

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

2
3 In the Matter of the Appeal of Amy Hewitt-
4 Novoa and Juan Novoa

5 **FINDINGS OF FACT AND DECISION**

6 [AB 24-04]

7 These proceedings were commenced by virtue of an appeal of the Lake County Planning
8 Commission's (hereinafter, "Planning Commission") denial of the Mitigated Negative Declaration
9 and Major Use Permit on January 25, 2024 and October 10, 2024, for a special event venue with a
10 16-site campground for weddings and gatherings at 5680 Blue Lakes Road, Upper Lake, (APN 003-
11 007-03) (hereinafter, the "Project").

12 A duly noticed public hearing on the appeal scheduled before this Board was heard on December
13 17, 2024, at which time, evidence, both oral and documentary, was presented. Based upon the
14 evidence and applicable law, we find the following:

- 15 1. That the Planning Commission held a noticed public hearing on January 25, 2024, to consider
16 the approval of proposed Major Use Permit (UP 22-24), and Mitigated Negative Declaration
17 (IS 22-29), for a private campground and special event venue. The project is located at 5680
18 Blue Lakes Road, Upper Lake in Lake County, California. The Planning Commission granted
19 the continuance of the January 25, 2024 hearing to a later date.
- 20 2. That the Planning Commission held a noticed public hearing on October 10, 2024, to consider
21 the approval of proposed Major Use Permit (UP 22-24), and Mitigated Negative Declaration
22 (IS 22-29), for a private campground and special event venue. The project is located at 5680
23 Blue Lakes Road, Upper Lake in Lake County, California.
- 24 3. That, at the October 10, 2024 public hearing, the Planning Commission denied without
25 prejudice the Mitigated Negative Declaration (IS 22-39) and denied without prejudice the
26 Major Use Permit (UP 22-24).
- 27 4. That the Project Applicants and Appellants are Amy Hewitt-Novoa and Juan Novoa
28 (hereinafter, "Appellants"). The appeal to this Board was timely filed on October 11, 2024.

 The reasons provided for the appeal include, but are not limited to, the following allegations:

- a. During the hearing, two of the members of the Planning Commission stated that they did not want to hear music from the Project location.
 - b. The Planning Commission's decision was not based on the Appellants' engineered sound study, which was done to show that the neighbors would not be disturbed. Rather it was based on personal opinion and does not promote small new businesses.
 - c. Appellants' due process was violated.
 - d. The Community Development Director has a conflict of interest based on her stay at a neighboring resort, that she opposed the Project, and the Community Development Department treated the Appellants with bias.
 - e. The Project proposes a resort in a resort area and the neighboring resorts also offer weddings and music events.
5. That the Board of Supervisors has conducted a de novo hearing in this matter on December 17, 2024 as required by Section 21-58.34 of the Lake County Zoning Ordinance.
 6. That the Appellants presented evidence both documentary and testimonial in support of their appeal.
 7. That the Community Development Department presented testimony and documentary evidence relevant to these proceedings including, but not limited to, a staff report dated May 25, 2023, attachments A1 through A7 thereto.
 8. That this Board finds, based on the evidence and facts presented in this matter, as follows:
 - a. That the Appellants failed to provide sufficient evidence in support of its appeal.
 - b. That the Appellants failed to provide sufficient evidence to satisfy Finding No. 1 in page 21 of the October 10, 2024 Staff Report, in that the establishment, maintenance, or operation of the use applied for under the circumstances is detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use and is detrimental to property and improvements in the neighborhood or the general welfare of the County due to traffic and wildfire concerns. Therefore, the Board cannot make all the required findings under Section

21-51.4 of the Lake County Zoning Ordinance and denies a major use permit for this Project.

c. That the Appellants failed to provide sufficient evidence to satisfy Finding No. 3 in page 21 of the October 10, 2024 Staff Report, in that the streets, highways and pedestrian facilities are not reasonably adequate to safely accommodate the specific proposed use due to traffic and wildfire concerns. Therefore, the Board cannot make all the required findings under Section 21-51.4 of the Lake County Zoning Ordinance and denies a major use permit for this Project.

d. That this Board finds that this Project would have a significant effect on the environment.

9. That this Board has considered and incorporates by reference the Community Development staff memorandum and attachments thereto submitted to this Board for the hearing, as well as other documentation submitted to this Board.

10. Based upon all the foregoing, and for the reasons set forth hereinabove, this Board denies the appeal of the Appellants, Amy Hewitt-Novoa and Juan Novoa.

11. **NOTICE TO APPELLANTS:** 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:

By: _____



LLOYD C. GUINTIVANO
County Counsel