

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 13, 2017

Commission Members

P John Hess, District I
P Bob Malley, District II
A 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
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:06 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 February 23, 2017.

9:08 a.m. CITIZEN’S INPUT – Hank Lecher

9:10 a.m. Public Hearing on consideration of a Resolution of Intent to amend article 72 of the zoning ordinance. At the March 21, 2017 workshop, the Board of Supervisors provided direction regarding the regulation of cannabis in the county. Part of that direction was to expand Article 72 to include “RL” Rural Lands zoning district in addition to “A” Agriculture zoning district as to where the outdoor cultivation of medical cannabis would be allowed. The Board further directed the staff to amend Article 72 to include a self-certification of compliance program. The self-certification would be verified by a compliance monitoring inspection. In order to amend the zoning ordinance a resolution of intent must be adopted by the Board of Supervisors or the Planning Commission. (Robert Massarelli)

Robert Massarelli, Community Development Director, explained that he and County Counsel are working on the exact intent of the Board of Supervisors and that staff is asking that this item be pulled from the agenda today.

9:15 a.m. Opened Public Hearing

Mark Borghesani, Kelseyville resident, said the Community Development Director spoke at a Kelseyville Business Association (KBA) meeting about a month ago on the Cannabis Ordinance and Zoning changes. Mr. Borghaesani felt access to Rural Lands could be a real problem and thought commercial grows closer to the highways would be better than having them near residences and ponds.

Rick Reynolds, Kelseyville resident, agreed with Mr. Borghesani’s concerns and that the County should consider the potential problems with including Rural Lands into the zoning district.

9:21 a.m. Closed Public Hearing

Comm. Malley confirmed for the record that this item will be taken up at a later date.

UNTIMED STAFF UPDATE

Mr. Massarelli provided a Zoning Ordinance and General Plan updates. He said there are many projects and interest activities going on in the County. He announced that there is cost agreement on the Board of Supervisors agenda on Tuesday, April 18th with Guenoc Valley and a Request for Proposal (RFP) for an Environmental Consultant, as well as authorization to hire two additional staff members to work on the Guenoc project.

Mr. Massarelli announced that the Planning Commission hearings will now be video recorded and streamed live on the Lake County Website starting May 11, 2017.

9:22 a.m. Public Hearing on consideration of a Use Permit Extension (UPX 16-02) and Categorical Exemption (CE 16-74) for Major Use Permit (UP 81-05). The project applicant is GEYSERS POWER COMPANY, LLC proposing a ninety-nine (99) year extension of time for an existing drill pad containing production and injection wells, access roadways and pipelines facilities. There will be no changes in the operation and no expansion of authorized use. The project is located at 10350 Socrates Mine Road, Middletown and further described as APNs 013-005-20, 013-058-02 and 013-058-03. (Mark Roberts)

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

Comm. Hess asked why the Calpine request was asking for a thirty-year extension and staff is recommending a ninety-nine year extension.

Robert Massarelli, Community Development Director, explained after Calpine submitted their request, the state law requirement came up. He said he was reluctant to agree to the productive life of the project, because that is impossible to define and properly constructed and maintained they can last forever. He said it was too open ended and he felt that a ninety-nine year would meet the intent of the law for a long period of time, but at the same time give staff assurance that it is not forever and there will be a point when it will have to be reviewed. He said by putting a condition in the reports, if there is a violation for a problem, action can immediately be taken.

Comm. Levesque asked if the annual reports and the seismicity are standard.

Mr. Massarelli said there is a Seismic Monitoring Advisory Committee, which meets semi-annually and there is a tremendous amount of information that is provided. He said that staff is formalizing that report, and based on staffs review of the history of this project, the seismic activities was the major concern in the beginning and continues to be a concern. He said there are other issues with water quality issues and spray monitoring, which are maintained with the conditions.

Comm. Hess spoke to conditions of approval number ten and referred to the last item, for Community Outreach, which is the only place it is referred to in the official documents. He said Calpine does an outstanding job with community outreach, but asked if there was any way to beef the language up in terms of codifying the community outreach.

Mr. Roberts said that the conditions can be revised.

Bruce Carlsen, Director of Calpine Environmental Services, provided a power point presentation on the Tocher Well Pad Use Permit Time Extension and reviewed the Project Scope, Permitting Process and Community Outreach.

9:44 am Opened Public Hearing

Merrill Medrano, Anderson Springs Community Services District Manager, she said they are not protesting the permit, but they felt that ninety-nine years is a very long stretch. She said they are still experiencing earthquakes and the noise issues have never been totally resolved.

Joan Clay, Anderson Springs resident, said that the community is sensitive to anything that goes on in this area. She said she is not opposed to the permit, but is opposed to the ninety-nine years' time extension. She said that they are not on the noticing list for these hearings, however Calpine contacted them to notify them of this time extension.

Cheryl Engels, Anderson Springs resident and Chair of the Anderson Springs Geothermal Mitigation Committee. She said the reasons the Committee meets is to mitigate damages created by earthquakes and earthquakes are almost a daily event in Anderson Springs. She said their objections are to the length of time of the permit and agreed with Ms. Clay and Ms. Medrano that twenty-five years would be sufficient.

9:53 a.m. Closed Public Hearing

Comm. Hess asked Mr. Carlsen why he asked for a thirty-year extension.

Mr. Carlsen said that he requested thirty years based on previous extensions and predicated the new request on that.

Comm. Levesque said in Sonoma County they deal with the production life of the project and if that is the case and the State regulations are for the life of the project and he likes the life of the project better, because it is a natural end to a permit, rather than ninety-nine years.

Comm. Hess asked if there was a realistic way to explain what the sense of a productive life of a project is up there.

Mr. Carlsen said the first productive well that was drilled over fifty years ago is still in production and he expected it to be productive for another fifty years. He said the resources are there and will continue to be there. He said it is hard to put a number on the productive life of a project.

Comm. Malley said as long as we are monitoring year to year what is happening and the County has the capability of stepping back in and taking more action if something changes or is not being done right, the County has the power to modify the Use Permit. He said it is a Use Permit and if there is a violation it would come back to the Planning Commission and action can be taken.

Mr. Massarelli spoke to Community Outreach and thought the Annual Report could be stated what the outreach program is, and if it needs to be enhanced or changed it can be done at that point.

Michalyn DelValle, Principal Planner, read condition I1 into the record *"The use permit has been approved by the Planning Commission subject to the expiration date of March 17, 2017. The use permit shall be valid for a period of ninety-nine (99) years from the date of extension of time approval."* She said that can be modified if there is to be any changes.

Comm. Levesque and Hess said that they preferred the State language and would like to go with the productive life of the project.

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 March 16, 2017.

CATEGORICAL EXEMPTION 5 Ayes 0 Noes

Comm. Hess moved, 2nd by Comm. Crandell that the Planning Commission find that the Use Permit Extension UPX 16-02 applied for by Geysers Power Company, LLC on property located at 10350 Socrates Mine Road, Middletown, CA 95461, 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 with the findings listed in the staff report

with the change to be made from ninety-nine (99) years to the productive life of the project.

USE PERMIT EXTENSION 5 Ayes 0 Noes

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

ADJOURNED 10:09 AM

Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae Bowen
Office Assistant III