

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

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3 In the Matter of the Appeal)
4 of WeGrow, LLC)
5 [AB 22-01]) FINDINGS OF FACT AND DECISION
6 _____)

7 These proceedings were commenced by virtue of an appeal of the Planning
8 Commission's denial on February 24, 2022, of a mitigated negative declaration and
9 major use permit (UP 20-22) for a commercial cannabis cultivation site located at
10 16750 Herrington Road, 17610 Sandy Road, and 19678 Stinson Road in Lake
11 County, California (hereinafter, the "Project") .

12 A duly noticed public hearing on the appeal scheduled before this Board was
13 heard on May 17, 2022, at which time, evidence, both oral and documentary, was
14 presented. Based upon the evidence and applicable law, we find the following:

- 15 1. That the Lake County Planning Commission held a noticed public hearing on
16 February 24, 2022, to consider the adoption of a mitigated negative
17 declaration (IS 20-25) and a major use permit (UP20-22) which, if approved,
18 would allow fifteen (15) A-Type 3B medium mixed light commercial cannabis
19 cultivation licenses and one A-Type 13 self distribution license. The Project
20 proposes thirty-two (32) mature greenhouses, 90 feet by 120 feet in size,
21 with 10,380 square feet of canopy area within each mature greenhouse; two
22 (2) greenhouses of the same size for immature plant starts; four (4) 5000
23 square foot drying buildings; two (2) 200 square foot sheds; twenty (20)
24 5,000 gallon water tanks; and the removal of 130 Blue Oak trees. The
25 combined parcel area is approximately 387,600 square feet in size. The
26 approximate size of the proposed canopy area is 332,160 square feet. The
27 project is located at 16750 Herrington Road,(cultivation site) and 17610
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1 Sandy Road and 19678 Stinson Road (cluster sites) in Middletown,
2 California.

3 2. That on February 24, 2022, the Planning Commission declined to adopt a
4 Mitigated Negative Declaration (IS 20-25) for this Project due to insufficient
5 environmental review of the Project as it relates to the removal of 130 oak
6 trees and as to the treatment of soil erosion and drainage.

7 3. That the Project Applicant and Appellant is WeGrow, LLC./Zarina Otchkova.
8 The appeal to this Board was timely filed on March 2, 2022. The reasons
9 provided for the appeal are as follows: The application for this Project was
10 first filed in 2020. All requirements for the issuance of a major use permit
11 for the Project were and are still met. The Community Development
12 Department consistently recommended approval of the Project for nearly two
13 years, but abruptly changed its mind just weeks before the Planning
14 Commission hearing on February 24, 2022. The Appellant contends that
15 the justification for the recommended denial is based upon the opinions of a
16 vocal opposition to the Project, rather than evidence of a significant
17 environmental impact.

18 4. That the Board of Supervisors has conducted a de novo hearing in this
19 matter as required by Section 21-58.34 of the Lake County Zoning
20 Ordinance.

21 5. That the Appellant presented evidence both documentary and testimonial in
22 support of their appeal.

23 6. That the Community Development Department presented testimony and
24 documentary evidence relevant to these proceedings including, but not
25 limited to, a staff report dated May 17, 2022, attachments A1 through
26 through A16 thereto, and a power point presentation.

27 7. That numerous members of the public testified and/or submitted written
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1 statements against the approval of this Project.

2 8. That this Board finds, based on the evidence and facts presented in this
3 matter, as follows:

4 a. That the Appellant failed to provide sufficient evidence in support of its
5 appeal.

6 b. That for the reasons stated at page 6 of the May 17, 2022 staff report,
7 the environmental impacts of the proposed removal of 130 Blue Oak
8 trees cannot be reduced by mitigation measures to a less than
9 significant level. This Board, therefore, declines to adopt the Initial
10 Study and the Mitigated Negative Declaration submitted for this
11 Project.

12 c. That the removal of one hundred and thirty (130) Blue Oak trees for
13 the purpose of developing a commercial cannabis cultivation site is
14 not in conformance with Section 21-27.11(at)1.iii(a) of the Lake
15 County Zoning Ordinance. Therefore, the Board cannot make all the
16 required findings under Section 21-51.4 and/or Section 21-27.11(at)
17 of the Lake County Zoning Ordinance and denies a major use permit
18 for this Project.

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

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

25 10. Based upon all the foregoing and for the reasons set forth hereinabove, this
26 Board denies the appeal of the Appellants, WeGrow, LLC.

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11. **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:

By: _____
Deputy

ANITA L. GRANT
County Counsel