

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 13, 2021

Commission Members

P John Hess, District I
P Everardo Chavez, District II
A Batsulwin Brown, District III
P Christina Price, District IV
P Lance Williams, District V

Staff Members

P Scott DeLeon, CDD Director
P Victor Fernandez
P Eric Porter, Associate Planner
P Sateur Ham
P Nicole Johnson, Deputy City Counsel
P Kerrian Marriott, Office Assistant III

REGULAR MEETING

9:06 a.m. CALL TO ORDER

Pledge of Allegiance lead by Comm. Price

9:07 a.m. ACTION ON MINUTES

Comm. Hess motioned to approve the minutes from the April 8, 2021 PC Hearing seconded by Comm. Williams.

4 Ayes, 0 Nays -- Motion Carried

CITIZEN'S INPUT – NONE

9:08 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-36) on Thursday, May 13, 2021, in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Owner: Paul Alexander Patrick, Applicant: Ghost Dance, LLC. Proposed Project: (1) A Type 3 (Outdoor), and (2) A Type 1C (Specialty Cottage) Commercial

Cannabis Cultivation licenses consisting of 48,464 square feet of canopy area located within 49,329 square feet of cultivation area. Location: 20144 Jerusalem Grade Road, Middletown CA; APNs: 136-031-63 Environmental Evaluation: Mitigated Negative Declaration (IS 20-43).

Victor Fernandez Assistant Planner gave a verbal and visual presentation on proposed project. Mr. Fernandez determined that the project qualified for approval under Article 27. Proposed site is approximately 1.3 miles east from Community growth boundary. Sites main access would be Jerusalem grade road and applicant had private access. Zoned for cannabis grow. Project is above ground, grown in smart pots.

Comm. Hess asked how many employees the applicant would have on staff.

Victor Fernandez stated that a set number of proposed employees was not yet available.

Comm. Chavez responded that on page nine of staff report, that ten employees were proposed by the applicant.

9:19 a.m. Public Comment Open

Phillip Jones neighbor on BottleRock road stated that he does not agree with the statement that the project has no negative impact on the neighbors. Mr. Jones stated that he was aware of the supposed drug abuse facing Lake County and approving projects such as this would have a negative impact.

Raul Goff stated that he was a neighbor off BottleRock Road.

Comm. Price interjected that public was speaking on another agenda item as this project was located in Middletown.

9:22 a.m. Public Comment Closed

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 20-36) applied for by Ghost Dance, LLC on property located at 20144 Jerusalem Grade Road, Middletown, further described as APN: 136-031-63 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 April 26, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 20-36) applied for by Ghost Dance, LLC on

property located at 20144 Jerusalem Grade Road, Middletown, further described as APN: 136-031-63 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 April 26, 2021.

4 Ayes, 0 Nays – Motion Carried

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.

9:25 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 19-49) on Thursday, May 13, 2021, in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant: Lake County Investment Group, LLC (Laythen Martines) Owner: Wheeler Roger Trust. Proposed Project: Applicant is applying for a total of five (5) acres of canopy area within approximately less than a total of twenty (20) cultivation area between two parcel (project locations). Location: 1000 and 1270 State Highway 53, Clearlake, CA; APN(s): 010-055-26 and 010-055-27. Environmental Evaluation: Mitigated Negative Declaration (IS 19-71).

Sateur Ham Associate Planner gave a visual and verbal presentation on proposed project. Ms. Ham determined that the project qualified for approval under article 27. Access to proposed site through junction plaza. A site visit was completed and pictures of cultivation site and existing structures were shown.

Comm. Williams asked about a hydrologist report and how many gallons of well water would be utilized.

9:49 a.m. Public Comment Open

Richard Knowl representative for the applicant stated that the proposed site had 3 wells, could not recall the gallons per minute but stated they produced significant well water.

Laythen Martinez applicant stated that there were 3 wells on site with only two currently being utilized at 60 and 80 gallons per minute. Mr. Martinez stated that the project was above ground and would not have a negative impact on the landscape.

Bobby Dutcher stated his involvement with the sale of the property which occurred multiple times. Mr. Dutcher referenced the prior owner and the development that had occurred, also stated that Dan McMullen had tested the well onsite at over 100 gallons per minute utilizing an airlift system and both wells were known to have excellent water quality. Mr. Dutcher stated that the well was on a great aquifer so water should not be an issue with the size of the proposed project.

Laythen Martinez stated that the second well log was completed by J & J pumps and that both wells had a well log.

Richard Knowl planning consultant from Lakeport, gave a verbal and visual presentation on proposed project. Mr. Knowl stated that the applicant had a successful Cultivation in 2020 with an Early Activation permit. Mr. Knowl reviewed the locations of the proposed site as well as stating that the project was located within a scenic combined district and gave a review of the Biological resource assessment.

Comm. Chavez stated that he visited the site and he was pleased with the entry to the proposed site, road conditions were good, graveled closer to the site and well maintained. No disturbance to the oak trees as the applicant is growing above ground which allowed the applicant to grow between oaks.

Comm. Williams asked of either Nicole Johnson or Scott Deleon if there was an ordinance passed related to the distance between the freeway and the proposed site. Would the site have to be screened from highway 20 and 53 and was there a certain distance.

Nicole Johnson referred to staff for clarification on Comm. Williams's question. Ms. Johnson stated that the question should be referred to staff as to what kind of setback would be required for the project.

Scott Deleon stated that the information requested was not readily at hand.

Comm. Williams recommended a break to give staff the opportunity to research an answer to his question.

Comm. Hess stated that if the newly passed ordinance affected the project as currently proposed a condition could be added.

Comm. Price agreed with Comm. Hess.

9:54 a.m. Break 15 Minutes

10:08 a.m. Return from Break

Comm. Williams reiterated his question prior to the break at the suggestion of Comm. Price.

Sateur Ham stated that vegetative screening was a part of the conditions of approval and thus required.

10:12 a.m. Public Comment Closed

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Major Use Permit (UP 19-49) applied for by Lake County Investment Group, LLC (Laythen Martines) on property located at 1000 & 1270 State Highway 53, Clearlake, CA, further described as APNs: 010-055-27 & 010-055-26 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 May 13, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Major Use Permit (UP 19-49) applied for by Lake County Investment Group, LLC (Laythen Martines) on property located at 1000 & 1270 State Highway 53, Clearlake, CA, further described as APNs: 010-055-27 & 010-055-26 does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 May 13, 2021.

4 Ayes, 0 Nays – Motion Carried

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.

Comm. Williams recused himself from the next agenda item.

10:15 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-37) on Thursday, May 13, 2021, in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant: Charleen Wignall and Frances Wignall Owner: Charleen Wignall Trustee. Proposed Project: Applicant is applying for a three (3) acres of outdoor canopy area within a 230,000 square feet cultivation area in two site location within an existing campground facility. Location: 13095 & 13130

**Bottle Rock Road, Cobb, CA; APN(s): 011-039-37 & 011-039-38.
Environmental Evaluation: Mitigated Negative Declaration (IS 20-46).**

Comm. Hess requested a point of clarification that since there were only three Commissioners that the vote would need to be unanimous to pass.

Nicole Johnson County Legal Counsel concurred that Comm. Hess was correct.

Sateur Ham planner gave verbal and visual presentation on proposed project. The proposed project would be located outdoors without artificial lighting and is under the zoning designated rural lands, adjacent to a scenic road, BottleRock road. Ms. Ham stated that a site visit was completed and showed pictures of existing structures on site. Ms. Ham spoke of water diversion at max 10 gallons a minute from Kelsey Creek from November 1st through March 31st in addition to an existing well with minimum 5.5 gallons per minute, which would be monitored and added as a condition of approval for compliance.

Comm. Hess stated that the project seemed well screened from the public but had concerns regarding the screening of eight shipping cargo containers that would be stored at the site during cannabis grow.

Sateur Ham responded that during her site visit the proposed site was heavily dense and the site would not be visible from the road.

Richard Knowl Planning Consultant for applicant gave a verbal and visual presentation on project. Mr. Knowl stated that there were no new buildings needed, the proposed project would be full sun and grown within raised planter beds. Mr. Knowl spoke of the applicant's success with their Early Activation permit for 2020 and reiterated points from Ms. Ham's presentation.

10:34 a.m. Public Comment

Chris Manike neighbor stated that Glenn Brook Street which parallels the proposed site is in visual range and while the applicant operated last year under an early activation permit he was able to see the project, containers, lighting etc. Mr. Manike spoke of safety concerns and water shortage concerns. Mr. Manike asked if the applicant was able to pull water from Kelsey Creek during the grow season?

Michael Sellit neighbor voiced several concerns pertaining to water, the installation of a new well and the depletion of the Kelsey Creek water. Mr. Sellit had concerns of visibility of the project from Glenn Brook Road,

concerns regarding his privacy as employees and/or visitor would park along their shared road.

Phillip Jones neighbor states that he disagrees with the statement “proposed project will have no impact on the neighborhood”. Mr. Jones stated that bringing this type of operation into a community, had the potential to attract the wrong type of people which had the potential to change the character of the community. Mr. Jones also voiced his concerns for odor and noise.

Raoul Goff neighbor inquired of the use permit zoning although rural was correct, the proposed site was originally zoned for a children’s camp? Mr. Goff stated that he operated the adjacent family camp and had safety concerns, as the site could be easily accessed by foot. Mr. Goff also stated that the owners of the property would not be onsite and felt a lack of communication on who the operator of the proposed project would be and that the applicant showed a lack of neighborly concern.

Michael Madden stated that he agreed with the comments shared by his fellow neighbors. Mr. Madden stated that the staff report was a bit misleading as it referred to density of the proposed site from BottleRock road but not on the visibility from Glenbrook Road and the impact it would have on the community. Mr. Madden stated that the proposed commercial enterprise was not in the spirit of the overall community atmosphere and that he strongly opposed.

10:53

Public Comment Closed

Richard Knowl planning consultant for the applicant addressed several concerns from the neighbors stating that a security fence would be installed around the proposed grow site. Mr. Knowl stated that the tenant that rented the property last year under the Early Activation permit was no longer at the site and the new tenants would need to adhere to the proposed conditions of approval. Mr. Knowl stated that he had not yet discussed with applicant about the additional screening to obscure site from Glenbrook Road but does not see it being an issue to request that applicant have it installed.

Rebekah Rose applicant’s attorney spoke on security fencing for the site, which she believed should alleviate some of the neighbors’ concerns and would further obscure the site. Ms. Rose stated that the site had a fully functional well and that water being used from Kelsey Creek had a cap and was monitored and logged with the State Water Board.

Comm. Chavez asked if the shipping containers from the prior year Early Activation grow were removed and if new ones were going to be brought

in? Comm. Chavez also asked how many years the property had been utilized for Cannabis cultivation?

Richard Knowl responded to Comm. Chavez stating that the site had only been cultivated once and that the shipping containers had been removed, with new one's being brought in with the approval of the proposed project.

Comm. Price asked if the applicant lived onsite and if she would be leasing the property for the project and asked if she would be fencing the property as it was a major concern voiced by the surrounding neighbors.

Charleen Wignal applicant stated that she lived on the proposed site part time and the growing portion of the operation would be leased. The property was 99 percent fenced as cattle was there prior, she would be willing to add shade clothe on the side of Glenbrook road.

Comm. Hess stated that he was not a fan of shipping containers on Ag. property, a mitigation would typically be requested to improve the view scape for neighbors. Comm. Hess asked if the applicant was willing to do so.

Charleen Wignal stated that she would be willing.

Comm. Chavez asked what the applicants plans were for placating the neighbor concerns of security.

Charleen Wignal responded that there would be cameras onsite, as well as having a security company which would be on site 24 hours per day, seven days per week.

Comm. Hess stated that the Commissioners were not advocates for the applicants but that the community was also being heard and acknowledged, with the requested additional mitigated measures.

Comm. Price agreed with Comm. Hess, reiterating the concerns of the project neighbors. Comm. Price also stated that she believed the applicant showed good intention by her willingness to work with the neighbors and address their concerns but was concerned by the lack of community communication.

Charleen Wignal stated that she was unable to send correspondence to the surrounding neighbors as there was no mail but an attempt to communicate was made by visiting each neighbor.

Scott Deleon requested that public comment be reopened, as he had received correspondence with the request for it to be read into the record.

11:04 a.m. Public Comment Reopened

Scott Deleon CDD Director read an email forwarded by Supervisor Piesca on behalf of a neighbor wishing to stay anonymous. The letter stated that the neighbor was opposing the proposed project and referenced several concerns as it pertained to the Kelsey Creek water extraction for commercial use, a business that would attract an influx of strangers to the community as well as security concerns.

Nakula Hertz stated that he opposed the project and recommended that the commissioners not approve any more projects in the area.

Raoul Goff stated that he was a member of the Cobb are Business Counsel and that these types of projects could change an area and what it was known for and the experience people have should they visit. Mr. Goff stated that the community was centered on biking, wellness and hiking and was a designated resort and public use area and approving a Cannabis grow would be a complete change of use. Mr. Goff also expressed his concern for the water table, the Kelsey Creek and stated that he was unable to think any positives to the project being approved.

Michael Salit stated that he moved to Lake County as he believed that Lake County was the most amazing county. Mr. Salit stated his concern with a lack of communication as surrounding neighbors were not informed of an Early Activation permit issued last year. Mr. Salit stated that the community was close knit family community with shared respect to each other's privacy and he could not find a positive aspect of approving a grow site within the community. Opposed the project.

Richard Knowl stated that through the adopted ordinance the applicant was allowed to cultivate cannabis within the community. Mr. Knowl stated that the applicant had met the approval obligations and praised applicant for their willingness to address the community's concerns.

Charleen Wignal stated that the proposed site was a mile and a half past the camp site and had given up camp use permit.

Rebecca Rose commented that the applicant had received support from approximately 300 neighbors, the applicant was not currently looking to get approval on a water permit for the Kelsey Creek as that was already obtained and as a bonus the community would benefit from the tax and cultivation revenue.

11:19 a.m. Public Comment Closed

Comm. Hess stated that the current application was not a change of use request as the property was cultivated last year under an Early Activation

permit, and is zoned properly for use. Comm. Hess also commented that the applicant had agreed to an 8ft fence which would obscure the view from Glenbrook road and suggested that it be added to the conditions of approval. Comm. Hess stated that the applicant proposed 4 employees at peak season, which should not have a significant impact on traffic concerns, etc. Comm. Hess stated that the Planning Commissioners were tasked to review applications as they were presented and to use criteria in the ordinance and article 27 to make decisions.

Comm. Price thanked Comm. Hess for his latter statement.

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 20-37) was applied for by Bottle Rock Herbal Medicine, LLC. (Charleen Wignall) on property located at 13095 & 13130 Bottle Rock Road, Cobb, CA, further described as APNs: 011-039-37 & 011-039-38 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 May 13, 2021 and as amended today.

3 ayes, 0 Nays Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 20-37) was applied for by Bottle Rock Herbal Medicine, LLC. (Charleen Wignall) on property located at 13095 & 13130 Bottle Rock Road, Cobb, CA, further described as APNs: 011-039-37 & 011-039-38 does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 May 13, 2021 and as amended today.

3 Ayes, 0 Nays Motion Carried

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.

11:24 a.m. Break Five Minutes

11:28 a.m. Public Hearing to consider Major Use Permit (UP 20-49). Applicant/Owner: VP Estates LLC / Ivan and Pavel Pavlov. Proposed

Project: Two (2) A-Type 3B mixed light commercial cannabis cultivation licenses, and one A-Type 13 'Self Distribution' license. The applicant is proposing fifteen (15) 27.5' x 118' greenhouses; one (1) 200 sq. ft. shed; ten (10) 5,000 gallon water tanks; two (2) 8' x 40' shipping containers, one (1) 6-foot tall galvanized woven wire fence covered with privacy mesh to screen the greenhouses from public view. Total proposed cultivation area is 52,000 sq. ft. (roughly 1.25 acres). Location: 1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, CA on property consisting of 52+ acres. APNs: 007-010-54 (cultivation site); 007-010-20. Environmental Evaluation: Mitigated Negative Declaration IS 20-60.

Eric Porter Senior Planner gave a presentation on proposed project. No adverse comments received during the CEQA review.

Comm. Price asked if the designated access point would be from Lesly Lane and was there dust mitigation addressed.

Eric Porter stated that the second entry point would be off Bogs Rd. Mr. Porter stated that it was a condition of approval, applicant had to meet Cal. road requirements 4290 and 4291. Mr. Porter also included that there was a mitigation for dust control during cultivation in the conditions of approval.

11:38 a.m. Public Comment

Brian Denton neighbor asked what mitigation the applicant had set in place to control the dust on the main road on both Lesly and Boggs Rd.

Nancy Luis neighbor shared her concerns with the water table being low, contamination of the water during the fertilization process. Ms. Luis spoke on several additional concerns with regards to the road, a decrease in home value, noise and the visual landscape.

Ken Stockton neighbor apposed project. Mr. Stockton stated the Boggs lane road was a single lane road in disrepair. Mr. Stockton stated that although zoned for residential and Ag. that Boggs lane was mostly residential and he was concerned that the proposed project would decrease the value of homes, increase traffic and an increase in crime.

Vanessa Valare Consultant to applicant stated that the proposed site had 2 well-functioning wells, water storage on site and a mitigated plan for water discharge. Ms. Valare also stated that there would be no visible structures from Lesly or Boggs lane, that the owner and cultivators would be onsite, and that there was a mitigated plan to gravel Lesly Lane in its entirety and to chip seal or pave the encroachment to the site on Boggs Lane.

Brian Denton asked if Lesly lane would be chipped in its entirety and how would the applicant deal with Boggs road as it was only 15 ft. and a single traffic road.

Vanessa Valare responded to Mr. Denton stating that Lesly lane would be graveled in its entirety, also stated that the conditions of approval referred to chip sealing or paving the encroachment unto the county road. Lesly lane would be the main entry point.

Dennis Reynolds prior owner of the proposed site stated that he would remain on site to help applicants with the project. Mr. Reynolds stated his appreciation for the applicants and their consistent improvements to the site and overall property aesthetic.

11:53 a.m. Public Comment Closed

Comm. Price stated that she appreciated all the comments and was placed at ease with the applicant's consultant and attorney statements regarding road usage and mitigations.

Eric Porter stated that an amendment to the current conditions of approval needed to say that the entirety of Lesly road would require improvement prior to cultivation with adequate road base i.e. chip base, gravel as a condition. Mr. Porter stated that there was mitigation measures included in regards to dust during site construction.

Comm. Price thanked Mr. Porter for his clarification.

Comm. Hess stated he was reassured that Mr. Reynolds would remain onsite as he was familiar with the community.

Comm. Price agreed with Comm. Hess and stated that she was also reassured that the applicants would be onsite as well.

Comm. Williams stated his pleasure with the mitigations set in place for the project. i.e. dust, wells operating at over 18 gallons per minute, project being located in an Ag. Area, already scheduled to be in a greenhouse and an organic project.

Comm. Williams Moved to Motion, Seconded by Comm.Chavez find that the Initial Study (IS 20-60) applied for by VP Estates on property located 1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, and is APNs: 007-010-20 and 54 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 April 22, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Williams Moved to Motion, Seconded by Comm. Chavez find that the Use Permit (UP 20-49) applied for by VP Estates on property located 1579 Leslie Lane and 6890 Boggs Lane, Kelseyville, and is APNs: 007-010-20 and 54 does meet the requirements of Section 51.4 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 April 22, 2021.

4 Ayes, 0 Nays – Motion Carried

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.

12:00 p.m. Public Hearing to consider MINOR USE PERMIT (MUP 18-28) on Thursday May 13, 2021 in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant: Noble Farms. Owner: Patricia Lanier. Proposed Project: A six phase development for Commercial Cannabis that would include three commercial cannabis cultivation licenses - two A-Type 2B Mixed Light Cannabis licenses to allow phased development of 10,000 sq. ft. of outdoor canopy area and one greenhouse for immature plants by the end of Phase Six, and a 'Type 13 Self Distribution' license that would allow legal transportation of cannabis to and from the site. Location: 18211 Ponderosa Trail, Lower Lake, CA; APN: 012-048-11. Environmental Evaluation: Mitigated Negative Declaration (IS 18-33).

Eric Porter Senior Planner gave a verbal presentation on proposed project. Mr. Porter referenced the senders of letters of support received late, the sender's names were read into the record, Dino Baltran Angela Carter, Barbara Blazer, Thomas Fullerton, Carol Littlefield and Lisa Kaplan. Mr. Porter stated that the applicant proposed a 3200 sq. ft. drying building, within AG Zone. EA permit received in 2020. Outdoor Cultivation, No adverse comments received. Mr. Porter also stated a change to the name on the report from Noble Gardens LLC to Noble Gardens Inc.

12:10 p.m. Public Comment – NONE

Eric Porter stated that the proposed site had a well that generated at 12 gallons per minute and had a rapid recharge rate.

Comm. Hess Moved to Motion, Seconded by Comm. Williams find that that the Initial Study Addendum (IS 18-33) prepared for the project proposed by Patricia Lanier, Noble Gardens Inc. on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 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 May 13, 2021 and as amended here today.

4 Ayes, 0 Nays – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Williams find that the Minor Use Permit (MUP 18-28) applied for by Patricia Lanier, Noble Gardens Inc. on a property located at 18211 Ponderosa Trail, Lower Lake, further described as APN: 012-048-11 does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and the Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated May 13, 2021 and as amended today.

4 Ayes, 0 Nays – Motion Carried

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.

12:14 a.m.

Continuation from Public Hearing April 22, 2021 to consider MAJOR USE PERMIT (UP 19-46) in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant/Owner: Stuart Spivack. Proposed Project: Applicant is applying for a total of 28,012 square feet canopy area within a total of 28,252 square feet of cultivation area and facilities including (2) 120 square feet accessory structures and water tanks. Location: 1027 Watertrough Road, Clearlake Oaks, CA; APN(s): 628-100-10. Environmental Evaluation: Mitigated Negative Declaration (IS 19-65).

Sateur Ham Associate Planner stated that the applicant had requested a continuation to the June 10, 2021 PC Hearing.

Comm. Hess asked what the reason was for the requested reschedule of the item and if it was due to Staff's recommendation of denial.

Sateur Ham stated that the continuation would allow the applicant to resolve some concerns related to the project.

Comm. Price asked counsel the best route to take as the public had been waiting to comment on the item.

Nicole Johnson County Legal Counsel stated that staff can give a report and the public can comment today and a commissioner can request a continuation.

Comm. Hess gave his apologies to the public waiting to speak on the agenda item but stated that since the staff report would likely change due to the request for a continuation, he thought it best to hold off on the commentary.

Comm. Price stated that she would like to allow the public to voice their opinions.

Sateur Ham gave a verbal presentation on proposed project. Project would be an outdoor grow, utilizing sunlight. Stated correction to staff report in regards to water usage. Applicant was issued an Early Activation permit in 2020.

Scott Deleon CDD Deputy on behalf of staff stated that although the project met the zoning ordinance for land use or had the appropriate mitigation measures in place, the proposed site was located within a subdivision with a CCNR and although it was not the county's responsibility to enforce CCNR's, staff recognized that specific details were provided as to what the community considered appropriate. Mr. Deleon referenced the first findings of the major use permit finding of approval "That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County". Mr. Deleon stated that it was staff's determination as a result of the CCNR which specifically prohibited commercial operation within the subdivision that a request for denial was recommended.

12:26 p.m. Public Comment

Angela Amerald neighbor thanked staff and Commissioners for recognizing the communities CCNR. Ms. Amerald stated that all residents within the Double Eagle community signed the CCNR during the process of home and land purchase. Ms. Amerald shared that there was no attempt by the applicant to communicate to the neighbors after the last

hearing on April 22nd with the exception of a proposed litigation sent by applicant's attorney with the request that the Double Eagle board revoke a letter sent to the County in November 2020. Ms. Amerald requested that the Commissioners not continue the item.

Glenn Goodman neighbor also on the Double Eagle committee stated that applicant had requested a meeting but did not specify what subject was to be discussed. Mr. Goodman stated that he assumed that the applicant requested a continuation as his committee had an upcoming meeting in which he feels that the occupant was going to attempt to change the CCNR. Mr. Goodman asked the commissioners not to continue the item and to consider that the community was already on a fragile aquifer.

Darius Watthia neighbor and on the Double Eagle committee wanted to echo the opinions of Ms. Amerald and Mr. Goodman. Requested that the item not be continued.

George Macdonald attorney, stated that the location was not proper for a commercial operation. Stated that community board was threatened with litigation and believed that the applicant had harmed the neighborhood, i.e. applicants not following the rules and a complete disregard to neighbors.

Walter Drice neighbor, lost home during the rocky fire. Mr. Drice expressed his concern of commercial operations being permitted and that the size and scope of the proposed project would devastate that infrastructure. Spoke on his concerns for the road usage and water.

Wayne Berkstrom neighbor recommended that the commissioners voted no on the project. Stated that the applicants had made no attempts to integrate with the community. Mr. Berkstrom stated that the community reached out for financial support with the road maintenance and received no response from the applicant.

Judith Berkstrom neighbor moved to Double Eagle because of the CCNR's and the protection it provided. Ms. Berkstrom stated several concerns as it related to U-Haul trailers, noise and an increase in garbage.

Sarah Workman neighbor referenced the CCNRs' and echoed neighbor's comments. Spoke on the rocky fire and expressed her concern for the exit route.

12:47 p.m. Public Comment Closed

Comm. Hess asked Scott Deleon what the reason for the continuance was. Comm. Hess stated that if staff's recommendation was firm, what would the point be?

Scott Deleon responded to Comm. Hess and read an email that the applicant had sent requesting a continuation of the proposed project. In the letter the applicant stated that the time would be utilized to reach out to the residents of Eagle Ranch.

Comm. Hess stated that this was a first time situation for cannabis where staff had requested a denial. Stated that he lived within a CCNR community and could not imagine a commercial growth request within his community. Stated that he would be prepared to not continue the item.

Nicole Johnson County Counsel stated that CCNR was not determinative and was not a rule that governed the commissioners and did not govern land use. All the evidence brought forth by staff should be considered.

Comm. Williams agreed with Comm. Hess's thoughts. Comm. Williams stated that in addition to the CCNR, he is taking into consideration the public's comment and a lack of the applicant's presents.

Scott Deleon stated that he was not defending the applicant's decision to not be present for the item but thought the applicant might not deem it necessary as he was informed that staff would recommend that the item be continued.

Comm. Williams thanked Mr. Deleon for clarification but stated that if he was in the applicant's position, he would have confirmed and would have been present.

Comm. Hess commented on illicit cannabis farms surrounding the community and recommended that illicit growth should be brought to the sheriff department's attention.

Comm. Hess asked if an additional motion was necessary.

Comm. Williams Moved to Motion, Seconded by Comm. Hess find that the Major Use Permit (UP 19-46) applied for by Frosty Oaks, LLC (Stuart Spivack) on property located at 1027 Watertrough Road, Clearlake Oaks, CA, further described as APNs: 628-100-10, [628-080-04 & 628-090-03] cannot be adopted if the Use Permit is denied per staff's recommendation in the staff report dated May 13, 2021.

4 Ayes, 0 Nays – Motion Carried

Comm. Williams Moved to Motion, Seconded by Comm. Chavez find that the Major Use Permit (UP 19-46) applied for by Frosty Oaks, LLC

(Stuart Spivack) on property located at 1027 Watertrough Road, Clearlake Oaks, CA, further described as APNs: 628-100-10, [628-080-04 & 628-090-03] does not meet the requirements of Section 51.4 and Article 27, Section 1(at) [i, ii] of the Lake County Zoning Ordinance and the Major Use Permit be denied subject to the conditions and with the findings listed in the staff report dated May 13, 2021.

4 Ayes, 0 Nays – Motion Carried

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.

1:40 p.m. Office News

Scott Deleon stated that Tocarra Thomas had made the decision to move on and is no longer with the county. Associate planner and senior planner coming on by the end of the month. Spoke on code enforcement and building being fully staffed. Addition of CDD technician in the cannabis area project intake, brought in office assistant intake of non-cannabis applications intake and a new office accountant. Board is recruiting for a new Director. Working on recruitment for planning. Spoke on possible future projects coming down the pipe line from the Public Works Department.

1:45 p.m. Adjournment