



**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
APRIL 28, 2022**

Commission Members Present:

A -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, CDD Director
Nicole Johnson, Deputy County Counsel
Jim Feenan, Office Assistant III
Andrew Amelung, Cannabis Manager

9:00 a.m. CALL TO ORDER

9:00 a.m. Pledge of Allegiance - All

9:00 a.m. Consideration of the adoption of Assembly Bill 361 Findings Authorizing Teleconference Meetings during a State of Emergency.

Nicole Johnson – stated that the Assembly Bill requires that the findings be made or renewed every 30 days in doing so the Commission is to consider the current state of the emergency, and what actions are necessary, for the Commission to continue its business, and whether or not remote attendance is one of those actions that is necessary, and then the Commission would make findings related to that, and adopt whatever action that the Commission has determined necessary to be safe during the emergency and continue the business of the Commission.

Commissioner Price – asked the Commission if they would like to leave the process that is currently being used, or if there needs to be further discussion.

Commissioner Field – stated that she is a big proponent of being conclusive as they can, and further states since there continues to public who are testing positive or at risk and are putting themselves further at risk by being present, she feels that they should continue the way they have been conducting business.

Nicole Johnson – stated this is not to determine whether or not the public attends remotely, the public will continue to attend remotely, this simply addresses whether or not the Commission will be allowed to conduct their business remotely, and under what rules they will be conducting remote business. She further stated that if there is an emergency requiring Commissioners attend remotely. If the Commission does not make the findings today or the Commission finds that there is not an emergency requiring that remote attendance, than remote attendance will still be an option under the Brown Act Rules. The rules include: notice the location where you are remotely meeting, access for the public to that location, and remote access for the public to listen and comment on the agenda item.

On the motion from **Commissioner Chavez**, that the Planning Commission continue Teleconference Meetings during the State of Emergency. Second by **Commissioner Field**.

9:01 a.m. - Approval of Minutes from the April 14, 2022 Planning Commission Hearings.

The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

On the motion from **Commissioner Chavez** that the Planning Commission approved the minutes from the April 14, 2022 Planning Commission Hearing. Second by **Commissioner Brown**.

The motion was carried by the following vote:

3 Ayes 0 Noes 1 Abstention (Field) – Motion Carried

9:04 a.m. - Citizens Input

Any person may speak for three minutes about any subject of concern, provided that it is within the jurisdiction of the Planning Commission, and is not already on today's agenda or scheduled for a future public hearing. Total time allotted for Citizen's Input shall be fifteen minutes. Speakers are requested to complete a simple form (giving name, address and subject) available in the Community Development Department office, prior to 9:00. Agendas of public meetings and supporting documents are available for public inspection in the Lake County Courthouse, Community Development Department, Third Floor, 255 North Forbes Street, Lakeport, California

Request for Disability-Related Modification or Accommodation: A request for a disability-related modification or accommodation necessary to participate in the Planning Commission meetings should be made in writing to the Planning Commission Assistant at least 48 hours prior to the meeting.

No one stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

9:05 a.m. Item #1 – (Continued to May 12, 2022) - Public Hearing on Consideration of Major Use Permit (UP 20-90) and a Mitigated Negative Declaration (IS 20-109). The applicant, Cresta Properties LLC Development is proposing three (3) A – Type 1C “Specialty Cottage” licenses and two (2) A – Type 3B “Mixed-Light” licenses for commercial cannabis cultivation. The total cannabis canopy area proposed is 41,500 square feet and 72,000 square feet of cultivation area. The project includes, twenty-four (24) 35' X 100' greenhouses and four (4) 30' x 120' metal storage barns; The project is located at 6267 Kelsey Creek Drive and 6245 Gold Dust Drive, Kelseyville, CA; and further described as APNs: 007-013-23 and 007-013-22.

Jim Feenan – Legal notice has been determined on this matter.

Andrew Amelung requests continuance to May 12, 2022 at 9:05 a.m.

Upon motion by seconded by **Commission Field**, second by **Commissioner Chavez**, and carried by a voice vote of (4-0), IT IS ORDERED, that the matter be continued to May 12, 2022 at 9:05 a.m. Planning Commission Meeting.

The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Director Darby – asks that the previous statement of legal notice deemed proper was an error. The reason the matter was continued was due to the legal description being incorrect.

9:10 a.m. Item #2 - (Continued from June 10, 2021) Public Hearing on Consideration of Major Use Permit UP 20-86 and a Mitigated Negative Declaration (IS 20-102). The applicant, Ursa Valley LLC, (Ursa Valley) is twelve (12) A – Type 3 “Outdoor” licenses for commercial cannabis cultivation. The total cannabis canopy/cultivation area proposed is 522,720 square feet. The project includes, one (1) 120 square foot security shed and one (1) 160 square foot chemical storage shed. The project is located at 10960, 10950, 10934, and 10930, Bachelor Valley Road, Whitter Springs, CA; and further described as APNs: 002-046-09, 002-046-15, 002-046-16, and 002-046-17.

Director Darby – stated that the applicant was not properly notified of the public hearing and applicant had a family business matter to attend and could not attend the meeting today.

Upon motion by **Commissioner Chavez**, seconded by **Commissioner Field**, and carried by a voice vote of (4-0), IT IS ORDERED, that the matter be continued to a date uncertain.

4 Ayes 0 Noes – Motion Carried

Patricia Rates – wanted to know if she would wait until a new notification is sent.

Commissioner Price – explained that since the notice was not deemed proper than she told the party they would be notified again when the matter will be going before the Planning Commission.

Director Darby – stated that the notice was sent out to the adjacent property owners, but the applicant did not receive notice.

Nicole Johnson – explained where there is a continuance date given, no new notice is required, but matters that are continued to a date uncertain will have to be re-noticed.

Carolyn Creighton – had a question why one pot farm is going before the Commission and another pot farm on the other side of her property is not being questioned.

Nicole Johnson – stated the public can go to the Community Development Department to review and request documents. She states there are certain distant requirements that are in the code where it will tell us how far of the radius that has to be noticed.

9:15 a.m. Item # 3 - Public Hearing on Consideration of Major Use Permit (UP 19-42) and a Mitigated Negative Declaration (19-61). The applicant, Bottle Rock Farms FJA Trust is proposing two (2) acres of medicinal commercial cannabis canopy area and two (2) acres of adult-use commercial cannabis canopy, for a total of four (4) acres of outdoor canopy area. The project includes, one (1) 4,750 square foot processing building and a 1,000 square foot immature plant area. The project is located at 9900 and 10030 Bottle Rock Road, Kelseyville, CA; and further described as APNs: 011-057-22 and 011-057-23.

9:15 a.m. - The clerk advised the Commission that this item was properly noticed.

Kim Hunter (Consultant from LACO) (Chambers) & Andrew Amelung (Zoom Room) presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Field - stated her staff report copy has changed to “shall”.

Kim Hunter (Consultant from LACO in Chambers) – stated it should be changed to “shall”, and it should language that “no Riparian activity should occur at all”.

Commissioner Field – confirms that the staff report is correct.

Kim Hunter (Consultant from LACO in Chambers) – confirmed it stated to contact the lead agency.

Commissioner Field – stated she would support all the recommended changes, but is it not moot because this has already occurred.

Kim Hunter (Consultant from LACO in Chambers) – stated that is definitely possible. She has typed out some revisions for the Planning Commission.

Commissioner Field – did the biological assessments come back with any data regarding the pine forest and the nests. Were there any relevant findings that would have prevented this? Did they go in and destroy the Riparian areas?

Kim Hunter (Consultant from LACO) – stated that no they did not destroy the area, and was part of the three acre conversion process and the roll of the professional forester to make sure there are no water bodies and to do what is needed ahead of time to make sure these are appropriate areas for conversion. She also states that a CEQA analysis is not done on anything under three acre conversion, but it comes back to the registered forester to make sure the sites are suitable.

Director Darby – asked about the three acres of conversion process would they still have to obtain a grading permit from the County.

Kim Hunter (Consultant from LACO in Chambers) – stated yes they would.

Director Darby – stated her records show there was no grading permit obtained.

Commissioner Price – stated that there is no sign off for the conversion from the CDFW.

Kim Hunter (Consultant from LACO in Chambers) – stated yes, the sign off for the less than three acre conversion application for code clearance from the County is only required if the County has by resolution designated one of the agencies in the County to do the review. She was not sure that this occurred.

Nicole Johnson – stated that if there is not enough information to be clear whether or not there is a violation here, and to clarify, findings that must be made, and one of them includes that there are no current existing violations, and if the Commission is unable to make that finding today, you can ask staff to return with information that would clarify that for you.

Commissioner Field – asked about the exemption for an Ag barn.

Kim Hunter (Consultant from LACO in Chambers) – stated they would look into this.

Commissioner Field – stated that the staff report regarding the Big Band Pomo Indians had some concerns and did not see them addressed. Also in the cultural resources section of the recommendation regarding hydrology shows four conditions but only three are listed. She would like to hear from Big Band Pomo Indians whether they answered or not.

Kim Hunter (Consultant from LACO in Chambers) – she believes the consultation was closed, but she will get clarification.

Commissioner Brown – stated that in the future it would be good to note consultation did happen with any tribes that are engaged with the process, it helps in terms of knowing that there is ongoing conversations and the Commission is not privy to that information, and it is good to know that it is happening.

Kim Hunter (Consultant from LACO in Chambers) – she stated that would be sure to include the information.

Commissioner Chavez – stated he would like to see a more in depth analysis regarding consultations or conversations from the tribes.

9:58 a.m. Open Public Comment

Jennifer (Applicant) (Zoom Room) – stated that the Mitigation Bio 1 & Bio 2 & Bio 3 will be moot. There will be no destruction of trees or scrubs and no removal of pine forest habitat for this project. Per the forester they did not need a grading permit. Both conversion were finalized by CalFire. All documents were submitted to Planner Sitir Ham and should be located in the file, if they are not able to be located, she will resubmit the paperwork. There has been no septic system installed for this project. They are waiting for the permit and have tentative plans ready. She discussed the water system that will be used. They also put plastic down on the roads to collect the rain runoff. They have a nine gallon well. All of the plant are small, there are no large plants.

Commissioner Field – wanted to know if the drip tape is subterranean.

Jennifer (Applicant) (Zoom Room) – stated yes it is subterranean.

Commissioner Chavez – wanted to know if they planted in both parcels and lots that were cleared through early activation.

Jennifer (Applicant) (Zoom Room) – stated yes they did.

Commissioner Chavez – confirmed that the well was sufficient for two sets of plants per Autoflower.

Jennifer (Applicant) (Zoom Room) – she confirmed that they are not going to be doing Autoflowers going forward due to the crash in the Cannabis market in general. They are going to do a full term planting. She did reach out to the planner, but she stated that the review period had closed. She stated that they will be planting of what they normally do. They will only planting once in July.

Donna Mackiewicz (Zoom Room) – welcomes continuance and attention to details. Noted that the field studies were done in September. She would like the Commission to pay attention to the full report.

Jennifer Smith (Zoom Room) – stated that this is a really well run project. They have cultivated in a manner that meets the resources that they have. Proactive in getting a three acre conversion, which many projects don't know that is required and becomes an afterthought. They have proactive in working with the County on changes and they were prepared for the changes that have been thrown at them. She encourages that the Commission to come look at the project. She does support this project.

Karen Mantaly (Chambers) – she has reviewed the staff report and all the items discussed have been supported by the report. She would encourage the Commission to support this project.

Fred Freidland (Chambers) – stated they have gone beyond cleaning up the road and removing 20 trailers of trash. Two of the five neighbors love them.

10:07 a.m. Closed Public Comment

Commissioner Price – stated that she was very pleased with the staff report, and wanted to know if May 12th is enough time to complete the follow up information.

Commissioner Field – asked if they continue to a date uncertain would it have to be re-noticed.

Nicole Johnson – state yes it would have be re-noticed. If you are continuing to a date certain which means every party has received the original notice who wanted to attend, has attended and they are present to hear the new date. If there is not a date given, there will need to be a new legal notice sent.

Upon motion by seconded by **Commission Field**, second by **Commissioner Chavez**, and carried by a voice vote of (4-0), IT IS ORDERED, that the matter be continued to June 23, 2022 at 9:05 a.m. Planning Commission Meeting.

4 Ayes 0 Noes – Motion Carried

10:10 a.m. – Item #4 – Discussion RE: June 9, 2022 Planning Commission Meeting Conflict.

Director Darby – stated that the June 9, 2022 is in direct conflict with Board of Supervisor budget hearings. She stated she would like to just adjourn the June 9, 2022 meeting.

Upon motion by seconded by **Commission Chavez**, second by **Commissioner Field**, and carried by a voice vote of (4-0), IT IS ORDERED, that the June 9, 2022 meeting be adjourned.

4 Ayes 0 Noes – Motion Carried

10:13 UNTIMED STAFF UPDATE

Director Darby – stated she will be interviewing for Deputy Director and Senior Planner today.

Director Darby – stated that they will be presenting to the Board of Supervisors on May 10, 2022 the new revised Cannabis ordinance. Notification will be going out early May.

Director Darby – advised there will be a Cannabis workshop on May 17th and May 18th in the Board of Supervisors chambers from 4:30 p.m. to 6:30 p.m. done in a booth style setting. The public will rotate from each booth to explain the ordinance.

Commissioner Brown – stated he will be absent from the Planning Commission meetings on May 12, 2022 & June 23, 2022.

Adjournment at 10:14 a.m.

Respectfully Submitted:

**Christina Price, Chair
Lake County Planning Commission**

By: _____

**James (Jim) Feenan,
Planning Commission Assistant**