

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 27, 2017

Commission Members

P John Hess, District I
P Bob Malley, District II
P Eddie Crandall, District III
P Matt Levesque, District IV
P Daniel Suenram, District V

Staff Members

P Robert Massarelli, CDD Director
P Michalyn DelValle, Principal Planner
P Byron Turner, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:03 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

Comm. Crandell moved, 2nd by Comm. Hess to approve the minutes from July 13, 2017

9:04 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 16-09) and Categorical Exemption (CE 17-40). The project applicant is REVEREND SHANNON KIMBALL-AUTH proposing a seasonal operation of a warming shelter and/or emergency shelter. The project is located at 1111 Park Way, Lakeport and further described as APN 005-017-74. (Mireya Turner)

Mireya Turner, Associate Planner, provided background information and a power point presentation of the project application.

Comm. Malley asked if the facility was open last winter and if there were any complaints or concerns from neighbors.

Ms. Turner said that the facility was open this last winter and she did not receive complaints, however she received one call from someone who received the public hearing notification and she was not sure if she was in favor of the project. She added that the City of Lakeport asked that she emphasize that the number of complaints they received had significantly decreased this year as a result of the ongoing work that the City is doing with the Lake Ministerial Association (LMA). She said the LMA plans to continue working together to make sure that it is a smoother process and the city is also working on building security lighting and a bus shelter area for the intake location at Natural High in Lakeport, so that the guests will be more comfortable and protected while they are waiting.

Comm. Malley asked if there were any incidents at the facility that need to be addressed as far as the safety of the people that were there.

Ms. Turner deferred that question to Pastor Shannon Kimball-Auth, since she was onsite and oversaw the project.

Comm. Malley noted that the kennels at the facility are facing to the south and when animals are in pens and bark up against the building the sound will reverberate and point south. He asked if there have been any noise complaints from people in the neighborhood.

Ms. Turner said she did not receive any complaints specific to this past year's operation.

9:27 a.m. Opened Public Hearing

Reverend Shannon Kimball-Auth, President of the LMA, said they have not received any complaints this year and there have not been incidents of violence or complaints about the animals.

Comm. Malley asked if this was open as a warming center prior to this last winter.

Rev. Kimball-Auth said that this center has operated as an emergency shelter for the Valley Fire, Clayton fire, flooding evacuations and twice as a warming center shelter for emergency weather, operating with a temporary emergency permit.

Comm. Hess asked for a basic breakdown between individuals and families with children and are there particular health care concerns with children during intake and are there procedures to deal with those.

Rev. Kimball-Auth said that this year they had a significantly larger number of children. She said there were twelve children, because their families were homeless, and adding the population from the evacuation for the flooding, the census for under the age of sixteen was thirty children. She added that there was a child onsite who had made a comment that would lead them as mandated reporters to make a report and they were able to move that family into a domestic violence shelter.

Dawn Hoffman, neighbor directly across the street from the Seventh Day Adventist Church, said she is not opposed to the shelter, especially because there needs to be a place for people to go. She spoke to the safety of her family and said that her husband was attacked and stabbed by one of the men in the shelter and now her daughter, still traumatized by this incident, is afraid to walk around the neighborhood, because there are people hiding in their trees attacking people for cell phones and stealing mail out of mailboxes. She said the Center is not taking responsibility for people staying in the neighborhood after checking out of the Warming Center. She asked that the citizens be protected and there should be an emergency number that they can call aside from the Sheriff's Department to report the people who are staying at the Warming Center.

Bill LaBone, neighbor to the Warming Center, said that there are people sleeping in their driveway and his wife has almost run over these people. He asked that there be a contact number at the Warming Center to call in case of emergency.

Comm. Malley said to call the Sheriff's Department to inform them of the trespassers and that it is a violation of property rights.

Tina Scott, District IV Supervisor, said she had the privilege of volunteering at the warming center this last winter. She said this service is needed in this County and she understood the skepticism from the neighbors, but felt that we need to help our fellow man and grant this permit, because it is the right thing to do.

Holly Green, West Lake resident, said she is a proponent of the warming center and has spent nights there and there is security on staff. She said that this program is needed.

Seth Cantu, Assistant Coordinator for the facility, spoke to the statistics of the guests at the shelter. He said people say we need this shelter, but not in my back yard.

Nathan Maxman, Warming Center Team Leader, spoke to the change in policy due to the stabbing. He said staff is arriving earlier and guests can line up at the door, so they are not waiting off the property causing problems in the neighborhood. He said there is security onsite.

Comm. Suenram asked if the shelter was ever at capacity.

Rev. Kimball-Auth said that there were several nights where they hit capacity, but they did not have to turn anyone away.

Comm. Hess asked on occasion when there is a disaster and it is in the warming season, do you find yourselves overwhelmed, and do you pick and choose between an evacuee and a homeless person in a situation like that.

Rev. Kimball-Auth explained that in emergency situations when they operated as an emergency shelter and a warming center, they did go over capacity, however when they operate just as a warming center they do not go over capacity. She said when they are open as a warming center the security guard on duty has a temporary cell phone; however it is not part of their policy to alert the community with the phone number. She thought it was an excellent idea to publicize the number when they are open.

Comm. Malley thought they should provide a security contact with the neighbors when they are operational.

Comm. Crandell suggested meetings with the neighbors to report what is going on.

Rev. Kimball-Auth said she will publicize the phone number when it is in operation and will be happy to schedule community meetings.

Randy Brehms, Pastor of the Seventh Day Adventist Church, said that their security staff has no authority off of their property, so if someone is sleeping in someone's driveway, the church staff cannot ask them to leave and they are only accountable for people at their facility. He said sixty guests are doable, and it was stretched to eighty-eight during emergency situations and they discovered that it was not something they could handle. He added that a team meeting periodically would be good with the community.

Comm. Malley said as a retired Deputy, he knows that security staff cannot leave the property to police the community, but this is a situation that has not occurred until this program started. He said now the community is experiencing a change in what their norm was and they are trying to adjust to it. He said he has heard a lot of discussion from neighbors feeling safe in their neighborhood. He said there has to be education involved and it needs to come from the program that is causing the change in the area. He suggested that the church should come up with something on how to communicate with the warming center guests. He said his biggest concern with this situation is that the norm is being changed and it doesn't seem to be addressed properly.

Pastor Brehms said it is a work in progress and they are learning as they go and trying to implement changes as the need arises.

Comm. Hess said he thought that the community has described this being a 24/7 problem, yet when the center is only in operation for 12 hours. He said it is not the churches responsibility to take care of those other hours in the day. He said he is sympathetic to Comm. Malley's comment about a change in the norm. He said comments about outreach and meetings and defusing things on the front end is useful, whether you are operating 24/7 or 12 hours a day.

Pastor Brehms said communication will make a difference and when the warming center is not open there is not anyone taking calls.

Comm. Crandell asked how many people who attend the church, work at the center.

Pastor Brehms said there are 6 to 7 from his church and each church in the LMA takes a different evening of warming center operation.

Jillann Corello, Keeling Avenue resident, said she volunteered to help at the emergency shelter. She added that there was rigorous training she had to go through and was impressed by everything that was done.

Michael Green, Lakeport resident spoke to accountability of the warming centers residents and that they are hanging out in the City of Lakeport and there is a critical need for this warming shelter. He said there are valid concerns and hoped that it would not affect the approval of this use permit.

Mr. Maxman spoke to the policies in place to prevent the guests at the shelter from walking out. He said they have agreements and voucher passes with Reily Cab Co., which will bring the guests to an address. He said they encourage people to take the bus, which comes early in the morning. He added that the team leader will also escort guests to wherever they want to go.

10:20 a.m. Closed Public Hearing

Ms. Turner said that she has a proposed an additional condition to add to the permit. She said the Zoning Ordinance does cite a section in the operational manual, which specifically addresses security concerns both on and off-site. She proposed the following: *“The applicant shall add to the operational manual at least one local community meeting prior to the opening of the shelter to hear community concerns. Resolutions to these concerns shall be enacted within the same operational period.”*

Comm. Hess asked what the follow-up was to that. If there is a meeting, should there be an after action report or assessment of that particular season at the warming center that the community can also comment on.

Ms. Turner said that the Lake Ministerial Association does hold a series of meetings after the operational period to access what went wrong or what went right, and what can be changed in the future. She said their operational manual is a living document and does continue to evolve. She said as far as holding a public meeting to go over that same process, staff could add that to the conditions. She said the Lake County Community Development Department can revoke the permit in the future, if it is found that the use is detrimental to the health, safety, comfort and general welfare of the public or constitutes a nuisance.

Comm. Malley said that he would also like to see that the Sheriff is notified and asked to be involved that they are going to have a meeting and he could have someone there to attend. He said at the end of the season, he would like to see that the Sheriff is included in the debrief, so they can address all of the community concerns or any calls they had during that period.

Ms. Turner suggested modifying the condition to read: *“The applicant shall add to the Operational Manual, at least one local community meeting to hear community and law enforcement concerns. Resolutions to these concerns shall be enacted within the same operational period. An after-operational period meeting, including local stakeholders, shall also be conducted to evaluate the efficacy of the resolutions. A post-operational report shall be submitted to the Community Development Department prior to the next operational period.”*

Comm. Levesque said he missed the very beginning of this item and asked if he needed to recuse himself from voting on this item.

Comm. Malley agreed that he missed too much of the discussion and he would need to recuse himself from voting.

Comm. Crandell moved, 2nd by Comm. Hess that the Planning Commission find this Major Use Permit (UP 16-09) is exempt from CEQA because it falls within Categorical Exemption Class 23, based on the findings set forth in the staff report dated June 14, 2017.

CATEGORICAL EXEMPTION 4 Ayes 0 Noes 1 Recused (Comm. Levesque)

Comm. Crandell moved 2nd by Comm. Hess that the Planning Commission find that the Major Use Permit (UP 16-09) applied for by Rev. Shannon Kimbell-auth, on behalf of

the Lake Ministerial Association on property located at 1111 Park Drive, Lakeport, does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Use Permit subject to the conditions and with the findings listed in the staff report dated June 14, 2017 and as modified today.

MAJOR USE PERMIT 4 Ayes 0 Noes 1 Recused (Comm. Levesque)

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

10:30 a.m. Break

10:37 a.m. Back to Order

10:37 a.m. Public Hearing on consideration of Use Permit Extension (UPX 17-01) and Categorical Exemption (CE 17-09). The project applicant is GEYSERS POWER COMPANY, LLC, proposing life of the project extension of time for Unit 13, an existing geothermal, electric-generating power plant. The project is located at 9635 Socrates Mine Road, Middletown and further described as APN 013-058-32. (Mark Roberts)

Mark Roberts, Associate Planner, provided background information and a power point presentation of the project application.

Bruce Carlsen, Calpine Environmental Health & Safety Regional Manager, presented a power point presentation of the project application. He introduced Chris Lock, Farella Braun & Martel, LLP, who was available for Land Use or CEQA questions.

10:58 a.m. Opened Public Hearing

Meriel Medrano, Manager of Anderson Springs Community Services District, said because all the trees have burned from the Valley Fire they are still experiencing noise and they are still feeling earthquakes. She said that they did not receive notice of this hearing from the County and Calpine, as a courtesy informed them. She asked in the future, that they please be notified at PO Box 929, Middletown, CA 95461.

11:00 a.m. Closed Public Hearing

Comm. Hess said that this is straight forward and was prepared to offer the motions.

Robert Massarelli, Community Development Director, addressed the noticing and said that staff exceeded the 700 feet to 725 foot radius for legal noticing and staff had followed the procedures. He said one of the options is to table this and re-advertise it to include the Anderson Springs Community.

Comm. Malley said groups in Cobb and the Anderson Springs area are normally included for these items and should have been included in this mailing. He said he did not think it would make a difference in this case to re-advertise it, and nothing is being changed except adding time to the permit, which has already been issued.

Comm. Levesque agreed that the requirements have been met for the notification, but we may want to add language in the future to notify not just the people who meet the requirements, but to stakeholders who would like to have that notification.

Comm. Hess commented that this was an oversight that will not occur again.

Comm. Hess Moved, 2nd by Comm. Crandell that the Planning Commission find this Use Permit Extension is exempt from CEQA because it falls within Categorical Exemption Class 1, based on the findings set forth in the Staff Report dated June 9, 2017.

CATEGORICAL EXEMPTION 5 Ayes 0 Noes

Comm. moved, 2nd by Comm. that the Planning Commission find that the Use Permit Extension UPX 17-01 applied for by Geysers Power Company, LLC on property located at 9635 Socrates Mine Road, Middletown, does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Use Permit Extension subject to the conditions and the findings listed in the Staff Report dated June 9, 2017.

USE PERMIT EXTENTION 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

UNTIMED STAFF UPDATE

Robert Massarelli, Community Development Director, introduced Michelle Irace, Senior Lead Planner for the Guenoc Valley Project for CEQA.

Mr. Massarelli said staff is working on reformatting of the Zoning Ordinance. He said the first meeting in August staff will review the Zoning Ordinance Use Matrix. He added that the Design Review, Development Review and Minor Use Permits will be combined into what will be called a Development Permit, and the Major Use Permit will be called a Use Permit, which will be brought to the Planning Commission for consideration. He said for the Development Permits, the Zoning Ordinance will be recommending the creation of a Hearing Officer.

Mr. Massarelli addressed the new permitting software for the electronic permitting system and announced that a new consultant has been retained to get the program to move forward. He added that the Cannabis Ordinance will soon be scheduled for another workshop.

ADJOURNED 11:15

Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae Bowen
Office Assistant III