

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 28, 2013

Commission Members

**P Joseph Sullivan, I
P Bob Malley, II
P Olga Martin Steele, III
P Don Deuchar, IV
P Gil Schoux, V**

Staff Members

**P Richard Coel, Director
P Emily Gonsalves, Principal Planner
P Robert Bridges, Sr. Deputy County Counsel
P Danae Bowen, Office Assistant III**

9:04 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

Comm. Martin Steele moved, 2nd by Comm. Schoux to approve the minutes of December 13, 2012 and Comm. Sullivan moved, 2nd by Comm. Martin Steele to approve the minutes of January 24, 2013.

Emily Gonsalves, Principal Planner, introduced Community Development's new Associate Planner, Nathalie Antus who worked for the City of Clearlake as a Planner for five years.

9:05 a.m. CITIZEN'S INPUT – None

9:07 a.m. Public Hearing on consideration of a mitigated negative declaration based in Initial Study (IS 12-07) for Major Use Permit (UP 12-02). The project applicant is HEART CONSCIOUSNESS CHURCH proposing the development of a retreat facility which includes the conversion of two existing residential structures for use as facility space for the hosting of multi-day seminars and workshops related to health and sustainable living. The structures will also include dormitory space for a maximum of 40 guests attending associated seminars and workshops. The Use Permit also proposes to utilize a portion of this site for a maximum of five (5) outdoor special events with amplified music. The project is located at 16728 & 17824 U.S.S. Liberty Lane, Middletown, CA and further described as APN 014-230-01 & 12. (Kevin Ingram)

Comm. Martin Steele disclosed her observations conducted by her site visit.

Kevin Ingram, Senior Planner, provided background information and a power point presentation of the project application.

Todd Mansell, Department of Public Works Special Projects Engineer, addressed the condition of Spruce Road Extension and said that it is in bad shape and has taken a beating over the years, primarily due to previous uses on this property, which was mining operations, a rock quarry and gravel sales. He said there was a lot of truck traffic generated by previous uses on this property, by previous owners. He said because of budgets, road maintenance funds are put towards high volume roads and unfortunately some of the roads do not get the maintenance that they should. He said as far as this use permit, most of the traffic to this facility will be passenger vehicles and light trucks for the retreat that will have minor impacts the road. He said the Department of Public Works is not recommending any road improvements be required for this project.

Comm. Martin Steele asked Mr. Mansell about vehicle traffic on special events and how severe weather would impact/deteriorate the road.

Mr. Mansell said weather and heavy truck traffic during the winter would impact the road.

9:23 a.m. Opened Public Hearing

Comm. Martin Steele wanted an estimate of how many people would show up for special events. She asked if the area was flat and if paving would be involved for parking.

Mr. Ingram said this is a very large site and all the proposed uses would be in the valley area, which is very flat.

Sajjad Mahmud, Heart Consciousness Church representative and Chris Smith, Harbin Hot Springs Special Projects representative were present.

Comm. Malley asked Mr. Mahmud how many people would be in attendance at these special events and whether there would be a transportation arrangement to bring people to the site. He also asked whether there are any dust issues.

Mr. Mahmud said the last special event they had there were 90-100 people in attendance and they do not expect any future events to be larger than that. He said it is a very large property, so people drive in themselves in their own passenger vehicles and said that there is minimal dust.

Mr. Smith said that they had people stationed for traffic control and roads were blocked off where necessary. He said that they had a series of water trucks that treated the area for days before the special event to control dust and also for fire suppression. He said there were water trucks on site during the festival.

Mr. Ingram noted, because three day events are proposed there would only be vehicle trips in at the beginning of the event and there would not be back and forth within this three day period.

Mr. Mahmud said that this road loops around Highway 29 from north to south and they are planning to use just the northern entrance/exit so there would not be impacts on the residents in the area.

Comm. Malley asked if the information that will be put out will be to turn at the north entrance of Spruce Grove Road Extension.

Mr. Mahmud said that is correct.

9:28 a.m. Closed Public Hearing

Comm. Martin Steele asked staff if one complaint about noise would trigger the requirement for a noise mitigation plan.

Mr. Ingram said not necessarily and he said the wording in the proposed conditions read; "substantive complaints". He said staff would notify the applicant and at the next event staff would likely go out there to do some monitoring.

Comm. Malley asked if open campfires would be allowed.

Mr. Ingram said that the Air Quality Management District noted that there is prohibition on campfires at this site and he said there is a condition that any use of fire would need to be approved in advance through both the Fire Department and Air Quality Management.

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission find that on the basis of the Initial Study No. 12-07 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Use Permit as applied

for by Heart Consciousness Church, as modified will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be issued with the findings listed in the staff report dated February 14, 2013.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission find that the Use Permit applied for by Heart Consciousness Church on property located at 16728 and 17824 U.S.S. Liberty Lane, Middletown does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated February 14, 2013.

USE PERMIT APPROVAL 5 Ayes 0 Noes

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

9:32 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 12-12) for Parcel Map (PM 12-01). The project applicant is ROBERT ORR proposing to subdivide an existing approximately ten acre parcel into two parcels. Parcel one would be 5 acres gross, while the second parcel would be 5.05 acres gross. The project is located at 8821 Seigler Springs North Road, Kelseyville and further described as APN 011-056-33. (Keith Gronendyke)

Keith Gronendyke, Associate Planner, provided background information.

9:34 a.m. Opened Public Hearing

No one present wished to speak

9:35 a.m. Closed Public Hearing

Comm. Martin Steele asked staff if this was a fire sensitive area and whether it contains sensitive archeological sites or other resources.

Mr. Gronendyke said this area is in a moderate to very high fire hazard zone. He added that in 1979 the Parcel Map that created this Parcel, there was an archeological study and they found a portion of the site had a sensitive site located on it. He said as a condition of approval the applicant on this parcel map has to hire an archeologist to do additional studies to determine if there is anything there and if there is to delineate a portion of the property as a non-buildable area. He said there is no construction proposed as part of this application.

9:37 a.m. Reopened Public Hearing

Robert Orr, the applicant, stated that he had contacted Dr. Parker who did the 1979 archeological survey and he recalled the study and said if this was approved, he was willing to update the study that was submitted in 1979. He added that he has no plans to build at this time.

Robert Bridges, Sr. Deputy County Counsel, said on these new parcel maps there are specific factual findings and staff has done a very good job of spelling it out in paragraphs 4, 8 and 9 on page 5 of the staff report. He asked the Planning Commission, in addition to the findings that have been recited for them in the staff report, to please include the above noted paragraphs in the motion. He added that it has to do with fire safety.

Comm. Schoux moved 2nd by Comm. Martin Steele that the Planning Commission find that, on the basis of the Initial Study No. 12-12 and the mitigation measures that have

been added to the project, the parcel map application applied for by Robert Orr will not have a significant effect on the environment and, therefore, adopt the mitigated negative declaration with the findings listed in the staff report dated February 13, 2013.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Schoux moved 2nd by Comm. Martin Steele that the Planning Commission find that the tentative parcel map applied for by Robert Orr on property located at 8821 Siegler Springs North Road, Kelseyville, is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and, upon that basis approve said map subject to the conditions and with the findings listed in the staff report dated February 13, 2013 and as amended today to include paragraphs 4, 8 and 9 on page 5 of the staff report.

TENTATIVE PARCEL MAP 5 Ayes 0 Noes

Comm. Malley noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.

9:42 a.m. BREAK

10:13 a.m. Back to Order

10:13 a.m. Public Hearing on consideration of a Use Permit Extension (UPX 12-02). The project applicant is BOTTLE ROCK POWER, LLC proposing a use permit time extension for existing geothermal steam field use permit (UP 85-27), as amended. The project is located at 7525, 7385 & 7500 High Valley Road, Cobb and further described as APN 013-002-03, 04 & 05. (Continued from January 24, 2013) (Will Evans)

Comm. Sullivan conducted a site visit on January 27, 2013 with Mr. Coel and was given a tour of the plant.

Comm. Schoux and Deuchar also conducted site visits with the applicant and given a tour of the plant.

Robert Bridges, Sr. Deputy County Counsel, clarified the scope of the hearing and said it was apparent by the letters received that there has a misconception on this project. He said the County only has jurisdiction over the steam fields and the California Energy Commission (CEC) has the sole and exclusive authority over the power plant. He said many of the comment letters were directed to the operation of the power plant. He explained that the County does not have jurisdiction, control of operations, emissions and noise over the power plant and the focus today is on the steam field, which is built and has been in operation for a long time.

Richard Coel, Community Development Director, said based on the green sheeted comments submitted, there also seems to be confusion on the scope of the project in terms of the expansion project. He thought that there was confusion with the environmental concerns over the future expansion project with the current operations allowed under this use permit. He said what is before the Commission today is to consider extending the permit on existing operations and the three existing well pads; the Francisco, Coleman and West Coleman pads and not the power plant.

Mr. Coel explained when the expansion project was reviewed it went through a full Environmental Impact Report. He said at that time that EIR looked at the cumulative impacts of the existing steam field operations and to the impacts of the expansion project. He said cumulative effects of on ongoing traffic and air emissions were addressed. He said that when the expansion project was approved, Bottle Rock Power also applied for a minor modification to this permit, which was amended two years ago. He explained that one of the amendments included a provision of removal of the sumps. He said that work has been done and two out of the three sumps have been completely removed and filled

in and the remaining sump, which is on the Coleman pad, all materials have been cleaned out. He said it does not contain any of the original materials and will be filled within the next year.

Mr. Coel said that this permit was also amended to remove the capability for Bottle Rock Power to add the fourth and fifth well pads that were originally authorized. He said that permit originally allowed five pads and forty-one wells and was modified to lock it in at the three current pads and 27 total wells. He said there is not an expansion capability under this use permit and the expansion has to do with the offsite Binkley Family Trust property to the north, with its two pads, which has been fully analyzed through an EIR.

Will Evans, Assistant Resource Planner, pointed out condition C5, which addresses the sumps, and reads; "that all future drilling operations shall utilize sumpless drilling technology". He said once the final sump is closed, it will not be allowed under this use permit.

Mr. Coel showed photographs taken on February 27th of what the site presently looks like.

Mr. Evans read background facts about the project into the record. He explained that this is a time extension for Use Permit 85-27, which expires June 26, 2013. He said it originally allowed five well pads and 41 wells, but it was modified two years ago to reduce it to 27 wells on 3 existing well pads. He said the first permit condition allows the Planning Commission to approve time extensions of the permit and a CEQA categorical exemption class 1 for existing facilities is appropriate in this case. He said the applicant is requesting an extension through the productive life of the project, but staff is recommending a 30 year extension, consistent with what was approved 30 years ago.

Mr. Coel said that no changes were requested and the permit holder has signed the indemnification agreement and staff does not request any amendment to the extension of the use permit to include that, because that agreement has been entered into.

Comm. Malley clarified one of the issues brought up and said that the Planning Commission does not have any jurisdiction over the issue of a bond set aside for final cleanup of the plant itself. He asked what the county's liability is as far as the cleanup for the life of the project.

Mr. Coel explained that the County's liability is with the surface portions of the steam field from the fence line at the power plant down to the three pads and the pads themselves. He said it was the pipeline, the route of the pipeline and equipment/buildings on the three well pads. He said everything behind the fence at the power plant operations, which is the plant building, cooling towers and all the equipment on the east side of the plant is under CEC jurisdiction and that is a bonding issue between Bottle Rock Power, VVJ Coleman and the CEC. He said the County's bond amount is approximately \$706,000, which covers the decommissioning of the steam fields. He said the California Division of Oil, Gas & Geothermal Resources (C DOGGR) has authority over the wells themselves and the closure and the bonding for the removal of the underground portions. He said the County will deal with the equipment and the pads and making sure that the drainage is right, the materials are removed and the site is cleaned up. He said Bottle Rock Power has negotiated with the land owner, VVJ Coleman Family Trust over what is to remain. He said the chip sealed roads and the building will stay and the Community Development Department does not have concerns with the building staying, provided that all the equipment and materials are cleaned up to the satisfaction of CEC and the building can be repurposed to other uses in the future, because the "RL" zoning district is flexible. He said there is potential for uses for that building and staffs' feeling is that if the property owner wants that building, they should have that opportunity, if it is agreeable with the other entities.

Comm. Deuchar asked staff if the County had any liability on the wells themselves.

Mr. Coel said the wells are under the state authority, through California Division of Oil Gas and Geothermal Resources, who have bonding requirements for that and they oversee the closure of those wells.

10:29 a.m. Opened Public Hearing

Comm. Malley asked that the public stay on topic and talk about the area that the Planning Commission is here to address today. He said that they are aware of the concerns and past issues and they are not here to address neighborhood issues. He said the issue is with the existing steam field and whether or not to approve a use permit for the existing three pads and 27 wells.

Randall Fung, High Valley Road resident, said that they appreciated the extension of the public hearing so everyone can address their concerns. He said it is important to understand that he is arguing a technicality of CEQA law, rather than the merits of passing or not passing the extension. He questioned if a categorical exemption can be used in this case. He used a CEQA flow chart to explain the process of categorical exemptions.

Mr. Coel spoke to the issue of significant and unavoidable effects found in the EIR for the expansion project, those were issues related to the construction of the project and had nothing to do with ongoing operations of this project.

Kelly Fletcher, High Valley Road resident, addressed the high levels of H₂S emissions in his neighborhood. He said there is a new monitor station in the neighborhood and it shows that the levels are 2-10 times higher than what it is at Bottle Rock Power and High Valley. He said the states standards are 30 parts per billion, the levels are high and they stink like rotten eggs, it gives you headaches, eye/ear irritations and makes you nauseous. He said it has pushed him out of his house and felt there was no enforcement and there needs to be restrictions to make the air cleaner.

Robert Stark, High Valley Road resident, felt there have been disastrous results and there have been sump material arbitrarily dumped on untouched land and a simple categorical exemption is not acceptable. He said he believes it is incumbent upon the Planning Commission before making a decision to have Counsel and staff read every sentence of Mr. Fungs statement, because it is a serious educated document and it is not a misconception, it is the rule of law and of the highest importance that the Planning Commission ensures that they are doing the right thing when it comes to this expansion. He said based on history the problems experienced in the operation of this steam field, have a deleterious effect on the immediate community and this needs to be specifically addressed in an updated use permit not a categorically exempted use permit.

Mark Tolleson, Cobb resident, spoke to the renewal of the use permit and asked how this would affect the further development of the steam field. He asked if this is approved, would it make it easier for them to be able to do more drilling.

Comm. Malley stated that they have already applied and been approved for the second use permit, which was done a year and a half ago.

Joan Moss, Wild Cat Road resident, asked if Lake County Community Development Department was the lead agency of the Bottle Rock Power project and if it did not create a conflict of interest upon representing the citizens who want to bring the attention of air quality and code enforcement. She asked where the citizens register air quality complaints.

Hamilton Hess, Friends of Cobb Mountain representative, asked who was going to pay for the decommissioning of the steam field, removal of all the equipment and the detoxification of the pipelines that are shipped out. He said he was doubtful that the amount of money set aside in the bond would accomplish this. He urged that the County of Lake become involved in the discussions that are going on over this matter and remain current in order to protect themselves from any possible expenses that may emerge from it.

Sharon Matzinger, High Valley Road resident, said she was in support of a new use permit rather than categorically approving the existing use permit. She said there has been a long history of difficulties with the steam field and the power plant and it is their job to ensure their own quality of life and that of their families. She asked that the Planning Commission extend their vision to include the citizen's personal needs.

Barbara Flynn, Cobb resident, spoke to the emissions and the historical smell of rotten eggs. She said that Bottle Rock Power is trying their best and want to do what is right for the community. She said lets go with procedure and not get carried away with the expansion, she said continue with what is there now and make sure that they follow the rules.

Mathew Clark, Adam Springs Development representative, said his complaint was sound associated and said that it creates a low ambient noise, which can be heard throughout the valley on the western ridge facing Bottle Rock Power in the evening. He encouraged that noise pollution be looked into and make it part of the analysis.

Linda Fung, High Valley Road resident, said that the residents have had to adjust their lifestyle to accommodate this power plant. She said the noise level is always there and everyday there is always something to deal with.

Doug Gearhardt, Lake County Air Quality Management District, Air Pollution Control Officer, spoke to the monitoring stations around the Bottle Rock Power facility. He presented a chart on the three monitoring stations, which showed spikes at each of the locations and the highest spike emissions coming from west of the Bottle Rock Power project. He explained that the ambient air quality state standards for Hydrogen sulfide is 30 parts per billion and the state has determined that 30 is what makes a public nuisance. He said it creates a difficult spot, because it is hard to say that something less than 30 is a nuisance, if the state had determined that 30 is the nuisance level and trying to set a standard below that is difficult, due to the statewide standard that has been set for nuisance. He added that Air Quality does do unannounced monitoring and source testing at Bottle Rock Power. He said there have been a total of seventeen complaints in the last year for geothermal operations and one specifically has referenced Bottle Rock Power as the likely source, most of them are for H2S odors that aren't specifically associated with one power plant.

Comm. Malley said in reference to the testing, are they finding that Sonoma County is a major contributor to all this.

Mr. Gearhardt said based on the monitoring that they have, a very significant portion of spikes and the high levels detected, are coming from Sonoma County, but there are times when it does come from Lake County. He said there is very little control as to what happens in Sonoma County and they are working with the air district there to stay on top of the projects and their emission limits are significantly higher than what is allowed in Lake County.

Mr. Coel showed pictures of the relationships of the plants in Sonoma County from a Google earth map and explained how prevailing winds head east.

Mr. Gearhardt noted that Sonoma County gets more fog and the cold ocean air pushes the air mass over the ridges. He added that depending on conditions, it could go both ways.

Sally Jensen, Cobb resident, spoke to the air quality and sulfur smells and asked if there are higher emissions levels in Sonoma County than Lake County.

Mr. Fletcher said when he called in with a complaint to air quality nothing can be done. He said they asked if he wanted to make a formal complaint, so they can write it down, otherwise nothing is done. He said there needs to be better system in logging these complaints.

Mr. Gearheardt said that they respond to every complaint that is logged. He added that the Sonoma County emissions limit are much higher than Lake County.

Ms. Moss also questioned the complaint process.

Ms. Fung said she has made formal complaints to air quality, but nothing was changed.

Sally Jensen, spoke to filing complaints that she has made on the odors and felt that it was a waste of time, because nothing was done.

Ms. Matzinger said that she has had a good experience with air quality's response, but her calls never got logged, she never filed a formal complaint, because she did not realize that it needed to be formal complaint to get a response. She said everyone needs to know the correct procedure.

Mr. Fung pointed out that there would be no new construction on the project and asked staff if that was for the life of the permit.

Comm. Malley said that this permit is for the existing steam field as it sits now. He said if there is going to be new construction, there is only one permit for new construction and if there is something other than what is covered, there would be another hearing.

Mr. Coel said the existing use permit covers what is there now and the expansion project had an EIR and a separate use permit that deals with how everything is connected up and how that steam is brought into the existing facility and it is all covered under the expansion permit. He said what is here before the Commission today, is status quo and what is there. He clarified that if Bottle Rock Power asked for a new remodel/reroof permit or electrical service for the existing operations, it would not be new construction and falls into ongoing operational things, which is covered under the current use permit.

Kristen Castanos, Bottle Rock Power Attorney, spoke to CEQA issues raised and the exemption that staff identified that applies to this project, which is the exemption for existing facilities under section 15301 of the CEQA guidelines, which allows for an exemption for permitting where there is no expansion of use. She said to the extent that there is no proposal to expand the use under the existing use permit, it falls within this exemption.

Comm. Martin Steele said as to impacts to the new project construction, did the EIR consider the energy connections that have been discussed.

Ms. Castanos said that was correct and the expansion permit that was issued a year and a half ago, contemplated all the activities associated with developing the expanded steam field, which includes new roads, pipelines and connections to the existing facilities, all of that was covered and contemplated/evaluated in that EIR and that is a separate project from extending the ongoing/existing operations.

Mr. Fung commented on four significant unavoidable impacts, which he reviewed in his paper under the 2.4 Summary of Significant Unavoidable Impacts and Growth Inducement. He asked if Ms. Castanos could address this.

Ms. Castanos said that Mr. Fung is correct and the EIR on the expansion project did identify significant unavoidable impacts. She said as County staff has explained, those were impacts related to construction of the new well pads in the expansion project, as well as biological impact issues on those specific well pads sites. She said they do not result in a cumulative impact with the extension or ongoing operation in the permit that is before the Planning Commission, they are not cumulative impacts, they were specific project related impacts associated with construction of that expansion project, not cumulative impacts that fall within the exception to the exemption under CEQA.

Mr. Coel stated that staff agreed with Ms. Castanos summarization.

Mr. Fung asked if Counsel could address whether the reduced decommissioning of the power plant as proposed by the petition to amend in the CEC hearings will have some significant impacts possibly further down the line, which would kick in the unusual circumstances exception that he is quoting.

Comm. Malley explained that the Planning Commission is not addressing the decommissioning at this time.

Mr. Fung said according to CEQA if there is anything that is an unusual circumstance, including the decommissioning of a power plant, that it's reduced the commissioning that will have an effect on the environment, then it does kick into whether or not to qualify this under this under the exemption 15301 existing facilities.

Mr. Bridges said that Mr. Fung misses the point and the California Energy Commission have the exclusive jurisdiction over the power plants and that the County has been repeatedly informed that they do not have the authority over the power plant. He said the CEC did a CEQA equivalent document for its power plant approval process and that is the CEQA for that. He said it is a different thing that is not here in front of the Planning Commission today.

11:49 a.m. Closed Public Hearing

Comm. Martin Steele said that she was very sympathetic to the concerns expressed from the citizens who live and work in the area that is being talked about and who are impacted by odors and noise issues. She said it is clear that staff has done a good job of explaining how they have not violated the standards that they basically have to operate under. She spoke to the Planning Commission findings that the permit can be modified or revoked if certain things occur. She said included in that finding, there is the comfort and general welfare of people residing or working in the neighborhood of such use. She asked what triggers that standard; is it a certain number of complaints in a certain area or combined areas. She also asked what the project applicant is doing, if anything, to support the staff in their work with regard to the complaints that come in. She said obviously they do not trigger the provisions of the permit, but they are conditions that make living there very difficult for people.

Mr. Bridges said from a legal perspective the Lake County Code 21-60.11 provides that the Planning Commission or the Board of Supervisors may initiate a revocation proceeding on its own or at the request of the Planning Director. He said it rests in the discretion of the Planning Commission, the Board of Supervisors or the Planning Director, if there is enough factual input and if you think that it merits the initiation of a revocation modification procedure.

Comm. Martin Steele asked how they would they be aided in what the triggers would be.

Mr. Bridges said initially there would have to be a nexus between the project that is in front of them and to see if this steam field is doing something that would merit modification or revocation. He said there needs to be a nexus between the project and the complaints and things that have been said today are about air complaints generated from operations at Sonoma County. He said the number one thing that he has heard today is air nuisance complaints that aren't even originated at this steam field. He said there obviously would be no nexus between this project and the source of the complaints.

Comm. Martin Steele asked staff what the standards would be in areas under the County's jurisdiction.

Mr. Coel said most odors that are dealt with are subjective. He said H2S is measurable and the odor from marijuana cultivation isn't. So they have a difficult time equating a nuisance condition to a large cultivation garden that is impacting a neighborhood. He said in this case, it is measured and as Mr. Gearhardt has explained there are three sources of measurement occurring just in that area; the baseline before, during and after the Bottle Rock steam field and power plant. He said it was his understanding, that it was

the plant that emits the most H₂S and it is not the steam field itself, because it is a closed system, unless a well is being vented.

Brian Harms, Bottle Rock Power General Manager, discussed air quality issues and noted that their H₂S emissions are typically ½ lb. per hour and their permit limits for Hydrogen Sulfide are 5, so they keep it at 10%. He pointed out that his corporate neighbors across the hill have power plant limits of 44 lbs. per hour. He explained that there are monitoring stations and when they have instances/spikes of H₂S, it is from the prevailing weather patterns that come from the west and is not solely caused by Bottle Rock Power. He said Bottle Rock Powers ½ lb. per hour is contributing to that total, but it is de minimis. He said when they vent wells for maintenance purposes, they have to get a vent permit, which is to be cleared with Lake County Air Quality and explained that those permit clearances are based on prevailing winds and general weather conditions. He said his operators are monitoring the stations at West Coleman and Glenbrook to see if there are any impacts. He added that if Bottle Rock Power were not to exist, the conditions that people are describing, would still exist, because of the nature of the industry on the hill.

Comm. Martin Steele asked Mr. Harms if their data was available to the public and if they did outreach to the community.

Mr. Harms stated that Lake County Air Quality District makes the data available to the public and in the past they have had a number of community meetings open to the public.

Comm. Malley asked if foot traffic was restricted on High Valley Road.

Mr. Harms said they restrict foot traffic if it gets off of High Valley Road and onto the access roads, because they go to the well pads and there are trucks and equipment and it is not a place for people to be. He said if there were any concerns with this, people could contact his office.

Comm. Sullivan moved, 2nd by Comm. Schoux that this project is exempt from CEQA because it falls within Categorical Exemption Class 1, based on the findings set forth in the staff report dated January 2, 2013.

CATEGORICAL EXEMPTION 5 Ayes 0 Noes

Comm. Sullivan moved, 2nd by Comm. Schoux that the Planning Commission find that the use permit time extension applied for by Bottle Rock Bowe LLC on property located at 7525, 7385 and 7500 High Valley Road, Cobb, does meet the requirements of the Lake County Zoning Ordinance and that the Planning Commission grant the use permit time extension for 30 more years, until June 26, 2043, as provided for in the existing Use Permit UP 85-27, Condition I.1, with all the conditions of approval to remain in full force and effect with the findings listed in the staff report dated February 28, 2013.

USE PERMIT TIME EXTENSION APPROVAL 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

Mr. Bridges updated the Planning Commission on the Rattlesnake Island litigation.

Mr. Coel announced that Kevin Ingram, Senior Planner, has taken a position in County Administration and March 1st will be his last day in Community Development. He said that they have opened up a recruitment to replace the Senior Planner position and Mr. Ingram's complex projects will be reallocated to the current planners. He said given the staffing, code enforcement issues and budget constraints, they are in the process of restructuring the responsibilities within the Department. He explained that the Code Enforcement program had been shifted to the Building and Safety Division two years ago and there is not enough inspection staff to handle that. He said what is being done, is to reduce the hours that the planning staff are available at the counter from nine hours to six

hours a day. He said that the counter is still open nine hours a day, and the Technicians will help service the counter. He said the Department can not provide 45 hours a week of service and still be able to address all the complex projects and Code Enforcement issues. He explained that the Code Enforcement workload will be divided between the Planning staff and Inspection staff and the Planners will do the paperwork and the Inspectors will do the field work.

Mr. Coel said that there will not be Planning staff available at the counter from 8:00 a.m. to 10:00 a.m. and during the lunch hour 12:00 p.m. to 1:00 p.m. He said exceptions will be made for people who have traveled from out of the area.

ADJOURNED 12:19 p.m.



Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: 
Danae Bowen
Office Assistant III