

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 24, 2017

Commission Members

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

Staff Members

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

9:00 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley .

Comm. Hess moved, 2nd by Comm. Crandell to approve the minutes from July 27, 2017

9:08 a.m. CITIZEN'S INPUT – None

9:09 a.m. Public Hearing on consideration of a General Plan Conformity Report (GPC 17-02) and Mitigated Negative Declaration based on Initial Study (IS 16-19). The project applicant is LAKE COUNTY WATERSHED PROTECTION DISTRICT proposing to modify the primary spillway on Highland Creek Dam to allow more water storage recharge in spring and fall months and to supplement spring flow to create an improved spawning and rearing condition for Clear Lake Hitch in Adobe Creek. The project is located at 3600 E. Highland Springs Road, Kelseyville and further described as 007-043-01. (Continued from July 13, 2017) (Peggy Barthel)

Peggy Barthel, Resource Planner, provided background information of the project application. She said this project was discussed on March 9, 2017 and again on July 13, 2017, each time staff asked for continuation, because of comments from the State Water Board and from the California Department of Fish and Wildlife.

Ms. Barthel said staff wanted to be sure these agencies were satisfied, before completely going through the process. She said the Initial Study Document was recirculated on June 30, 2017 and staff received a few more comments, which has satisfied the concerns of the agencies noted above. She said issues were discussed with Tribal Representatives and their concerns have been satisfied.

9:11 a.m. Opened Public Hearing

Sarah Ryan, Environmental Director Big Valley Pomo Indians, said there are two items on the mitigation monitoring plan that they have questions with. She spoke to the oak tree planting plan and said the manzanita and chaparral are a big part of the eco system, which keeps everything in balance, especially with a lake with lots of nutrients, which leads to toxic cyanobacteria blooms. She said reforestation areas need to be taken seriously and they wanted to make sure that compliance with mitigation measures are actually being followed up on. She said that condition C7 should not include Greg Guisti's name.

Ms. Barthel agreed that Greg Guisti's name can be removed.

Ms. Ryan also addressed Cultural Resources monitoring and pointed out condition D1, with the reference to the agreement between the tribes and the applicant, which has been

removed. She said there is a need for a cultural resource professional to evaluate the areas of impact. She quoted from Attachment D, Mike Schaver's memo, item 3: *"Cultural Resource Monitoring by appropriate Tribal Monitor during Cultural Resource Survey, Tribal Monitoring of any sites in zone of inundation for the first 5 years of operation, and tribal Monitoring of all Project ground disturbing activities."* She said if you are expecting erosion, cultural resources will potentially become exposed.

Ms. Barthel asked if a new condition D4 can be added to cover Mr. Shaver's concerns would be acceptable.

Ms. Ryan said that the Tribe was in agreement.

Batswalin Brown, Tribal Historic Preservation Officer Big Valley Pomo Indians, said that he does not have any additional comments, except that he is in support of the changes that have been made today.

9:21 a.m. Closed Public Hearing

Comm. Suenram moved, 2nd by Comm. Hess that the Planning Commission find that on the basis of the Initial Study 16-19 prepared by the Planning division and the mitigation and monitoring plan that has been added to the project, that the Adobe Creek Conjunctive Use Project, as applied for by the Lake County Watershed Protection District, will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be issued with the findings listed in the Memo dated August 9, 2017, and as modified today.

PROPOSED MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Suenram moved, 2nd by Comm. Hess that the report that the Adobe Creek Conjunctive Use Project as proposed by the Lake County Watershed Protection District is in conformity with the Lake County General Plan with the findings listed in the Memo dated August 9, 2017.

GENERAL PLAN CONFORMITY 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

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

9:23 a.m. Public Hearing on a Zoning Ordinance Text Amendment Workshop, AM 17-02. The County of Lake will discuss proposed amendments to the Lake County Zoning Ordinance uses permitted in all Zoning Districts. (Michalyn DelValle and Robert Massarelli)

Robert Massarelli, Community Development Director, reviewed the Zoning Ordinance, and said actions are being proposed to reduce the number of permits that we have and staff is proposing that the following three permits: Design Review, Development Review and Minor Use Permits, be combined into a separate category called a Development Permit.

Mr. Massarelli explained that it is written in the Zoning Ordinance to have a Zoning Administrator, who considers approving/denying the Design Review, Development Review and Minor Use Permits. He said this has created a procedural problem and if a permit is not challenged it is relatively easy to go forward and have the Zoning Administrator approve the application, however if it is challenged, in most cases, the Zoning Administrator has supervised the staff person writing the staff report, and therefore the Zoning Administrator cannot be unbiased in review of the application and that creates a conflict.

Mr. Massarelli said staff is proposing to create a position for a Hearing Officer in the new ordinance who would not be in the chain of command for reviewing staff reports. He said this Hearing Officer could give an unbiased review of the application if there was a

request for a hearing and determine whether the application should be approved or denied.

There was extensive discussion on the Zoning Administrator and Hearing Officer duties. Staff reviewed the proposed Zoning Districts Use Matrix line by line, defining the categories and the decision to designate the application to the Planning Commission or Hearing Officer to make the decision regarding the permit.

10:43 BREAK

10:52 BACK TO ORDER

The Planning Commission further discussed lined items on the Zoning Districts Use Matrix. It was decided by the Chair to continue this Workshop to the September 14, 2017 hearing at 9:05 a.m. for further discussion

For further details on the workshop discussion please go to: <https://countyoflake.legistar.com/calendar.aspx> August 24, 2017 Hearing to view the video.

UNTIMED STAFF UPDATE

Mr. Massarelli announced that a new Assistant Planner, Jeffery Taylor will be starting on Monday, August 28, 2017.

ADJOURNED 1:03 p.m.

Respectfully Submitted,

Bob Malley, Chair
Lake County Planning Commission

By: _____
Danae Bowen
Office Assistant III