



**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
APRIL 14, 2022**

Commission Members Present:

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

Staff Members Present:

Mary Darby, CDD Director
Nicole Johnson, Deputy County Counsel
Jim Feenan, Office Assistant III
Andrew Amelung, Cannabis Manager
Eric Porter, Associate Planner

9:00 a.m. **CALL TO ORDER**

9:00 a.m. Pledge of Allegiance - All

9:02 a.m. - Approval of Minutes from the March 10, 2022 and March 24, 2022 Planning Commission Hearings.

On the motion from **Commissioner Hess**, that the Planning Commission approved the minutes from the March 10, 2022 (as amended on the record) and March 24, 2022 meeting, second by **Commissioner Chavez**. The motion was passed by the following vote:

4 Ayes 0 Noes – Motion Carried

9:02 a.m. - Citizens Input

Any person may speak for three minutes about any subject of concern, provided that it is within the jurisdiction of the Planning Commission, and is not already on today's agenda or scheduled for a future public hearing. Total time allotted for Citizen's Input shall be fifteen minutes. Speakers are requested to complete a simple form (giving name, address and subject) available in the Community Development Department office, prior to 9:00.

Agendas of public meetings and supporting documents are available for public inspection in the Lake County Courthouse, Community Development Department, Third Floor, 255 North Forbes Street, Lakeport, California

Request for Disability-Related Modification or Accommodation: A request for a disability-related modification or accommodation necessary to participate in the Planning Commission meetings should be made in writing to the Planning Commission Assistant at least 48 hours prior to the meeting.

No one stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

9:05 a.m. **Item #1** – (Continued from March 24, 2022) - Public Hearing on Consideration of a Design Review (DR 21-01). The Applicant, Nikki Island, is proposing, a Small Resort, containing nine overnight lodging units; conversion of the existing dwelling to a social gathering room, lobby, kitchen and dining room;

outdoor kitchen; in-ground pool and hot tub; site improvements including removal of 1,100+ sq. ft. of asphalt and the western driveway leading to Highway 20; landscaping, parking and interior access aisles and pedestrian pathways. The project location is 5835 and 5825 Highway 2, Lucerne, CA and further described as APN's 034-421-20 and 034-421-21.

9:05 a.m. – The clerk advised the Commission that this item was properly noticed.

Eric Porter presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Hess asked if the property was able to accommodate a boat or jet skis, are if there areas where those items can be stored.

Eric Porter stated that there was a boat dock tied to the property. He reviewed the Vanderwald landscape plan and it shows a ramp leading to the boat dock. To his knowledge they would be able to moor a boat. There will be a dock where they can park their boats.

Commissioner Hess asked if there was a place for the vehicle which towed the boat to the property.

Nicole Farb (Applicant) (Zoom Room) stated there was a boat dock. She states the current property would not support someone driving in.

Commissioner Brown asked about who performed the cultural resources study and when the last study was done for this property. He was concerned that this was known historical village site, and he did not have any access to any reports on this item. Concerned with Conditions #1 & #2 under Cultural Resources.

Eric Porter – stated that Robert John Parker with Wolfe Creek archaeological performed the survey and was done in 2020, he deferred this question to the applicant.

Nichole Farb (Applicant) (Zoom Room) stated this was previously developed land, and There was a cultural resources study done under Natural Investigations, Cindy, and she completed the study in September 2020.

Commissioner Chavez asked about the how the resort came to Lake County and what it hoped to bring to Lake County.

Nicole Arch (Applicant) (Zoom Room) – stated she was very happy to answer this question. She states that they have been looking at Clearlake for about seven years to see if this could be a destination where they could build something like this where families could come and enjoy the natural resources.

9:20 a.m. Open Public Comment

9:21 a.m. Closed Public Comment

Initial Study IS 22-06:

On the motion from **Commissioner Brown**, that the Planning Commission find that this project, applied for by Nicole Farb on property **located at 5835 & 5825 State Highway 20, Lucerne**, and identified as Assessor **Parcel Numbers 034-421-20 and 034-421-21**, will have measures that will reduce potential impacts to 'less than significant levels' through the mitigation measures set forth within **Initial Study IS 22-06** and with the findings listed in the staff report dated **April 14, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Design Review Approval DR 21-01:

On the motion from **Commissioner Brown**, that the Planning Commission find that the Design Review Permit (**DR 21-01** applied for by Nicole Farb on property located at **5835 & 5825 State Highway 20, Lucerne**, and identified as Assessor **Parcel Numbers 034-421-20 and 034-421-21** meets the requirements of Section 54.5 of the Lake County Zoning Ordinance and hereby approve the Design Review Permit with the findings listed in the staff report dated **April 14, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

***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, 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 Commission's final determination.*

9:23 a.m. Item #2 - Public Hearing on Consideration of Major Use Permit (UP 19-21) and a Mitigated Negative Declaration (IS 19-37). The applicant, Joyce Kirstein/Spring Valley Organics is proposing One (1) A-Type 3: “Outdoor” license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 “Distributor Transport Only, Self-Transport Distribution” license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 2593 New Long Valley Rd., Clearlake Oaks, CA; Assessor Parcel Numbers: 620-071-04.

9:25 a.m. - The clerk advised the Commission that this item was properly noticed.

Kim Hunter (Consultant from LACO) (Zoom Room) & Andrew Amelung presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Brown asked if there were any comments from the public, a certain comment he was looking for was from the Yoshdeci Tribe located in Cashe Creek in Brooks California and asked if they were noticed about this project.

Andrew Amelung stated he believed that they were noticed, and has this project has gone to two other planners prior to him receiving it. He stated according to his records there was no public comments received.

9:44 a.m. Open Public Comment

Commissioner Price asked if there were any hands raised in the Zoom Room, there were none.

Commissioner Chavez asked if there were any contacts with neighbors and any concerns raised by neighbors or anyone that was interested in the project.

Valerie Peng (Applicant) (In Chambers) stated that there was a concern regarding the helicopter from the Sheriff’s office scared some neighbors. She stated she has nothing but support in the area.

Commissioner Chavez asked how many plants were seized by the Sheriff’s Department.

Valerie Peng (Applicant) (In Chambers) stated that 11,000 plants were seized.

Andrew Amelung stated that 11,553 plants were seized.

Commissioner Chavez asked at what stage this occurred.

Valerie Peng (Applicant) (In Chambers) stated that it occurred on August 4th, during the first stage of flower.

Commissioner Chavez wanted to know if they were waiting for early activation or the application to be completed.

Valerie Peng (Applicant) (In Chambers) stated she thought they were given early activation and then when they came out for the site visit it stated early activation on the document, so the compliance officer gave them the form and told them they were fine. They were not sure they were going to need early activation since Lake County was not sure they were providing early activation, which left them in a limbo stage where they were given a state license so they were fully state compliant with metric tags on everything, than the state and the county talked and approved the project with the state license, so they were completely state licensed, but there was still a grey area. She asked if they could still cultivate and they said it was up to them. After two planners, the comments were submitted to the state so they could do the initial study.

Commissioner Chavez wanted to know how the project was going, if plants were tagged and numbered.

Valerie Peng (Applicant) (In Chambers) stated she had to destroy everything in the metric system which initiated the state to come out and performed an inspection and wanted to know what happen. She told the state they cut them down and they wanted to know why and she stated that they were told they were out of compliance. She stated the the state said it was a mistake and she was given a number to call. She took pictures of everything to show that she did not destroy the plants to not pay taxes. She stated that they still owe taxes on the property.

Andrew Amelung stated that early activation was never issued and stated the Sheriff's Department acted accordingly.

Valerie Peng (Applicant) (In Chambers) stated the Sheriff's Department did apologize. They did not cut down everything.

Commissioner Price asked if there were any hands raised in the Zoom Room. There were not.

9:51 a.m. Closed Public Comment

Commissioner Brown stated that he was concerned about how the project was handled during the span of the project and not having any of the comments or previous comments from the project.

Kim Hunter (Consultant from LACO) (Zoom Room) stated there was letter received from the Tribe on July 23rd 2019 and it states that it is not within their boundaries and declined to comment.

Commissioner Brown would like to see the letter.

Sufyan Namouda (In Chambers) stated that they did have Robert John Parker out in 2019 and they found potentially significant resources within an area that was marked, and as part of mitigation they marked a 50 foot setback.

Valerie Peng (Applicant) (In Chambers) stated that Big Valley Rancheria and Lower Lake Tribe were also notified.

Director Darby wanted to know if the Commission wanted to hold for the letter from LACO.

Director Darby stated that the letter still has not come through. The Commission decided to move forward with the item.

Mitigated Negative Declaration:

On the motion from **Commissioner Chavez**, that the Planning Commission find that the **Major Use Permit (UP 19-21)** applied for by **Spring Valley Organics** on property located at **2593 New Long Valley Road, Clearlake Oaks**, further described as **APN: 620-071-04**

will not have a significant effect on the environment and therefore a Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Plan shall be approved with the findings listed in the staff report dated **April 8, 2022**. Seconded by **Commissioner Brown**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-74):

On the motion from **Commissioner Chavez**, that the Planning Commission find that the **Major Use Permit (UP 19-21)** applied for by **Spring Valley Organics** on property located at **2593 New Long Valley Road, Clearlake Oaks**, further described as **APN: 620-071-04** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **April 8, 2022**. Seconded by **Commissioner Brown**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

***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, 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 Commission's final determination.*

10: 00 a.m. Item # 3 – (Continued to May 12, 2022 Planning Commission Meeting at 9:05 a.m. Public Hearing on Consideration of Major Use Permit (UP 19-44) and a Mitigated Negative Declaration (IS 19-63). The applicant, Auto Canna, LLC (Auto Canna) is proposing Four (4) A-Type 3: “Outdoor” license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 “Distributor Transport Only, Self-Transport Distribution” license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 21258 Morgan Valley Road, Lower Lake, CA; Assessor Parcel Numbers: 012-069-57.

10:01 a.m. - The clerk advised the Commission that this item was properly noticed.

Andrew Amelung requests continuance to May 12, 2022 at 9:05 a.m.

Upon motion by **Commissioner Chavez**, seconded by **Commissioner Hess**, and carried by a voice vote of (4-0), IT IS ORDERED, that the matter be continued to May 12, 2022 at 9:05 a.m. Planning Commission Meeting.

4 Ayes 0 Noes – Motion Carried

10:03 a.m. (Item #4) -. (Continued from December 21, 2021) - Public Hearing on Consideration of Major Use Permit (UP 20-13) and a Mitigated Negative Declaration (IS 20-15). The applicant, Igor Stolper/Jerusalem Grade Farms/RMI Ventures is proposing One (1) A-Type 3: “Outdoor” license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 “Distributor Transport Only, Self-Transport Distribution” license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 22644 Jerusalem Grade Road, Middletown, CA; Assessor Parcel Numbers: 136-051-04.

10:04 a.m. - The clerk advised the Commission that this item was properly noticed.

Kim Hunter (Consultant from LACO) (Zoom Room) & Andrew Amelung presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Brown asked about an item from the Initial Study (Cultural Study Section), Condition of Approval 1. Page 16 of the Staff Report. The statements are not consistent.

Andrew Amelung deferred to Consultant regarding Commissioner Brown's question.

Kim Hunter (Consultant from LACO) asked if the Commissioner could restate the sections of the report he was asking about. She stated she will need to review the study.

Commissioner Brown just wanted clarification of these two sections.

Kim Hunter (Consultant from LACO) asked if it was the (Cultural Study Section), Condition of Approval. She stated she will need to check the Cultural Resources Assessment.

Commissioner Price stated if there was an error the Commission could correct it in their motion here today.

Kim Hunter (Consultant from LACO) requested a five minute break to do some research.

10:17 a.m. – Break

10:23 a.m. – Returned from break

Kim Hunter (Consultant from LACO) stated she sent the original documents to Director Darby and it states that those areas shall be fenced off and states that there is a typo.

Commissioner Price thanked her for the clarification, and advised the Commission to include "as amended here today" in the verbiage of the motion.

Director Darby asked Kim Hunter to clarify who signed the document.

Kim Hunter (Consultant from LACO) stated that the applicant signed the document.

10:24 a.m. The public hearing was declared open, seeing no one come forward the public hearing and no hands were raised in the Zoom Room the public hearing was declared closed.

Mitigated Negative Declaration:

On the motion from **Commissioner Hess**, that the Planning Commission find that the Major Use Permit (UP 20-13) applied for by **RMI Venture** on property located at **22644 Jerusalem Grade Road, Middletown**, further described as **APN: 136-051-04** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **April 14, 2022 and as amended here today**. Seconded by **Commissioner Brown**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-13):

On the motion from **Commissioner Hess**, that the Planning Commission find that the **Major Use Permit (UP 20-13)** applied for by **RMI Venture** on property located at **22644 Jerusalem Grade Road, Middletown**, further described as **APN: 136-051-04** does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **April 14, 2022, and as amended here today**. Seconded by **Commissioner Brown**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

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, 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 Commission's final determination.

UNTIMED STAFF UPDATE

A. Office News

Director Darby stated there is a new Chief Building Official and his name is William “Bill” Collins.

Director Darby stated there is a promotion within the department. Trish Turner has been promoted to Assistant Planner. There are two conditional offers out for Assistant Planners, one has a background in Economic Development in Housing and the other has a background in Land Use.

Director Darby stated there was a position allocation approved by the Board of Supervisors on Tuesday for a Community Development Technician to help with the complaints in the department.

Director Darby wanted to note that June 9th will be a conflict with the Board of Supervisors Budget Hearings.

Commissioner Hess wanted to know if that had to be agenized.

Nicole Johnson stated that would be the best option.

Director Darby requested that the June 9th discussion be placed on the next agenda.

Director Darby discussed the reversal of the agenda and put the Zoning update at the end of the agenda.

Director Darby stated that all previous comments from Staff Reports are included in the packets.

Director Darby informed the Commission that the revised Cannabis Ordinance is up for review before the Board of Supervisors on May 10th tentatively and the workshop would follow in mid-May. She also stated that there will be a video coming out with all dates and workshops.

Commissioner Chavez requested an update on all pending projects showing status (completed or in progress) and a status of approved projects and how they are progressing.

Director Darby stated the Cannabis Manager (Andrew Amelung) has prepared such a report and at a future meeting they would review it during the meeting.

Nicole Johnson stated that the Commission always has the option to ask about cumulative impact information because that is an item to be analyzed under CEQA, and not just for upcoming or past approved Cannabis projects for any projects that may be cumulative impacted.

Director Darby stated that the revised cannabis ordinance presentation will include sections or topics that will cover cumulative impacts, tree removal and cover recommendations for updates to the drought management plan as well as hydrology reports.

Adjournment at 10:33 a.m.