021.
- 5 a. Consulting biologist Tim Nosal, MS. conducted a
6 reconnaissance-level field survey on February 8 and 9,
7 2021. ·
- 8 2. Botanical Survey Natural Investigations Company, Inc. G.O.
9 Graening, PhD, Tim Nosal, MS, and Kevin Downing, June 7, 2021.
- 10 a. Tim Nosal, MS., February 8 and 9, 2021; Kevin Downing;
11 April 21, 2021, and June 3, 2021.
- 12 e. In response to Appellant’s assertion of CEQA violations and inadequate
13 environmental review of compliance with fire safety standards.
- 14 i. The site is within a moderate fire hazard severity zone and features
15 relatively flat terrain. Historically, the site has been used for animal grazing
16 and agricultural purposes. As part of the project, fire mitigation measures
17 will be implemented in accordance with Public Resource Code (PRC)
18 §4290 and §4291 Fire Safety Standards, including road width
19 requirements, appropriate turnarounds, gate access, defensible space
20 creation, and the installation of water tanks designated for fire suppression.
21 Internal gates and roadways will powered by creation, and the installation
22 of water tanks designated for fire suppression. Internal gates and roadways
23 will meet the requirements of PRC §4290 and will be equipped with a
24 Knox box to ensure rapid access for emergency responders.
- 25 f. In response to Appellant’s assertion of CEQA violations and inadequate
26 environmental review of pesticide drift.
- 27 i. Article 27, Uses Generally Permitted of the Lake County Zoning
28 Ordinance identifies uses, design standards, and other regulatory criteria

1 that each project must adhere to are important considerations. Pesticide use
2 in Lake County falls under the regulatory jurisdiction of the Department of
3 Pesticide Regulation, with oversight at the local level by the Agricultural
4 Commissioner. The applicant has included a Pest Management Plan as part
5 of their Property Management Plan. On May 28, 2021, the Agricultural
6 Commissioner provided agency comments noting that the operator must
7 obtain a pesticide operator identification number in order to purchase and
8 apply pesticides. Additionally, the operator must acquire a private
9 applicator certificate to train employees involved in pesticide application.
10 It is not uncommon for conventional and organic farmed properties to exist
11 side by side. However, pesticide applicators have a responsibility when
12 making applications to not allow products to drift or to continue making an
13 application when the weather conditions would favor potential drift. The
14 operator (and all employees who are applying pesticides) are required to
15 obtain a pesticide permit and recommends a private applicator certificate
16 (PAC). Additionally, the project's Draft Initial Study/Mitigated Negative
17 Declaration addresses pesticides within mitigation measures which are
18 reiterated within the project's Conditions of Approval.

- 18 g. In response to Appellant's assertion of CEQA violations and inadequate
19 environmental review of odor control.
- 20 i. Odor management for outdoor commercial cannabis canopy is addressed
21 through minimum setback requirements from property lines (100 feet) and
22 offsite residences (200 feet). The applicant plans to dry cannabis within
23 Harvest Storage & Staging engineered membrane structures for seasonal
24 use. The structures do not include the use of air filtration equipment due to
25 being temporary in nature. The structures will be erected in July of each
26 year and deconstructed each December. The intent is for there to be little to
27 no evidence during the winter and spring seasons of the cultivation

1 activities that occurred during the summer and fall of the previous year. No
2 permanent foundations for these structures are proposed.

3 Odor control measures are mandated for permanent greenhouse structures
4 located within the Farmland Protection Zone. Since the project involves
5 outdoor cultivation under full sun, the use of odor filtration equipment is
6 not required. The site has been used for cattle grazing previously and will
7 continue to support grazing for future use. This is consistent with the
8 neighboring cattle farm. Odors from traditional agriculture are not
9 quantified.

10 h. In response to Appellant's assertion of CEQA violations and inadequate
11 environmental review of setbacks and conflicts with residential use.

12 i. The closest off-site residence is approximately 1,000 feet from the project
13 site, while a secondary residence is approximately 900 feet away. The
14 proposed location of the cannabis canopy exceeds the 200-foot setback
15 requirement for off-site residences as specified in Article 27.11 of the Lake
16 County Zoning Ordinance.

17 i. In response to Appellant's assertion of CEQA violations and inadequate
18 environmental review of prime farmland incompatibility / inadequacy of buffers.

19 i. The Project will utilize approximately 40 acres (2.5%) of the total 1,627-
20 acre property. The remaining land will continue to be used for grazing and
21 agricultural purposes. The proposed outdoor commercial cannabis
22 cultivation activities are agricultural in nature such as planting crops and
23 harvesting product, and align with existing land use patterns, surrounding
24 uses, and applicable zoning regulations.

25 Lake County Ordinance 3103 offers additional protections to lands within
26 the Farmland Protection Zone (FPZ) by establishing development
27 standards and setback requirements. Specifically, outdoor cannabis
28 cultivation is not permitted within any FPZ or within a 1,000 foot buffer of

1 FPZ lands. Within the FPZ, mixed-light commercial cannabis canopy,
2 within permanent structures, must be equipped with odor filtration.

3 The Lake County Board of Supervisors has not designated the project area
4 or neighboring parcels as a Farmland Protection Zone (FPZ). The nearest
5 FPZ land is situated in the Lower Lake area along State Highway 29,
6 approximately 10 miles (as the crow flies) from the project site.

7 10. That the Project Applicant’s representatives presented testimony and documentary
8 evidence and specifically responded to the grounds offered for this appeal.

9 11. That this Board finds, based on the evidence and facts presented in this matter as follows:

- 10 a. That all the findings required for the issuance of a major use permit as described in
11 Section 51.4 of the Lake County Zoning Ordinance are hereby made by this Board.
12 This Board adopts the analysis and factual determinations of the pages 17 – 21 of
13 the Community Development Department staff report dated December 11, 2025,
14 and pages 3 – 4 of the Community Development Department staff report dated
15 January 8, 2026 regarding the findings required for the issuance of this major use
16 permit.
- 17 b. That this Board finds that sufficient information exists in the record of this matter
18 to support the adoption of the mitigated negative declaration. This Board adopts
19 those CEQA finding enumerated in pages 17 – 21 of the Community Development
20 Department staff report dated December 11, 2025, and pages 3 – 4 of the
21 Community Development Department staff report dated January 8, 2026.
- 22 c. This Board hereby adopts the mitigated negative declaration for this Project and
23 grants Major Use Permit (PL-25-13) (UP 21-15) based upon the findings
24 enumerated on pages 17 – 21 of the Community Development Department staff
25 report dated December 11, 2025, and pages 3 – 4 of the Community Development
26 Department staff report dated January 8, 2026.
- 27 d. That the Appellant has provided insufficient evidence to support the grounds for
28 the appeal.

- e. That this Board finds there is no substantial evidence in the record as a whole to support a fair argument that the Project as revised and mitigated may have a significant effect on the environment.
- f. That this Board has considered and incorporates by reference the Community Development staff memoranda and exhibits thereto submitted to this Board for the hearing, as well as other documentation, evidence, and comments submitted to this Board.

12. Based upon all the foregoing and for the reasons set forth hereinabove, this Board denies the appeal of the Appellant Peter Luchetti.

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

Dated: _____

CHAIR, Board of Supervisors

ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors

APPROVED AS TO FORM:



LLOYD C. GUINTIVANO
County Counsel

By: _____