

**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
January 27, 2022**

Commission Members Present:

**P-John Hess, District I
P- Everardo Chavez, District II
P-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
Victor Fernandez, Associate Planner**

9:00 a.m. CALL TO ORDER

9:00 a.m. Pledge of Allegiance

9:00 a.m. Citizens Input - None

**9:01 a.m. Consideration of the adoption of Assembly Bill 361 Findings
Authorizing Teleconference Meetings during a State of Emergency**

Nicole Johnson noted that the resolution read a little bit difference than the last meeting.

On motion by **Commissioner Hess**, and by the vote of the Planning Commission, approval to adoption the Assembly Bill 361 findings authorizing teleconference meetings during State of Emergency. The motion was seconded by **Commissioner Price**. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

9:02 a.m. Election of Chair and Vice Chair

On motion by **Commissioner Hess**, and by the vote of the Planning Commission, Commissioner Price is nominated Chair, and Commissioner Chavez is nominated as Vice Chair. The motion was seconded by **Commissioner Field**. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

County Counsel requested that the Planning Commission chair and former chair switch seats and exchange the gavel.

9:06 a.m. Item # 1 Public Hearing (Continued from January 13, 2022) on Consideration of approving an Amendment (MMU 21-20) of original Major Use Permit (UP 18-43) and an Addendum to a Mitigated Negative Declaration (IS 18-58), 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.

Eric Porter, Associate Planner, informed the Commission that he spoke to the applicant before the meeting today and asked if there was some way to scale back the request, rather 10,000 square feet of greenhouses, he would reduce it in half, down to 5, 000 square feet.

Ms. Johnson noted that the Planning Commission cannot regulate or approve permitting for a future potential ordinance section, and could not give permissions now for some hypothetical permission in the future on some use in the future, the options here should

the ordinance change, in the future, the options for the applicant would be if the changes allows for different uses or an increase in use, than they would have the option of reapplication for an amendment to the permit, should the Planning Commission issued the permit today. The Commission cannot put in a blanket permission since we cannot tell what the conditions and ordinance may look like in the future, and do not know what the Board of Supervisors may adopt in the future.

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

Ms. Johnson asked if the Commission could clarify with staff if the project was being reduced by half, or if the canopy that had been planned to be grown in those reduced greenhouses is in fact being moved outside, and what the increased impacts would be if in fact they were moved outside.

Mr. Porter stated that the applicant has stated that they have no desire to plant anything outdoors, and they are in agreement to reducing the number of greenhouses, which is in regards to immature plants and has nothing to do with total mature plant canopy, and will go from just under 10,000 square feet to just under 5,000 square feet.

9:08 a.m. Open public hearing

Shannon Sanders, applicant presented an update regarding the project.

Public Input - Max Hopkins, spoke in favor of the project. He states he has fulfilled every requirement that was asked of him.

Richard Durham, spoke in favor of the project. He states he has done an excellent job with his project. He felt that his project was well thought out and planned. He also states this is a good example of a mixed light garden.

Chair Price asked if there were any hands raised in the Zoom room.

Mike Mitchell – He stated he was concerned the project was not in the overlay district. He believes the County is misinterpreting the ordinance.

Director Darby – She stated that she is scheduling a meeting to address the issue.

Ms. Johnson wanted to provide the commission with updated language that would apply to some of the agenda items on today. She gave some examples from Article 3 of the Zoning Ordinance which creates the overlay districts.

Trey Sherill from Zoom room needed to have the sectional district maps reviewed, he made a public records request regarding the maps in November 2021.

Commissioner Hess stated that items regarding the maps had nothing to do with the particular case that is before the Commission.

Commissioner Price agreed with Commissioner Hess.

Mike Mitchell – He stated that the overlay maps are available in the Planning Department. He would like the Planning Commission to review the maps today.

Director Darby – She stated the GIS person is pulling the maps and they will be ready for the Commission to review.

9:34 a.m. Closed Public Comment

Initial Study Addendum (IS 18-58):

On motion from Commissioner Hess, that the Planning Commission find that that the Addendum to the Initial Study (IS 18-58) applied for by **Sunny S Ranch** on a property

located at **19424 Butts Canyon Road, Middletown**, further described as **APN: 014-004-20** will not have a significant effect on the environment, and that no new mitigation measures are necessary per the findings listed in the staff report dated **January 13, 2022** and amended as here today. The motion of seconded by Commissioner Chavez. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

Modification (MMU 21-20):

On motion from Commissioner Hess, that the Planning Commission find that the **Modification (MMU 21-20)** applied for by **Sunny S Ranch** on a property located at **19424 Butts Canyon Road, Middletown**, further described as **APN: 014-004-20** does meet the requirements of Section 60 of the Lake County Zoning Ordinance and the Modification be granted subject to the conditions and with the findings listed in the staff report dated **January 13, 2022**, and amended as her today. The motion seconded by Commissioner Chavez. The motion carried by the following vote:

5 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'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 Commission's final determination.

9:37 a.m. Item # 2 (Public Hearing (Continued from January 13, 2022) on Consideration of Major Use Permit (UP 20-74) and a Mitigated Negative Declaration (IS 20-87). The Applicant Mountain Green Farms, LLC/Cheryl Forberg is proposing for a cannabis cultivation operation to allow 21,000 square feet of mixed-light canopy area (Located within seven 3,000 square foot greenhouses) and 43,560 square feet of outdoor canopy area located within a total of 67,080 square feet cultivation area. The project includes a processing/drying building, a shed for fertilizer and pesticide storage, four 2,500 gallon water tanks, security, and a perimeter fence. The project is located at 7661 State Highway 29, Kelseyville, CA; and further described as APN(s): 009-022-33.

Director Darby will be presenting for Planner Fernandez.

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

Commissioner Field wanted to compliment the applicant on the hydrology report.

9:52 a.m. – Open Public Comment

Cheryl Forberg – Applicant – She wanted to thank staff for all their hard word on the project. She also thanked the consultant on the project. She also thank the neighbors for their support. She also stated that she was available for any questions from the Commission.

Chair Price asked if there were any hands raised in the Zoom room.

Sufyan Hamouda stated that he was available for any questions from the Commission.

Mike Mitzel stated that he was happy staff made interpretation on the project regarding the scenic corridor.

Director Darby stated that Article 34 says that in scenic combining has to be adjacent to, and there is a parcel in between, so that is why it doesn't affect the single combining district.

9:56 a.m. – Closed Public Comment

Commissioner Chavez asked about the letter from Department of Transportation. He requested the status regarding a pending law suit.

Cheryl Forberg stated the pending law suit was settled in July 2021.

Commissioner Fields asked about the delay regarding CalFire.

Cheryl Forberg stated they have been contact with CalFire. The applicant she asked to come out to the property and make sure they are conforming to their requirements.

Commissioner Fields regarding Water Board Fees and if they had been paid.

Cheryl Forberg stated that the fees has been paid.

Commissioner Fields asked about the well permit.

Cheryl Forberg stated that that had been resolved.

Director Darby stated that there were conditions of approval for the Commissions review.

Mitigated Negative Declaration:

On motion from Commissioner Fields, that the Planning Commission find that the Major Use Permit (UP 20-74) applied for by **Mountain Green Farms, LLC** on property located at **7661 State Highway 29, Kelseyville**, further described as **APN: 009-022-33** 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 **January 13, 2022**.. The motion seconded by Commissioner Hess. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-74):

On motion from Commissioner Fields, that the Planning Commission find that the **Major Use Permit (UP 20-74)** applied for by **Mountain Green Farms, LLC** on property located at **7661 State Highway 29, Kelseyville**, further described as **APN: 009-022-33** 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 **January 13, 2022**. The motion seconded by Commissioner Hess. The motion carried by the following vote:

5 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.

10:02 a.m. Item # 3. Public Hearing to consider a proposal to amend (MMU 20-11) Major Use Permit (UP 18-25), and to grant the expansion of the existing use to legitimize an 8100 sq. ft. building that was built without land use approval or building permits, and is associated with the previously approved Major Use Permit (UP 18-25) and an addendum to Mitigated Negative Declaration (IS 18-110). The proposed project is located at 9475 Bottle Rock Road, Kelseyville, CA; and further described as APN 011-004-60.

Mr. Porter that staff recommendation was for denial of the project, but stated the applicant is requesting a continuance on this matter.

Commissioner Hess stated that the building is the wrong size. But it would be important for him to know who started the construction, was it Mary Draper or was it the current owners.

Mr. Porter stated that he did not know when the property sold, but he has a good idea when the construction started based on when it was red tagged. Planning does not have immediate access to sale documents pertaining to properties.

Commissioner Field asked about the retaining wall.

Mr. Porter did not have any information regarding the retaining wall.

10:10 a.m. Open Public Comment

Mike Mitzel stated that the applicant has reviewed the project with the Planning Department. He feels that the project is not within a scenic corridor or a combining district.

10:13 a.m. Closed Public Comment

Mr. Porter stated that the next available date would be March 10, 2022.

On motion from Commissioner Hess, that the Planning Commission continue this matter to March 10, 2022. The motion seconded by Commissioner Field. The motion carried by the following vote:

4 Ayes 1 Noes – Motions Carried

10:18 a.m. Item # 4 Public Hearing to consider a Major Use Permit (UP 20-50) and adopt a Mitigated Negative Declaration (IS 20-62). The Project Applicant Pillsbury Family Farms/ John Evans is proposing a major use permit for the cultivation of commercial cannabis for three (3) A-Type medium outdoor commercial cannabis licenses consisting of 124,270 sq. ft. of cultivation area, and one (1) 'Type 13 'Self Distribution' license. The project location is 26102 19N16 Road, Lake Pillsbury, CA, further describes as APN 001-030-36.

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

Commissioner Hess asked about the vehicle traffic in and out of the current project location.

Mr. Porter would defer that question to the applicant.

10:33 a.m. Open Public Comment

In Person Speakers:

Robert Geary stated they are in compliance and asked for Cultural Sensitivity Training before any ground disturbance happens. Looking forward to working with the applicants.

Dan Turbyfill stated the applicant has been consistent in trying to get the permit process completed. He did pre-inspection of the property and stated the property is ready for use. He fully states the approval.

Jean Canevari wanted to support this project as one of his neighbors.

John Evans stated he has an intimate relationship with medical cannabis for many years.

Chinovazura Dotson-Newman stated he was a supporter of John Evans.

Justin Quail stated he has paid his early activation fee. He discussed the Water Board application. He stated has a relationship with distribution centers.

Zoom Room Speakers:

Erin McCarick stated she is in support of the project. She stated the Ag Commissioner has visited the site.

10:45 a.m. Closed Public Comment

Commissioner Hess stated he would be happy to support this project. He did have some concerns about access, but once he heard about the hem project and its access his concerns went away.

Commissioner Field stated her only concerns was the well report discussed in the public comments, and asked if that issue had been resolved.

Mr. Porter stated that it was resolved to the department's requirements based on the water analysis that was provided.

Commissioner Field also stated her concerns about the road, but was satisfied by what proposed by the planner and she is ready to support this project.

Commissioner Brown state the applicant did reach out to him and do to the fact he was not able to visit the site, and his concerns regarding the road are now satisfied.

Mitigated Negative Declaration:

On motion from Commissioner Brown, that the Planning Commission find that the **Initial Study (IS 20-62)** applied for by **Pillsbury Family Farms, Inc.** on property located at **26102 19 N16 Road, Lake Pillsbury**, and further described as **APN: 001-030-36** 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 **January 13, 2022** as amended. The motion seconded by Commissioner Hess. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-50):

On motion from Commissioner Brown, that the Planning Commission find that the **Use Permit (UP 20-50)** applied for by **Pillsbury Family Farms, Inc.** on property located at **26102 19 N16 Road, Lake Pillsbury**, and further described as **APN: 001-030-36** does meet the requirements of Section 51.4 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 **January 13, 2022** as amended. The motion seconded by Commissioner Field. The motion carried by the following vote:

5 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 reported to the Commission regarding the Zoning Update report. She reported that the December 16, 2021 and the January 13, 2022 minutes has been completed and will be sent out to the Commission for review, but they will not appear on the agenda until February.

Director Darby reviewed changes to the Planning Commission hearing schedule and due to a training on February 10, 2022 there will be no meeting, she is working with legal to cancel the February 10, 2022 meeting or schedule a special meeting. She also stated there is conflict on June 8th and June 9th, due to County Budget Hearings, so there will need to be a discussion to see if the Commission would like to cancel that meeting or schedule a special meeting to replace that June meeting.

Director Darby stated that they have hired a new Principal Planner, Michael McGinnis. She also stated they have hired a new Cannabis Manager, Andrew Amelung. She also notes that Mary Claybon has been promoted into the position of Assistant Planner.

Director Darby stated that are working with Administration regarding the Scenic Combining District and how to bring it before the Board of Supervisors.

Director Darby thanked Planner Eric Porter for all his hard work on the projects that were presented today.

Director Darby advised the Commissioner regarding the creation of the comment cards. She also advised the Commission regarding phone numbers noted on the newsletter.

Director Darby advised there will be training done in the future.

Commissioner Perkins stated the Commission would like to put off the decision for June 9, 2022 meeting until a future time.

On motion from Commissioner Field, that the Planning Commission adjourns the meeting for February 10, 2022 due to the fact there is no business to be conducted that day. The motion was seconded by Commissioner Chavez. The motion carried by the following vote:

5 Ayes 0 Noes – Motion Carried

Adjournment at 11:03 a.m.