

**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
January 13, 2022**

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
Victor Fernandez, Associate Planner**

9:00 a.m. CALL TO ORDER

9:01 a.m. Pledge of Allegiance led by Comm. Price

9:01 am Citizens Input

Randy Fletcher- Butts Canyon Rd., Has to do with Sunny. The preferences this board gives to cannabis. Victor Fernandez is the go to person for this board, isn't that right?

Comm. Hess, stated that Victor Fernandez is a planner.

I made a complaint about a year ago. The property in question had numerous buckets of planted cannabis. When Victor Fernandez came to do a site visit, and determined there were no cannabis nor violations at the particular property. He lied about the cannabis being there. He is also concerned about a new road placed on the neighboring property and a culvert that was buried in the process. The water seemed to puddle and pool on the property, causing his horse to get sick. I poked a hole in the culvert to drain the pooled water, because they had blocked the culvert. He states that there were illegal hoop houses, which he was told were used for flowers, when there were buckets and buckets of cannabis plants. He also states he has pictures with date stamps and he has emails.

He wishes Mr. Fernandez was present so he could address him personally.

Comm. Hess is addressing Randy. Comm. Hess stated that he remembers the complaint and at the time asked Mr. Fletcher to provide the pictures and at the time Mr. Fletcher did not have them.

Closed Public Input

9:07 a.m. Item # 1. Public hearing on consideration of a Major Use Permit (UP20-75) 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.

Sateur Ham is giving a visual power point presentation for the project.

Comm. Hess questions regarding monthly water usage chart on page 3 and then on page 7 of the report of the main limitations for this project is the flooding. Capital improvements to be done to mitigate

Michael Bursinson we are going to do over a foot of under excavating and a concrete slab about 1 foot that will be used as an anchor.

Comm. Hess asked how many bathrooms?

Response, we will have multiple bathrooms and one ADA compliant handicap accessible bathroom.

Hess attachment 7 of agency comments page 261 from the drinking water for the employees.

Response there will be plenty of water for drinking. He clarifies that the number of employees listed was at peak season time. Most of the time the green houses are automated and climate controlled. There won't have very many full time employees. Having enough drinking water.

Comm. Hess inquired that on page 262 Mr. Haggett said that the project will include green houses and grow area will take up about 7 acres of the property so with a grow this size and next to a major creek using this much water. I would be hesitant to issue a negative declaration. Comm. asked if Sateur had covered this base with Mr. Haggett.

Comm. Fields was the Ag Comm. notified on this project.

Sateur responded with he had but had not responded.

Comm. Hess would like to know about the construction time, is this for the whole project or just phases.

Sateur responded with the report does include all the phases.

Comm. Fields, There were a lot of documents presented over time. It mentions tree removal in some of them. Is the applicant considering tree removal?

Response, There is no tree removal from the cultivation site. The only thing being considered was tree removal around the house on the property which is no longer in use. Currently there is no plan for tree removal.

Sateur clarified that the concern around tree removal was the removal of heritage trees as opposed to being moved.

Comm. Fields asked about page 11 of the staff report. What does it mean for cultivation area and canopy area?

Sateur responded with all

9:36 a.m. Public Comment

Bill Wilson- (in person) I am not totally against this project, my 1 questions is will the county react if there are any issues? The agricultural Comm. has stated that cannabis is not an agricultural crop. We are in an intensive agricultural area growing a no-agricultural crop, does that mean that many storage containers can be put in later. . If they are grown in greenhouses, great if they are not what will the county do to regulate this.

Mary Darby, Director of CDD, responded with they have annual inspections, enforcement teams, and will respond to any complaints.

Mr. Wilson stated they took out 7 acres of vineyards, stating that the vineyard was not producing, which is not true. He also is asking about the water use of the cannabis vs, the vineyards. Are there in any plans to expand the use of this project.

Mary Darby stated that if they want to expand the project they will have to go through the CDD and the Planning Commission. She also stated that we have a new efficient Code Enforcement manager.

Mr. Wilson would like to make sure the lighting will not be pointed up but down. He is also concerned about the odor and the applicant

County Counsel stated this not a back and forth public comment.

Mr. Wilson has another question regarding the water monitoring.

Randy Fletcher would like to know about the hydrology report if it is given to the people impacted by it? I have not been notified about it.

Sufyan Hamouda- I am the consultant on this project and would be more than happy to answer questions regarding this project. He is addressing the water use for the vineyard vs. the cannabis. He is addressing the odor, it will definitely be mitigated with the filters and the greenhouses. The greenhouses will have black out shields so the lighting will not affect the surrounding the project.

9:49 a.m. Public Comment Closed

Comm. Fields is concerned about the response from public comment regarding the hitch in the adobe creek, that there has been a request for an EIR due to the native hitch in the adobe creek.

Mike Burleson- they withdrew their concern because we met with them, and acted on their concerns, we had an EIR done when the vineyard was put in.

Comm. Field stated she is happy with the

9:58 a.m. Break for County Counsel to research some question regarding continuance after a motion.

10:09: Commission resumed.

Sample Motions:

Mitigated Negative Declaration (IS 20-88)

Comm. Hess, I move that the Planning Commission finds that the Mitigated Negative Declaration (IS 20-88) applied for by North Coast Select, Inc. on property located at 1496 Bell Hill Road, Kelseyville, CA, further described as APNs: 017-002-02 (associated parcels: 007-010-24, & 017-002-01) 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, second

2 ayes, and 1 No - Motion denied, vote must be unanimous.

Nicole Johnson, stated that the board can make a reconsideration of this motion to be able to continue this item.

Comm. Field would like to make a motion to reconsider this decision, Comm. Hess second the motion.

3 ayes, and 0 No – motion approved to reconsideration.

Comm. Field would like to present to staff what her concerns are, she would like to know about the turbines, whether this will effect hitch spawning in adobe creek. The rest she can research herself.

Nicole Johnson states that as a Comm. you cannot just research items yourself, you have to address the staff, and ask them to provide that information to the board. So the board has all of the necessary information as a whole.

Comm. Field asked about what happens if the dam fails?

Comm. Hess stated that question does not apply to this project. .

Comm. Hess asked Comm. Field about wanting an EIR and now she has not asked staff to elaborate on that particular comment.

Mary Darby addressed that the project should be continued so this gives staff time to answer all of the Commissioners

Comm. Field made a motion to continuance, Comm. Hess second the motion.

3 ayes, 0 No to continue to a later date undetermined.

Major Use Permit (UP 20-75)

The Comm. chose to not vote on this portion of the Major Use Permit (UP 20-75) applied for by North Coast Select, Inc. on property located at 1496 Bell Hill Road, Kelseyville, CA, further described as APNs: 017-002-02 (associated parcels: 007-010-24, & 017-002-01) does meet the requirements of Section 51.4 and Article 27, Section 13(at) [i, ii(g), ii (i)] 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.

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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

10:23 a.m. Item # 2 Public hearing on consideration of an amendment to Major Use Permit (UP 15-15), to adopt Major Use Permit (UP 21-24) and an Addendum to a Mitigated Negative Declaration (IS 15-34). The project applicant Hilltop Recovery Services, Inc., 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.

Sateur Ham is giving a visual power point presentation.

Comm. Price asked if there were any questions from the commissioners.

13:39 a.m. Open Public Comment

Jacki Churno, She is the neighbor and the facility put up signs stating that this is a private drive, a dead end, and no solicitations. She mentioned that the sign has done no good. People are turning around in her private drive and driving on her orchard. This is county maintained road, will the county or the applicant provide a gate.

Donna Mackiewicz gave public comment to reiterate her submitted Ecomment.

George MacDonald, attorney would like to provide a slide show regarding the access of the road. He is giving a power point presentation. Addressed the signage has been removed. Google has incorrect information directing people to the neighboring house.

Todd Metcalf, Director of Behavioral Health, which is partnered with Hilltop services for many years and is excited to move forward.

April Giambra- Substance abuse manager for Behavioral health Services, she would like to say they have a large request from women for treatment. Ideally it is best practice to provide services within the county they reside in.

Becky Schwenger- Resident and paramedic within Lake County. I see firsthand the effects of homelessness and substance abuse. It is a much needed thing for women. It will open up new opportunities for women waiting to participate in a program

Jackie Turnough – I am not against the project, I just do not think it is my responsibility to put in a gate and have the county abandoned the road.

Ecomment:

Donna Mackiewicz: on January 10, 2022 at 4:45pm “Oppose”

There are cannabis applications to be permitted that are very close and on Catholic Road and on Sulphur Bank Road. Please consider carefully if this is the right place for this important facility. If the place is the best location then careful consider not permitting any cannabis in and around this site. Odors of outdoor grows cannot be helpful for anyone trying to kick addiction and studies are not available to show documentation on hazards as the industry is so new.

10:59 am public comment closed.

Comm. Field would like to thank everyone that has spoken, it seems like this will be working together to get this project approved.

Comm. Price has addressed the road concerns, it would be unfortunate for this project to be delayed due to this. Anyone who travels down this road should not have great difficulty finding it.

Addendum to the Mitigated Negative Declaration (IS 15-34)

Comm. Hess, I move that the Planning Commission find on the basis of the Addendum to the Initial Study No. 15-34, prepared by the Planning Division, and the mitigation measures which currently exist with the project, that the use permit as applied for by Hilltop Recovery Enterprises, LLC will not have additional significant effect on the environment; and therefore, an addendum to the Mitigated Negative Declaration shall be approved with the findings listed in the staff report dated January 13, 2022. Comm. Field second.

3 Ayes, 0 No - Motion Carries.

Major Use Permit (UP 21-28)

Comm. Hess, I move that the Planning Commission find that the Major Use Permit (UP 21-24) applied for by Hilltop Recovery Enterprises, LLC on property located at 14725 Catholic Church Drive, Clearlake Oaks, CA, does meet the requirements of Article 7, 27.13 (e), 51.4, and 60 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. Comm. Field second

3 Ayes, 0 No - Motion carries

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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

11:03 a.m. Break

11:16 a.m. Meeting Continued.

The final items have been continued to the January 27th hearing.

Comm. Field motioned to continue these items, Comm. Hess second

3 Ayes, 0 No – Motion Carried to continue remaining agenda items to January 27th, 2022 Meeting.

11:16 a.m. Item # 3. Public hearing 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.

Sample Motions:

Initial Study Addendum (IS 18-58)

I move 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**.

Modification (MMU 21-20)

I move 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**.

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.

9:20 a.m. Item # 4 Public Hearing 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.

Ecomments:

Donna Mackiewicz: at January 10, 2022 at 4:52pm, "Oppose"

A full environmental impact report should be required of the applicant before further consideration of a Major Use Permit is allowed. So many cumulative environmental impacts are not addressed. Cannabis is not an agricultural crop - this does not match with the IS. Air quality and odors are not addressed fully. Hydrology and water quality needs to be updated and more extensive. An EIR should be done before permitting. Thank you.

Cheryl Forberg at January 10, 2022 at 4:18pm, "Support"

Response to ATTACHMENT 9 – PUBLIC CONCERNS

Applicant's (Forberg) Response to Neighbor's (Richard Russell) Letter to Planning Commission and Planner Victor Fernandez

On Nov 2, 2021, at 2:50 PM, Cheryl Forberg RD <cheryl.forberg@gmail.com> wrote:

Hi Rich,

Today we received a copy of the letter you sent to the Planning Commission and to our County Planner, Victor Fernandez.

When we applied for our cannabis permit in August of 2020, you were the first neighbor I informed. You didn't express any concerns at the time, and we are surprised that you didn't express any concerns to us now. We could have answered most of your questions and would appreciate the opportunity to do so. There are multiple misconceptions in your letter and we would appreciate the opportunity to clarify several points.

Can we please set up a call to talk about this?

Thanks a lot

Cheryl

Sample Motions:

Mitigated Negative Declaration

I move 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**.

Major Use Permit (UP 20-74)

I move 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**.

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

11:18 a.m. Adjournment