

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 27, 2021

Commission Members

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

Staff Members

**P Scott DeLeon, ITERIM CDD Director
P Katherine Schaefer, Assistant Planner
P Michael Taylor, Assistant Planner
P Sateur Ham, Assistant Planner
P Eric Porter, Associate Planner
P Nicole Johnson, Deputy City Counsel
P Kerrian Marriott, Office Assistant III**

REGULAR MEETING

9:03 a.m. CALL TO ORDER

Jake Reinke County IT Specialist stated an error with the zoom link, posted to agenda on county website. Participants would need to refresh screen for corrected link.

Pledge of Allegiance lead by Comm. Brown

9:04 a.m. ACTION ON MINUTES

Comm. Hess Motioned to approve the minutes from the May 13, 2021 PC Hearing seconded by Comm. Chavez.

5 Ayes, 0 Nays -- Motion Carried

9:05 a.m. CITIZEN'S INPUT – NONE

9:07 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-85) on

Thursday, May 27, 2021, 9:05 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements.

Applicant/Owner: Kushmen & Bakefield Enterprises Inc. Proposed Project: Applicant is applying for (1) Type 6: "Non-Volatile Cannabis Manufacturing License" and (1) Type 11: "Cannabis Distributor License" to occur within an existing 11,000 square foot building. Location: 11270 Clayton Creek Road, Lower Lake, CA 95457; APN: 049-300-15. Environmental Evaluation: Categorical Exemption (CE 21-12).

Katherine Schaefer Assistant Planner gave a verbal presentation on proposed project. Ms. Schaefer stated that the applicants proposed utilizing an existing building for processing, trimming, loading, unloading, storage and offices. The applicant would utilize 15 currently paved parking spaces but proposed an additional 30 added to the rear of the existing building. Ms. Schaefer stated that the applicants would utilize an onsite well and an existing ADA stall with four full time employees.

Comm. Hess asked why with only four full time employees with a possible increase during peak season, would the applicants propose 45 parking spaces.

Katherine Schaefer responded that 15 spaces were currently existing and dependent on seasonal fluctuations more might be needed. The lot could accommodate the number of parking spaces proposed.

Comm. Brown stated that his concern was the request for an additional 30 parking spaces and the construction of them as it related to grading on the proposed site.

Katherine Schaefer responded that the proposed project had no grading request but in the conditions of approval mitigation measures were included.

Comm. Brown asked if the addition of the 30 spaces would be considered a minor alteration.

Katherine Schaefer responded referencing the conditions of approval, Conditions three prior to construction the applicant would need to obtain all necessary permits.

9:23 a.m. Public Comment – None

Comm. Hess stated that he drove by the location and stated that he felt the location was ideal for the proposed project.

Comm. Price stated her agreeance with Comm. Hess's statement.

Comm. Hess Moved to Motion, Seconded by Comm. Price find that the Categorical Exemption (CE 21-12) applied for by High Grade Solutions on property located at 11270 Clayton Creek Road, Lower Lake, CA and further described as APN: 049-300-15 will not have a significant effect on the environment and therefore a Categorical Exemption shall be approved with the findings listed in the staff report dated April 1, 2021.

5 Ayes, 0 Nays – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Price find that the Major Use Permit (UP 20-85) applied for by High Grade Solutions on property located at 11270 Clayton Creek Road, Lower Lake, CA and further described as APN: 049-300-15 does meet the requirements of Section 51.4 and Article 27, Section (au), (av), and (ax) 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 1, 2021.

5 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.

9:27 a.m. Staff has requested that this agenda item be continued to a date certain of June 10, 2021 the next Planning Commissioners Hearing. Public Hearing to consider MAJOR USE PERMIT (UP 19-32) on Thursday, May 27, 2021, 9:10 a.m., in the Board of Supervisors' Chambers, 255 N.Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements. Applicant: Patrick Smythe. Owner: Patrick Smythe. Proposed Project: Applicant is applying for a total of 41,796 square feet canopy (32,076 square feet outdoor cultivation and 9,720 square feet mixed-light cultivation) area within a total of 44,121 square feet of cultivation area and facilities including three (3) 30' x 108' greenhouses, one (1) 1,800

square foot processing facility, one (1) 525 square foot, one (1) 1,225 square foot concrete pad to hold to hold nine (9) 1,500-gallon water storage tanks and three (3) 3,500-gallon water storage tanks. Location: 19697 and 19713 East Road, Lower Lake, CA; APN(s): 012-049-17 and 012-049-18. Environmental Evaluation: Mitigated Negative Declaration (IS 19-50).

Michael Taylor Assistant Planner requested that the item be continued because of an oversight on the processing, a few items would need to be addressed such as the requested well information and addressing counsel's feedback.

Comm. Hess Moved to Motion, Seconded by Comm. Price to continue item to a date certain of June 10, 2021 the next Planning Commissioners Hearing.

5 Ayes, 0 Nays – Motion Carried

9:33 a.m. Public Hearing to consider Rezone (RZ 20-02) and General Plan Amendment (GPAP 20-02) on Thursday, May 27, 2021, 9:15 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements. Applicant/Owner: Greg Hanson. Proposed Project: The applicant is requesting a split rezone of approximately +/- 7 acres from "A" Agriculture to "A-M2" Agriculture-Heavy Industrial, and General Plan Amendment from "A" Agriculture to "A-I" Agriculture-Industrial of undeveloped land on two parcels under one legal lot. Location: 3555 & 3445 Big Valley Road, Kelseyville, CA 95451; APN(s): 008-038-17 & 008-038-44. Environmental Evaluation: Negative Declaration (IS 20-91).

Sateur Ham gave a verbal and visual presentation on proposed project. The project was consistent with the General Plan policies, as the proposed General Plan Amendment and Rezone of approximately 7 undeveloped acres (along Big Valley Road) from "A" Agriculture to "I" Industrial would not only extend the existing Industrial General Plan Designation along Big Valley Road but it would allow and/or encourage the development of commercial centers within Community Growth Boundary. Ms. Ham found that the Rezone and General Plan Amendment would not have any impact on the environment, as no development was proposed.

Comm. Hess stated a minor edit to the staff report as there was a reference to 2020 which should be 2021.

9:39 a.m. Public Comment

Mark Borghesani resident of Kelseyville, stated several concerns including the proposed project being in a split zone, land use concerns, staff report concerns as it pertained to the community growth boundary and the proposed site being in it or not. Mr. Borghesani also stated that he was concerned that applicant was not presenting a development plan, the scope of the potential project and no explanation of the intention of use once the site was rezoned.

Brenna Sullivan with the Lake County Farm Bureau stated that the Bureau's concern was the proposed site of 7 acres would be split from a 40 acre parcel that was surrounded by agriculture and changed to an Industrial lot. Ms. Sullivan asked if the applicant was going to/or already had applied for a parcel adjustment for the 40 acres.

Brian Hanson son of applicant stated that his family were long term residents of Kelseyville. Back in 2019 the family tried to utilize the proposed lot for a failed hemp grow due to land use restrictions. Mr. Hanson stated that his concern was if he was unable to have an agricultural grow on Agricultural land and they were not approved for the rezone, what would they be allowed to do?

Comm. Price stated that there was a certain amount of growth within the Kelseyville land use. Comm. Price shared her respects for the surrounding agricultural area but feels that at only seven acres, it should be considered.

9:53 a.m. Public Comment Closed

Comm. Chavez asked if the site had orchards and what the original use was.

Comm. Price responded that the surrounded area had pears etc.

Comm. Chavez asked if the proposed site was cleared of the prior agricultural use.

Comm. Price clarified that there was currently nothing on the site and asked the applicant to clarify what the land was used for previously.

Comm. Williams asked to clarify if the land had been used for hemp previously.

Brian Hanson stated that the land had once been used as a pear tree orchard and stated that there had been an experimental hemp growth back in 2019 on the site but due to Agriculture zoning and setbacks would no longer be possible.

Comm. Chavez asked what the applicant had in mind for the use of the property.

Brian Hanson stated that they had not made a decision for the use of the land, they were taking the first step which is to have the property rezoned.

Comm. Williams stated he was behind the proposed project as the land had been with the family for generations, with respect to the Ag land community. Comm. Williams asked if this was the third rezone project that had been brought to the Commissioners in 2021.

Nicole Johnson County Counsel responded to Comm. Williams stating that four rezone projects can be brought to the Commissioners per year and this was the second.

Comm. Hess asked applicant if he had ruled out any agricultural use of the seven acres.

Brian Hanson stated there would be no further agriculture development on the proposed site.

Comm. Hess referenced staff report regarding typical uses for the site, with consideration to the visual effect on the area. Comm. Hess joked as an example that it would be visually unappealing to see a large Gieco billboard.

Brian Hanson reiterated his families long standing in Kelseyville and the economic growth potential for the area with the approved rezone.

Comm. Brown spoke on his concern with the unknown. Comm. Brown also commented on staff's report of the proposed site being on the edge of the community growth boundary.

Nicole Johnson stated that if the commission was unclear that staff could be directed to provide clarification.

Comm. Hess expressed his confusion and the best way to proceed and suggested a continuation of the project to give the applicant sufficient time to come back with a plan of land use.

Comm. Williams requested that staff provide how many M2 zones were within the county. Comm. Williams questioned the ability of growth and community development if properties were not approved for their zoning request. Comm. Williams also added that the applicant would need to be approved for a project once a decision was made for the land use. Comm. Williams stated that he was open to support the project.

Comm. Price stated her agreeance with Comm. Williams's comments. Comm. Price stated that the proposed site was currently just land and believed that the applicant wanted to see growth in Kelseyville.

Comm. Hess stated that economic growth was important to keep up with the growing population and was prepared to move forward.

10:07 a.m. Public Comment reopened

Frank Perez business owner is familiar with the applicant and supports his request to rezone. Mr. Perez stated that as a business owner himself, any changes that he wanted to make to his property required visits to the planning commission, with comments from the public for approval.

10:09 a.m. Public Comment closed

Comm. Williams Moved to Motion, Seconded by Comm. Price find based on the Initial Study IS 20-91 that General Plan Amendment GPAP 20-02, and the Rezone RZ 20-02 will not have a significant effect on the environment and thereof, recommend the Planning Commission recommend the Board of Supervisors approve the proposed Negative Declaration with the findings listed in the Staff Report dated May 21, 2021.

4 Ayes, 1 Nays (Comm. Brown) – Motion Carried

Comm. Williams Moved to Motion, Seconded by Comm. Williams make a motion of approval for General Plan Amendment GPAP 20-02 applied for by Greg Hansen for the following reasons: 1) The proposed General Plan Amendment is found to be consistent with the Lake County General Plan, the Kelseyville Area Plan, and the Lake County Zoning Ordinance; 2) The proposed amendment is compatible with the existing land uses in the vicinity, and 3) As outlined in the Initial Study IS 20-91, prepared for this application, the proposed amendment will not result in any significant adverse environmental impacts as outlined in the Staff report dated May 21, 2021.

4 Ayes, 1 Nays (Comm. Brown) – Motion Carried

Comm. Williams Moved to Motion, Seconded by Comm. Price has reviewed and considered the environmental effects of Rezone RZ 20-02 and General Plan Amendment (GPAP 20-02) as outlined in the proposed Initial Study (IS 20-91) which has been prepared for this project and that the Planning Commission recommends that the Board of Supervisors approve the proposed rezoning applied for by Greg Hansen on property located at 3555 and 3445 Big Valley Road, Kelseyville, CA 95451; APNs 008-038-17 and 008-038-44 for reasons listed in the Staff Report dated May 21, 2021.

4 Ayes, 1 Nays (Comm. Brown) – 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.

10:12 a.m. Continuation from Planning Commissioner Hearing 4/22/2021. public hearing to consider MAJOR USE PERMIT (UP 20-28) on Thursday, April 22, 2021, 9:20 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Due to the COVID-19 crisis, meetings of the Lake County Planning Commission will be available for participation virtually via Zoom and in the Board Chambers subject to social distancing requirements. Applicant: Gustafson Farms, LLC (Joseph Gustafson) Owner: Walter Stryker. Proposed Project: Applicant is applying for a total of 111,620 square feet canopy (89,620 square feet outdoor and 22,000 square feet mixed-light) area within a total of 237,220 square feet of cultivation area and facilities including 50,000 square feet processing facility, 24,000 square feet of greenhouse for nursery, 50,000 square feet for drying facility, (3) storage sheds, and 23,000 square feet of greenhouse structures for mixed-light canopy. Location: 4440, 4460, 4520, 4550 George Road, Lakeport, CA; APN(s): 008-031-48,008-031-60, 008-032-43, and 008-032-44. Environmental Evaluation: Mitigated Negative Declaration (IS 20-33).

10:24 a.m. Break 5 mins.

Scott Deleon Interim CDD Director stated that the applicant removed all outdoor cultivation without the addition of any new buildings. Mr. Deleon stated that he received notification with an inquiry asking if the airport was considered public land and if so the 1000 ft. set back would affect the proposed project, and confirmed that the airport was considered public

land. Applicant was made aware and was willing to comply with the setback requirements. A modification was now required to the site plan and would have an effect on the CEQA analysis. Staff is recommending a continuation of the item.

Comm. Price recommended to open public comment.

Comm. Hess stated that he would support a continuation and with that time he would hope that the applicant cleared all violations (NOV).

Comm. Hess asked if there was any progress with clearing the violations and asked Ms. Johnson if the land would have to be remediated before the cultivation operation could begin.

Nicole Johnson stated a condition of approval was that there were no violations. If a property was in violation the commission could not make a decision.

Comm. Hess clarified his question stating that he had no plans of approving a project that had violations. His question was, if the project was found not to be in violation, would the applicant have to complete the remediation process prior to cultivating the land or could they be done simultaneously.

Nicole Johnson stated that an approval could be given if it was found that there were no violations. The agency that issued the violation could determine that the violations could be remediated sometime in the future, which would allow the commission to place conditions on an issued permit.

Comm. Hess referenced an agency comment from Dustin Patterson from Fish and Wild Life dated 5/7/2021 stating that the violations carry significant environmental damage.

Comm. Williams stated that the setback was not a concern as the modification was for an indoor grow. Comm. Williams stated that the main concern was the violations, growing without a state license, he was expecting to see a state license. If violations were clear or there was proof of progress he would vote in favor of the project. Comm. Williams asked if staff had any answers in regards to where the applicant stood with clearing the violations on the proposed site.

Satur Ham stated that the violations hadn't been fully cleared but that there had been some progress. Interactions had occurred with applicant and state.

10:40 a.m. Public Comment

Joey Lewis Representative for the applicant, stated that the violations he thought were pretty minor and his team was working on getting them cleared. Mr. Lewis gave a brief on his business relationship with the applicant and stated that the applicant was an outstanding corporate citizen.

Comm. Hess asked Mr. Lewis what the current status was with Fish and Wildlife as he was pretty disturbed by the comments made by Mr. Patterson, Fish and Wild Life agent.

Joey Lewis stated they had an upcoming meeting.

Comm. Hess asked if there had been a previous meeting.

Joey Lewis stated that he believed the applicant had met with Fish and Wild Life previously but he was not clear on the details.

Bill Burnett neighbor stated that he did not agree that the land was compatible for the proposed project and stated that the community had signed a petition with over 80 signatures. Mr. Burnett referenced an article that spoke on the consideration of the neighborhood as it related to project compatibility. Mr. Burnett stated a few of his other concerns i.e. a change in lifestyle for the community, an increase in traffic and dust.

Don Duccker neighbor commented on the applicant's Initial activation permit which had 33 conditions of approval. Mr. Duccker stated that allot of the conditions were never completed. Stating that there was no neighborhood support. It is just the wrong project in the wrong place.

Comm. Chavez stated that he received notification from the applicant who stated that he was unable to join the meeting via zoom.

Diane Duccker stated that stopped at the property that morning and garbage was strewn everywhere and that the property had been in that condition for a few months.

Bill Timele friend and partner of applicant, recommended commissioners to complete a site visit as it discredit a few comments received.

Nate Madson representative for applicant stated that any violations on the proposed site would have to be mitigated prior to cultivation, progress was being made but the process was a timely one. Mr. Matson also stated that it was impossible to obtain a state license without a permit from the county. Mr. Matson stated that he believed the project was in a good location, the proposed site being rural agricultural land and addressed neighbor concern of the usage of the shared road by suggesting traffic restriction as to time and duration.

Comm. Williams stated that there were time restrictions which were not met, applicant had county approval with an Early Activation permit and was able to obtain a state license but grew without one.

Comm. Hess stated he associated himself with Comm. Williams's comments and asked if the remediation work had to be complete prior to cultivation or could it be done simultaneously.

10:58 a.m. Public Comment Closed

Comm. Price inquired if there was a set date for the requested continuation.

Scott Deleon stated that a staff report would need to be redone along with a CEQA analysis, both required time.

Comm. Price asked counsel if they would recommend tabling item without a date.

Nicole Johnson stated that if there is no definitive date it could be and spoke on the requirements such as notification to the public.

Comm. Williams asked staff to confirm that the state would be notified that the applicant's project was in process.

Scott Deleon responded to Comm. Williams that his comments were noted and staff would work with CDFA

Comm. Price stated that she had previously visited the site.

Comm. Williams stated that he had also driven by the site

Comm. Hess moved to motion that the proposed project be continued to a future date. Seconded by Comm. Price

5 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.

11:03 a.m. Public Hearing to consider a Major Use Permit (UP 19-13) to consider approval of a commercial cannabis cultivation project on a 230+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-25) on Thursday May 27, 2021, 9:25 p.m.,

in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: Tiffany Devitt. Proposed Project: Twelve (10) A-Type 3 medium outdoor cannabis cultivation licenses requesting 650,000 sq. ft. of cannabis cultivation area and one (1) A-Type 13 self-distribution license. Location: 2800 Manning Road, Lakeport, CA; APN: 008-009-03. Environmental Evaluation: Mitigated Negative Declaration.

Eric Porter gave a verbal presentation on proposed project.

Comm. Williams Recused himself.

Eric Porter stated that the original applicant did not pass life scan, so current applicant Ms. Devitt took over the project and changed the scope of the project from 4 to 10 acres of outdoor cultivation. Project is in a floodplain, the site is also in a high value mapped farmland zone. Applicant is eligible for a 2 year transition from outdoor to greenhouse. Correction to motion UP 19-13 rather than UP 19-15 which were stated in the motion

Comm. Price clarified correction to IS sample motion 19-25 instead of 19-27.

Eric Porter agreed with Comm. Price and also stated that he received an email in support of the project from a James Arabi with UFCW local union.

Comm. Price stated that she completed a site visit and was very pleased with the proposed site.

11:14 a.m. Public Comment

Annje Dodd representative to the applicant, thanked staff for the work completed. Made a few corrections, cultivation is in ground, nitro fixing crop, cattle would be able to graze. CDF early activation, CDFW came out to inspect, CDFA also completed an inspection

Eric Porter requested clarification as he was not made aware that the applicants were no longer using pots, a modification would need to be requested. Mr. Porter requested that Ms. Dodd clarify what applicant would be doing during the rainy season.

Annje Dodd responded that the applicant would harvest and till with a 5 seed mixed cover crop and it would stay in place until they were ready to plant the next season's crops.

Comm. Hess asked Ms. Dodd about the driveway and its encroachment unto Soda Bay road from a resident and an agent of Public Works dept.

Annje Dodd responded that there were two access points to the proposed site Manning Road and Soda Bay road. Ms. Dodd stated that one of the conditions of approval was that the encroachment had to be up to county standards and the other would be graveled for dust mitigation.

Frank Perez neighbor stated that the applicant had been helpful with the collaboration of the applicant's security team, considers the applicants an asset and was in support of the project.

Rich Anderson current owner of property, spoke on the history of the property. Mr. Anderson stated that he was very impressed with the applicants. Mr. Anderson spoke on the uproar when grapes came in, as Kelseyville was primarily known for pear orchards and he believes cannabis is facing the same type of backlash but believes it is the future for economic growth.

11:25 a.m. Public Comment Closed

Comm. Chavez commented that he conducted a site visit, security was visible and believes that the applicants had a great sustainable management plan.

Comm. Brown voiced his concern for the lack of archeological cultural resource in the cultural resource report, especially as the shoreline recedes and reports from Lake County Historian Henry Molden of activity in the area. Comm. Brown stated that he was unable to visit at the time he was invited but would like to schedule a visit.

Annje Dodd stated that she spoke with the applicant and they were very amendable to having Comm. Brown visit.

Scott Deleon addressed Comm. Brown's concerns stating that the proposed site had a conservation easement that protected the shoreline and wetland area. Project is outside the area and does not have any encroachment into the easement. So Comm. Brown's concern for the cultural resources by the shoreline would be protected by the easement.

Comm. Brown thanked Scott Deleon.

Comm. Price Moved to Motion, Seconded by Comm. Hess find that the Initial Study (IS 19-25) applied for by Tiffany Devitt on property located at 2800 Manning Road, Lakeport, and further described as APN: 008-009-03 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 27, 2021 and as amended here today.

4 Ayes, 0 Nays – Motion Carried

Comm. Price Moved to Motion, Seconded by Comm. Hess find that the Use Permit (UP 19-13) applied for by Tiffany Devitt on property located at 2800 Manning Road, Lakeport, and further described as APN: 008-009-03 does meet the requirements of Section 51.4 and Section 27(at) 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 27, 2021 and as amended here 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.

11:33 a.m. Public Hearing to consider a Major Use Permit (UP 19-15) to consider approval of a commercial cannabis cultivation project on a 41+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-27) on Thursday May 27, 2021, 9:30 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: Legendary Farms LLC. Proposed Project: One (1) A-Type 3 medium outdoor cannabis cultivation licenses requesting 43,560 sq. ft. of cannabis canopy area and one (1) A-Type 13 self-distribution license. Location: 2290 Soda Bay Road, Lakeport, CA; APN: 008-010-29. Environmental Evaluation: Mitigated Negative Declaration.

Eric Porter gave a presentation on the proposed project. Project per ordinance 3103 qualifies to transition from outdoor to greenhouses within a two year time frame. Applicant was early activated in 2020. Applicant will be using outdoor flower pots. Water analysis not included, well report available if needed. Mr. Porter mentioned a conversation with Comm. Williams regarding applicants having their state license prior to PC Hearings, his understanding was that applicants could not receive licensing until approved at the county level.

11:40 a.m. Public Comment

Michael Wagner in support of Legendary Farms, stated that the applicant had a State license, they had also undergone their CEQA qualifications. Mr. Wagner agreed with Comm. Williams that the State only requires to know that applicants are currently going through the county process to be

approved. Mr. Wagner spoke on the flood plain, 95% of the site is AO which means 100 year flood zone. Proposed site has been inspected by the State Water Board and by Fish and Game.

Comm. Hess inquired if the grow would be done in pots on in the ground.

Michael Wagner stated in pots.

Frank Perez Owner stated his particularity with his property. Spoke well of Legendary Farms. Thanked the Commissioners.

11:43 a.m. Public Comment Closed

Comm. Price Moved to Motion, Seconded by Comm. Chavez find that the Initial Study (IS 19-27) applied for by Legendary Farms on property located at 2290 Soda Bay Road, Lakeport, and further described as APN: 008-010-29 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 27, 2021.

5 Ayes, 0 Nays – Motion Carried

Comm. Price Moved to Motion, Seconded by Comm. Chavez find that the Use Permit (UP 19-15) applied for by Legendary Farms on property located at 2290 Soda Bay Road, Lakeport, and further described as APN: 008-010-29 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 May 27, 2020.

5 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.

11:46 a.m. Public Hearing to consider a Major Use Permit (UP 20-01) to consider approval of a commercial cannabis cultivation project on a 20+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 20-01) on Thursday May 27, 2021, 9:35 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: Stella Green Farms LLC. Proposed Project: One (1) A-Type 3 medium outdoor cannabis

cultivation licenses requesting 43,560 sq. ft. of cannabis canopy area and one (1) A-Type 13 self-distribution license. Location: 5808 Highland Springs Road, Lakeport, CA; APN: 008-044-24. Environmental Evaluation: Mitigated Negative Declaration.

Eric Porter gave a presentation on proposed project. Applicant would need to transition from outdoor to greenhouses within a 2 year period. Complaints from neighbors received regarding the 8 ft. tall screening fence which was not maintained during the non-grow season. Screening listed as a conditions of approval due to the sites proximity to other AG sites. Referenced opposing emails that were distributed to the Commissioners.

Comm. Williams asked Mr. Porter if there was a water board license.

Eric Porter stated that there was one.

Comm. Williams stated that with the Water board license would negate some of the concerns of storm water.

Eric Porter stated that it was a prerequisite for applications was receiving a Notice of Applicability from the Water Board.

Comm. Williams stated that by reviewing some of the concerns, the site was in a Farmland protection zone which would be resolved with the applicant transitioning to greenhouses under the 3103 Ordinance. Agreed with Mr. Porter in regards to a mitigation regarding the screening fence and referenced the terpenes which would be mitigated with the greenhouses.

Comm. Hess concurred with Comm. Williams with the concerns addressed i.e. the fencing and odor. Voiced the public's comment of concern of a security guard, which he stated comes with an approved cannabis grow.

11:59 a.m. Public Comment

Christina Torres and Michael Rodriguez applicants, thanked staff for their hard work. Spoke on the fencing, which had been completely replaced. Ms. Torres also spoke on their Water board approval, receiving their State provisional License and addressed the concerns of the security guard, stating that no guard was onsite but they themselves would walk the property, which neighbors might have misconstrued.

Comm. Williams asked what the well productivity was heading into a drought. Stated that due to a lack of public commentary it was swaying his decision.

12:04 p.m. Public Comment Closed

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Initial Study (IS 20-01) applied for by Stella Green Farms LLC on property located at 5805 Highland Springs Road, Lakeport, and further described as APN: 008-044-24 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 27, 2021.

5 Ayes, 0 Nays – Motion Carried

Comm. Chavez Moved to Motion, Seconded by Comm. Price find that the Major Use Permit (UP 20-01) applied for by Stella Green Farms LLC on property located at 5805 Highland Springs Road, Lakeport, and further described as APN: 008-044-24 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 May 27, 2021.

5 Ayes, 0 Nays – Motion Carried

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12:06 p.m. UNTIMED STAFF UPDATE

Office News

Scott Deleon accredited staff for work done under the current work load and pressure. Stated that staff would continue to improve on their reports and present as many applications to the Commissioners as possible.

Comm. Williams stated that he had a few questions for staff, if there was a possibility of adding special meetings for the following month, he stated that he had heard from many of his constituents who were waiting to have their applications heard by the Commissioners. Comm. Williams asked how many early activations the county currently had and how were the Initial studies currently going.

Nicole Johnson asked Comm. Williams for clarification, was he stating that applicants were waiting for Early Activation permits and would that be the reason for the additional PC meetings.

Comm. Williams responded stating that he had received calls and emails that applicants were given a choice between Early Activation and a Hearing and it seemed that the county had a back log, he received correspondence that a few applicants would prefer to have the hearing versus the EA, should the Commissioners increase their load. Nearing tax time as well should be taken into consideration. Comm. Williams asked how many EA's were currently pending in comparison to 2020?

Comm. Hess asked if adding more items to the agenda would suffice, as special meetings were a bit more difficult i.e. staff availability, cost, etc. Comm. Hess asked if a request had to be made for special meetings.

Scott Deleon stated that the Commissioners had special meetings in the past without Board approval. Staff would take a look at applications pending and if there was an opportunity for a special meeting, staff would then reach out to the Commissioners and inquire about their availability or increase the agenda items for upcoming scheduled hearings.

Comm. Williams expressed his gratitude for Mr. Deleon's response. Stated that he would like to make it known that he is willing to participate in special meetings and or longer scheduled meetings.

Nicole Johnson spoke on the planning Commissioners bylaws article 3, section 5 stating that special meetings could be called by the chair, if it was deemed expedient or if it's requested by two commissioners and the chair concurred with the request, discussion items are restricted. Ms. Johnson requested clarification on what would be addressed during the special meetings as early activation permits were not brought to the Commissioners for approval.

Comm. Williams stated that he was informed that applicants were being told that they would not be given an EA permit that they would have to wait for a hearing to get an approved Use Permit. If people were waiting to plant he would like to get them in to be heard, which was his reason for suggesting special meetings.

Comm. Price reiterated Comm. Williams's statement by saying that if there was a back log and special meetings would be a way forward to alleviate some of the pending applications, or longer meetings she was there to work with the community and contribute her time.

Comm. Williams stated that he had sent an email to Eric Porter regarding State Licenses and ensuring that all applications brought forth to the Commissioners had been confirmed through code enforcement.

12:16 p.m. Adjournment