

**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
December 16, 2021**

Commission Members Present:

**P-John Hess, District I
A- Everardo Chavez, District II
A-Batsulwin Brown, District III
P-Christine Price District IV
P-Maile Field, District V**

Staff Members Present:

**Mary Darby, Zoning Administrator
Nicole Johnson, Deputy County Counsel
Trish Turner, CDD Tech
Eric Porter, Associate Planner
Sateur Ham, Assistant Planner**

9:00 a.m. CALL TO ORDER

9:00 a.m. Pledge of Allegiance led by Commissioner Brown, Vice Chair.

9:00 a.m. ACTION ON MINUTES

The minutes from the November 18, 2021 meeting was adopted and approved. The motion was made by Commissioner Hess and seconded by Commissioner Field. The motion was carried unanimously.

9:01 am Citizens Input

Mr. Shawn Paonessa (from the zoom room) requested to speak about the issue concerning women treatment in the Lake County area. Mr. Shawn was asked to speak to this issue during Agenda Item 2 which in on the agenda.

Mr. Justin Quail (in person) requested to speak regarding the Pillsbury Family Farm. Mr. Quail is frustrated because his project has been on hold for two years. He is seeking accountability for his project in which he has paid a \$10,000 Early Activation fee. Mr. Quail invited the Commission to visit his site. He stated that the area is zoned for Cannabis, but no one wants to come out and see the area which was an old mill site. His concern is regarding the workload of staff and the comments made by the National Forest, Cal Fire and a County Inspector about the road leading to his property. Specifically, Mr. Quail expressed his concern regarding planning staff that sent legal notices concerning his property to the wrong area. Further, he's concerned about the differences of opinions between the National Forest Department (which states his site "road" is not within a fire zone), Cal Fire (which states that his site "road" is within a fire zone), and the County Inspector which states that the road is good. He seeks accountability from the Commission and invites the Commission to visit his property.

Mr. Quail stated that since he makes his own soil, have his own animals and do everything naturally that there should not be a negative impact on the environment.

In addition, Mr. Quail stated that his property is zoned for Cannabis, but no one wants to come out to his site; and he wants to get into the program. He is very frustrated.

Commissioner Field asked where is the property located? Mr. Quail answered on Mendocino County line going out to Pillsbury Ranch.

Closed Public Input.

9:05 a.m. Item # 1. Public hearing on consideration of a Major Use Permit (UP 20-75) and a Mitigated Negative Declaration (IS 20-88). The project applicant North Coast Select, Inc., is proposing a co-location/clustering of permits for cannabis cultivation operation to allow 70,560 square feet mixed-light canopy area within greenhouses equipped with air filtration systems in a total of 168,680 square feet cultivation area. The project includes additional greenhouses for immature plants,

a processing facility, a drying building, thirty-two 2,500 gallon water tanks, security, and a perimeter fence. The project is located at 1496 Bell Hill Road, Kelseyville, CA; and further described as A.P.N. (s): 017-002-02, 007-010-24, and 017-002-01.

Staff, Sateur Ham, Assistant Planner requested a project continuation due to the proposed project irrigation pond not being analyzed within the Initial Study - but acknowledged in the biological study. Commissioner Price asked if staff felt as if their report was not complete, or if staff felt as if additional information was needed for the Commissioners to make a decision? Staff answered, yes. County Counsel, Nicole Johnson noted that there may be someone in the public who attended the meeting that may wish to speak to this item if the Commissioners chose to continue the meeting. Counsel advised the Commissioners that they could hear the comments but could not decide on the project at this meeting since the project will be continued. Commissioner Field asked if they could hear the presentation and the comments. The Commission agreed to hear from the audience and to continue the project.

County Counsel stated that since the Initial Study is incomplete, the comments and presentation would not be valid in the future because the study will change.

Commissioner Hess made a motion to continue this item until the January 13, 2022, Planning Commission Hearing. The motion was seconded by Commissioner Field and the Commissioners unanimously voted in favor of the item being continued until the January 13, 2022 hearing.

9:13 a.m. Item # 2. Public hearing on consideration of a Major Use Permit (UP 21-24) and a Categorical Exemption (CE 21-05). The project applicant, Hilltop Recovery Services, Inc., owner: Lori Carter-Runyon, is proposing an expansion of a substance abuse rehabilitation treatment facility to allow a total maximum capacity of 20 residences to serve only women in an existing residential home to be converted as a treatment facility. The project is located at 14725 Catholic Church Road, Clearlake Oaks, CA.; and further described as APN(s): 010-046-06.

Unfortunately, due to the posting of an inaccurate notice, Item Number UP 21-24/CE 21-05 for the December 16, 2021 Lake County Planning Commission Agenda will require re-noticing. The notice published on December 06, 2021 noticed the recommendation of a categorical exemption when it should have noticed the recommendation of an Addendum to the Mitigated Negative Declaration of Major Use Permit (UP 21-24/CE 21-05). Because of the re-noticing requirement, the Planning Commission may hear comments on the Item UP 21-24/CE 21-05, but any decision by the Planning Commission will need to be reserved for a final hearing at a later date after accurate notice is posted. The attached staff report and other documents regarding the Reapplication for Amendment of UP 21-24/CE 21-05 are provided for Item Number 2 on the December 16, 2021 Lake County Planning Commission Agenda. These documents analyze and address the Addendum to the Mitigated Negative Declaration.

Staff, Sateur Ham, Assistant Planner, asked the Commissioners if they would like for her to present the project.

County Counsel, Nicole Johnson, stated that the Commissioners may hear the presentation and the public may be heard; however, the decision must be reserved. County Counsel explained that the issue here is that the noticing was incorrect and to meet due process requirements the notice must be correct so that everybody in the public who wishes to participate in the decision-making process can do so. Therefore, since the noticing was incorrect, the Commissioners decision must be reserved until improper noticing has been corrected.

Commissioner Hess asked Sateur Ham if the submitted staff report was complete and whether the only issue with the agenda item was due to improper noticing? Staff answered, yes. Commissioner Hess stated that mistakes happen and that he apologizes

for having to pass on the last two agenda items due to technical issues. He explained that the Commissioners come to the hearings eager to work on the issues. Commissioner Field asked to hear the presentation and public comments. Staff conducted the proposed project PowerPoint presentation.

Commissioner Hess had some questions for the applicant. His questions were 1) Since people seem to be showing up at the wrong address, or the wrong door(s), Is there signage or not? and 2) Is there an encroachment permit and possible upgrading to a commercial permit?

Sateur responded that she is in contact with Caltrans and there seems to be some miscommunications on the encroachment permit; and that she is working on the signage issue.

Opened for public comments.

George MacDonald, Attorney with Katzoff and Ritz Law Firm, represents the applicant. He stated that there seems to be a lot of confusion over this simple project that was submitted over a year ago. He explained that this is a project which deals with facilities that serve people with disabilities. Mr. George stated that these facilities are entitled to special protections and accommodations under ADA and that none of that has been given throughout this process and that is extremely concerning. Mr. George gave history of the county that should be remembered with this specific group. He stated that in 2005, the applicant had to sue the county over a similar issue of refusing to process a permit with an ADA facility saying the signage was not sufficient. The court found that the county shall grant the permit to the applicant because it fell under reasonable accommodations for ADA.

Mr. George stated that this project has nothing to do with the original permit. He described this new use permit project as a separate project with a request of an occupancy for 20 persons. The project is not an increase from the previous project, and he is not sure why there is an Addendum to the original permit. The noticing is correct because that has nothing to do with the original project. The project should be noticed as a categorical exemption under a couple of different grounds: the existing use, expansion of facility, and access of county road (Catholic Church Road) not Whisner Lane. Mr. George's position is that there are no issues. Agency comments from Cal Trans on March 16, 2021, to Mr. Eric Porter, Associate Planner stated that the parcel does not front along Hwy 20. Mr. George stated that "road frontage" and "expansion of property" created a lot of confusion and delay. Further, he stated that Google Maps identified the wrong address on their locational maps, and this should be cleared up by Google Maps. In conclusion, he stated that there should be no conditions added to the road. However, they are asking for reasonable accommodations and that the Early Activation permit be renewed immediately because the applicant was out of time during the noticing and that his office did not receive a notice. He expressed that these types of facilities are needed in Lake County because of the high drug and alcohol levels; and that a categorical exemption should be issued today.

County Counsel requested to clarify a couple of things from comments of George MacDonald. One, the CDD prior, or current Director does not have the authority to direct the Commissioners to do certain things, or to dictate certain conditions. Two, there is Article 70 of the Zoning Ordinance, that deals with the request for reasonable accommodations; that section outlines certain requirements for requesting reasonable accommodations and such requests must be in writing, note what type of accommodations they are asking for, there is a noticing requirement and a public hearing.

County Counsel explained that the delay with this project is that noticing was incorrect; and reasonable accommodations do not include the waiving of due process for others or those involved in the process. As far as exemptions, under CEQA 15162 guidelines, staff would determine whether the elements are applicable based on a prior determination of application or prior analysis. When CDD goes through the three-step process of the CEQA process, if any one of the elements are triggered, then the applicant would be required to go through an EIR process for a change of project. If none of the elements

are triggered, then CDD would look for CEQA 15164 requirements for an Addendum to a prior mitigated negative declaration which was applied to the prior application to change or expand prior approval. This process would reevaluate the project for the potential of impact for the changes that are being proposed. The Commissioners may ask staff to explain how the determination was made. The question would be whether this was an expansion of an existing use or a separate use altogether. If it is a separate use that is being altered under a prior approval it would trigger CEQA and Section 60.33 that governs amendments of proper approved permits. If an amendment under Section 60.33 of the County's Zoning Code, then this permit must go through a new permit under that exact same process and review authority that made the prior decision which would be the Planning Commission.

Commissioner Price stated that the public comment period is still open and that speakers have 3 minutes.

Mrs. Lori Runyon, spoke regarding reasonable accommodations. She assumed that the Planning Department should have helped her. Sateur Ham, Assistant Planner visited the property in July 2021, after the project was turned over to her from Eric Porter, Associate Planner. Licensed to add 12 additional women beds to a 3,600 sq. ft. existing building.

Mr. John Odonell, he is recovering alcohol addict and is getting emotional about facility because he's recovering since 2006. In 2007, he met the applicants Lori and Ryan. He is a spoke person for AA. Lori asked in 2008 that they bring in meetings of recovery to their facility and Mr. John happily committed. He shared some of the successes of the facility. The most recent successes a young man who graduated from the program and he was able to attend the court with the client, the client had all of the charges dropped and was able to become a counselor. Another success is a young man that was helped by the Hope Center, then Hilltop recovery and this young man is a success story. The women now need a chance, the disease of addiction really hurts women.

Jackie Turnough, located at 14723 Catholic Church Road, states that she is totally on board with recovery and that she had 3 brothers who passed away from overdosing. She stated that she has numerous people show up at her house for the facility. However, the people that show up are not very nice people. The county has not maintained the road, she thinks that the facility should pay for a gate for them because people turn around in her orchard.

Bob Gardner, Medical Director of Adventist Health in Lucerne, CA stated that he has been in contact with the applicant for years. Mr. Bob stated that since Covid-19, the epidemic of drug use is worse than the pandemic. He mentioned that this county has the worse drug use in the State of CA. He stated that it is not about name calling or anything, it is for the greater good of the county. Mr. Bob stated that the facility legally can have 6 women there without a use permit and they are asking for 6 women, totaling 56 people.

Jackie Turnough, stated that she would like the county to come out and look at the road. The county.

Ryan Runyon, Program Director of Hilltop Recovery Center stated that they spoke with the neighbors and are more than happy to accommodate the neighbors.

Robert Gardner asked, "why don't we help and put up a sign stating this is private property and not the facility."

April Giambra, Lake County Behavioral Health and the County Administrator of the drug treatment facility stated that during the Fiscal Year, 21 women were referred to the program and had to send 20 of them outside of the county. Then, she stated, there were 15 again sent outside of the county where they reside. She estimated that there will be 40 more women who will be sent to the drug treatment facility.

Todd Metcalf, Director of Behavioral Health, stated that he would like to express his tremendous support for this facility. Instead of sending woman out of county, we would like to have them stay in the county.

Amanda McGuire stated that she recently graduated Hilltop Outpatient and that she has been clean a year after 21 years of a meth addiction. She commented that has been helped tremendously by Hilltop and there are so many women who need this help.

Mary Jane Montana stated that she was a previous CDD Director at the time of the original use permit when it was on Socrates Mine Road. She stated that the facility was lost in the fire, which there were no loss of life. She was there when they were looking for a new facility. The applicants have had roadblock after roadblock.

Kimberly Layton of Lake County Resource Center stated that domestic violence victims and rape victims that she encounters are seeking and are in need of treatment. She states that there have been 8 women in the last year where she could not find placement for in treatment.

Shawn Paonessa, stated that he was a previous client, but now staff. He was a client at the original location, the tenacity of this origination. After the fire they did not miss a group they did not have to send anyone away. This place is special and has a special love there. When outside agencies pick people up, they comment on this. This is such a need in this county.

Desiree Askew, Senior Counselor at the outpatient clinic stated that in 2008, she had the privilege to work with the DAAC Center. She stated that since 2011, this county has not had a program for women since then. She had the opportunity to work with this facility off and on. Also, she receives so many calls asking for help, women are dying, and cannot get treatment here. When woman say they cannot leave this county because this is where their kids and family is it is a profound necessity in this county. Ms. Desiree noted that she is also a recovering addict and that she has seen addiction, homelessness, and overdosing firsthand. She noted that she just wanted to say that she understands the hems and haws, the ins and outs the road access. Ms. Desiree has sent requests to Google Maps about the change of address.

Commissioner Price closed the public comments period at 10:22 a.m. Commissioner Field was taking notes on the all the comments and Commission Hess stated that he was glad that the Commissioners heard the public comments. Commissioner Price stated she looks forward to the January 13, 2022, hearing.

Lori Runyon asked if there is any help that she can get for Google to get this changed in the Google Address. She asked for help, or suggestions on this matter.

Comments Submitted online:

Daniel Dawson at December 15, 2021 at 4:34pm

As a retired Professional from a City Building, Planning and Engineering Department and a proud member of the Recovery Community I strongly recommend the project be approved without further delay!

Tanya Maldonado at December 16, 2021 at 9:05am PST

Drug addiction is one of the most prevalent issues in Lake County and Hilltop Recovery services has been helping with this issue for more than 13 years. Hilltop Recovery Services has done nothing but good for our community and I believe Women in our county deserve access to their services. I strongly recommend this project be approved.

Crystal Hubkey at December 16, 2021 at 9:30am PST

Hilltop Recovery Services' mission is to provide treatment to those struggling with addiction and they have done so in this community for years. Addiction does not discriminate, both men and women are faced with it and resources to help them should be a priority for the community. I fully support Hilltop and their goal to bring residential treatment for women back to our community.

Holman Su at December 16, 2021 at 9:58am PST

As a resident of the county, I fully support Hilltop and their goal to open a substance abuse rehabilitation facility to support women in need of such resources. This is a much needed

thing for women to have a place where they can be provided a safe space and get the support they need. Everyone, men and women, should both be equally given this opportunity to go through the recovery process.

10:24 a.m. Item # 3. Public hearing on consideration of a Major Use Permit (UP 20-68) and a Mitigated Negative Declaration (IS 20-83). The project applicant is Cristhian Hernandez Rodriguez, is proposing a two-acre outdoor canopy area within 170, 730 square feet cultivation area to include twelve shipping containers with a total of 4,000 square feet solar panels and eight outdoor drying tents on existing agricultural land. The project is located at 2000 Clover Valley Road, Upper Lake, CA; and further described as APN(s): 004-007-25.

Sateur Ham, Assistant Planner, conducted a Power Point Presentation on said project.

Commissioner Price asked the Commissioners if anyone had any questions for staff. There were none.

Public Comment opened at 10:40 a.m.

Bill Wilson asked if it is correct that Mitigated Negative Declarations are adopted when steps have been taken to mitigate any significant impacts. Growing Cannabis produces biogenic volatile organic compounds that reacts with nitrogen oxide which gives us ground level ozone. Further, he asked if he was correct that an Initial Study determined whether an EIR, or negative declaration is needed. He was told yes. Mr. Bill noted that Article 27 says that all greenhouses have to have carbon ventilation and all indoor grows must have carbon filtration. He stated that one Cannabis plant produces hundreds of volatiles every day and it has not been addressed. Mr. Bill mentioned that his biggest concerns are water, light and air. He expressed that Cannabis is a health hazard and he thought everything needed to be grown indoors.

He asked if the county is going to stand behind the public if these mitigations are not met? Water, air, light etc. Further he asked, if Cannabis is not an agriculture plant; how can it be in the agriculture (ag) area if it is not considered an ag crop? The illegal outdoor grows contributes to the carbon. Mr. Wilson shared a study conducted in Denver on filtration with the Commissioners conducted in 2019. He believes that the illegal groves that are contributing to the nitrite oxide poisoning needs to be curtailed.

Commissioner Field would like to respond to the commenter, Mr. Wilson brings up an excellent point and merits our attention. She noted that Cannabis is not an agriculture crop under the meaning of The Right to Farm Act. Field also noted that the Air Quality Director approached the Board of Supervisors regarding those volatile organic compounds (VOCs), and that Board decided not to make any rules about VOCs. Commissioner Hess stated that the Commissioners could require activated carbon scrubbers, or filters on any application. Commissioner Field stated that she didn't know if we could require such a system on an outdoor grow. Commissioner Hess stated that we could not base a decision on what he considers a too narrow reading of the Scenic Combining District where there would otherwise be greenhouses as part of the grow. And this narrow reading supports a dozen shipping containers to be a part of the grow, but no greenhouses. Hess is interested in having a conversation about how a grow can have a piece of a Scenic Combining District?

Kevin Malanaro stated that his family grows grapes in Lower Lake. He has a project in for a Minor Use Permit in the works. His project is flat along Hwy 29 and is in the Scenic Corridor. There is an interpretation from legal regarding the Scenic Combining District. This interpretation states that when a property is in the Scenic Corridor District that the whole property is in it. Mr. Kevin supports the application and questions the interpretation of County Counsel on the Scenic Corridor.

John Rushaw, I am the consultant for the applicant. The applicant is more than willing to make changes as needed in the Scenic Combining District. He is open to changing the shipping containers to greenhouses.

Jennifer Smith, it seems to me there has been an interpretation of the Scenic Combining. Is it the whole parcel? I would like a consistent application to this rule. It is a discussion that needs to be had with this Board and the Department.

Nicole Johnson, County Counsel stated that there are two districts that addresses green houses for the Scenic Combining District. One section prohibits greenhouses amongst other things on property that is adjacent to a State Highway. However, it may permit greenhouses under a major use analysis for properties adjacent to County Roads. Typically, zoning applies to the entire property and doesn't apply to pieces of a property unless you have very specific circumstances like envelopes where you're curving out specific spaces. She stated that if the Commissioners would like, they could continue the project and she could research legal precedents that would allow for cases like this – the splicing of a property – there is nothing currently in the zoning ordinance that allows for the breaking of a property into pieces.

Commissioner Hess asked, if the point of a Scenic Corridor is scenery, then we're in a situation where a couple of green houses are not permitted, and shipping containers are. He stated that shipping containers look really weird on agricultural properties, and they are aesthetically displeasing. However, shipping containers could be modified to look like a cabin or something. He understands legal point of view, however, the purpose of scenic combining is to protect those scenic values. Counsel advised the Commissioners that they are not required to accept staff's assessments, if the Commissioners are not able to make the mandatory findings. Further, she advised that if the Commissioners found an environmental impact that needs to be mitigated, they could direct staff to mitigate that impact. Commissioner Hess stated that the reason it is important to debate this application is because this is not the only application where we are going to see application of scenic corridors. He stated that he is not an attorney but believes this is a very narrow interpretation and the sake of the scenic value is being compromised for the sake of interpretation. He further stated that he doesn't feel as if we got this totally figured out. Counsel advised that the Commissioners could make recommendations to the Board if there are practical applications to zoning requirements.

Commissioner Field stated that to her the Scenic Corridor is as large as the view shed, or any part of it. The gentleman from Lower Lake and his situation may not apply because a part of his property is not within the viewshed of the road. Field stated that she drove by this property, and it is flat and all of it is visible from the County Road. Commissioner Field recommends that the cumulative impacts of all these little projects should be looked at - that is what is meant by the CEQA term of cumulative she stated. Field noted that it's no longer Clover Road, it's now Cannabis Road. Commissioner Field stated that until she could take the time and look at all the other projects and be assured that a larger impact review has occurred, then she cannot support this project. Field further stated that each of these projects should preserve the cumulative values and should be reviewed whether it's about six-foot fencing, shipping containers or greenhouses. Scenic is a subjective term, but the way the Ordinance is written now, she expressed that she could not support this project.

Commission Hess asked Commissioner Field, how would anyone support that project with that view? Commissioner Field stated that it has to do with scenic corridors. Commissioner Hess stated that the question is not whether this project is permissible because it is. Staff reports are always positive documents recommending approval by the Commissioners. So, there's nothing wrong with this application as presented. And we are supposed to look at projects on a case-by-case basis which asks the question of how you factor in the cumulative effect of every application. Commissioners have to be fair to each individual applicant. Commissioner Field stated that this is the dilemma and she's disagreeing with staff's assessment because she saw check marks of concern of cumulative impacts, and they are pretty great.

Commissioner Hess stated that since there are only three Commissioners present, he would recommend a continuation until the other Commissioners are present. Commissioner Field stated that that would be acceptable to her.

Sateur Ham, the staff planner stated that our GIS maps show the property is located outside of the county's scenic combining corridor. In the Zoning Ordinance it says that greenhouses along State Highways are not allowed; and greenhouses adjacent to a County Road can only be 5,000 square feet. Further, she states that these greenhouses are proposed in the middle of the parcel.

Commission Hess asked a question. Why is the BAR X Ranch even being considered? It is adjacent to Hwy 29 and it's going to be a very large grow, shouldn't the applicants been told that they will never be able to build out the way they want because they're along Hwy 29?

County Counsel explained to the Commissioner that his assessment is correct, and that BAR X is not before the Commissioners for discussion. However, the Commission may address questions that they think staff should address when things come before them. The Brown Act prevents any discussion and communications, as far as any opinions, any deliberations, and any communications between Commissioners about an item when it comes before them.

Commissioner Field recommended a continuation of this project, she wants to understand the cumulative impacts as it relates to scenic aesthetics versus. The Commissioners will give staff more direction on how to move forward with the request for cumulative impacts as it relates to the project.

Mary Darby, CDD Director, recommended a continuation until a time to be determined.

Commissioner Hess motioned to continue this agenda item to a time to be determined. Commissioner Field seconded the motion.

Comments submitted online:

Lance Williams at December 15, 2021 at 8:37am PST

The Community Development Department is incorrectly applying the rules and regulations of Scenic Combining Districts. As such, this Applicant was erroneously forced to change their Major Use Permit application from both outdoor and mixed-light cultivation, to outdoor only. Please see the attached letter detailing how the CDD has erroneously applied the rules and regulations for Scenic Combining Districts.

Thank You,

Lance Williams

He did provide a letter to the commissioners via the ecomments portal.

Trey Sherrell at December 15, 2021 at 11:00am PST

The CDD has taken the stance that if a Scenic Combining District passes through a parcel, then the entire parcel is subject to the rules and regulations of the Scenic Combining District. This is inconsistent with the County's Zoning Ordinance. Article 3 of the Lake County Zoning Ordinance outlines how districts were established, with their location and boundaries displayed on Sectional District Maps. On November 24th I submitted a Public Information Request to the CDD requesting the Sectional District Map(s) for another property. I still have not received the requested information.

I would really like to see the Sectional District Map for this property, as I believe that it will conclusively prove that the Scenic Combining District affects a small portion of the Applicant's property, and that the CDD has erred in requiring the Applicant to remove greenhouses from their application.

Dustin Perbetsky at December 15, 2021 at 12:05pm PST

I had a pre-application conference earlier this year, and was told that I had to locate greenhouses where they could not be seen from the County Road because of a Scenic Combining District. We were about to submit our application to the County, when my consultant showed us what just happened to Igzatik Farms, and told us that we couldn't build greenhouses anywhere on our property. Why do things keep changing? If Igzatik Farms split their property into two 20-acre parcels, one parcel with the scenic district and one further from the road, could they have built the greenhouses on the new parcel further from the road? Why does a scenic combining district in one part of a property

affect the whole property? Would this be the case for a +160-acre parcel?

Thank You,
Dustin

Simon Whetzel at December 15, 2021 at 4:43pm PST

It has come to my attention that the Community Development Department is inconsistently applying the Scenic Combining District regulations. The Scenic Combining District restricts agricultural uses in certain scenic areas that preserve the beauty of Lake County, however, cannabis cultivation is a commercial activity and is clearly regulated as such. As I'm sure you are aware cannabis cultivation buildings are required to meet commercial building standards, not agricultural standards which are less costly. Furthermore, applying the Scenic Combining District restrictions to the entire parcel rather than just the adjacent and visible lands that are within the scenic area is not consistent with the intent of the ordinance.

Tyler Betts at December 15, 2021 at 7:39pm PST

Please read attached Letter, Thank you

He did provide a letter to the commissioners via the ecomments portal.

11:06 a.m. Item # 4. Public hearing on Consideration of approving an Amendment (MMU 21-20) of original Major Use Permit (UP 18-43) and Categorical Exemption (CE 21-32), CEQA Section 15304. The applicant Sunny S Ranch / Shannon Sanders is proposing, Four 2,499 sq. ft. nursery areas (greenhouses) for immature cannabis plants in conjunction with previously approved project. The project location is 19424 Butts Canyon Road, Middletown, CA. Further described as APN: 014-004-20.

Mary Darby, Director of CDD, made a motion to continue this item due to a noticing error.

There were some discussions from County Counsel, Eric Porter, and the Commissioners regarding the CEQA process and the amendment to the CEQA analysis.

Commissioner Field would like to open the floor to the applicant.

Shannon Sanders, the applicant would like to state this is the 2nd or 3rd continuance regarding the project. He has had some praise from the Agricultural inspectors regarding how he is running his project.

Commissioner Price recommended the continuation of this project until January 13, 2022. It was motioned by Commissioner Hess and seconded by Commissioner Field.

9:25 a.m. Item # 5. Public hearing on consideration of a Major Use Permit (UP 21-37) and a Categorical Exemption (CE 21-55). The project applicant Habematolel Pomo of Upper Lake is proposing to establish an Early Childhood Education Center (daycare) in an existing building and add a new double-wide manufactured home to the site for daycare use. The project is located at 650 E. Highway 20, Upper Lake, CA, and further described as APN(s): 004-058-24

Eric Porter is recognizing the title of the daycare is incorrect and that it should be titled nursery school.

Eric Porter, Associate Planner, presented the PowerPoint Presentation.

Nicole Johnson, County Counsel, informed the Commissioners that Mr. Porter cited the incorrect law from the Zoning Ordinance in the report. The section that applies to nursery schools from Article 27 for uses is section 27.13(v). In that section there are no conditions cited that are mandatory, but the Commission could cite conditions for this project. Existing facilities in regard to CEQA exemptions under 15301 Class One exemptions, apply to negligible or no expansion of an existing use.

Commissioner Price asked if there are any questions from the Commissioners.

Public Comment opened at 11:38 a.m.

Tracy with the Habematolel Tribe stated that two ADA compliant ramps were installed, as well as renovating the main bathroom for ADA required bathrooms. She wanted to thank Mr. Porter because he was very accommodating and helped the entire process.

Public Comments Closed

Commissioner Field made a motion and seconded by Commissioner Hess.

I move that the Planning Commission find that the Major Use Permit, UP 21-37 applied for by the Habematolel Pomo of Upper Lake on property located at 650 E. Highway 20, Upper Lake, further described as APN: 004-058-24 is exempt from CEQA because it falls within Categorical Exemption Class 1, subsection 15301(e)(2), based on the findings set forth in the Staff Report dated December 16, 2021.

Commissioners approved unanimously.

Commissioner Filed made a motion as amended and seconded By Commissioner Hess

I move that the Planning Commission find that the Major Use Permit, UP 21-37 applied for by the Habematolel Pomo of Upper Lake on property located at 650 E. Highway 20, Upper Lake, further described as APN: 004-058-24 does meet the requirements of §27.11, Table B, subsection (e); §9, and §51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Categorical Exemption which was adopted for this project, and the Major Use Permit be granted subject to the conditions and with the findings listed in the Staff Report as amended dated December 16, 2021.

Commissioners approved unanimously.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission's decision, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Planning Commission's final determination.

Adjourned. The meeting length: 2:46:28

CDD Staff Update: The June 09, 2022, Planning Commission Hearing is in conflict with the Board of Supervisors Budget meeting which is scheduled to be conducted in the Board of Supervisors Chambers. Staff is requesting that a determination be made regarding the conflicting meetings. The options are to: one, cancel the meeting, or two reschedule the meeting to a special meeting. A special meeting would not impact the current schedule; however, it would result in back-to-back meetings.

Commissioner Price stated that she would like to have input from the other Commissioners; therefore, this topic should be discussed at a later meeting.