

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

June 24, 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

**A Carol Huchingson, Interim Deputy Director
P Eric Porter, Associate Planner
P Victor Fernandez, Assistant Planner
P Nicole Johnson, Deputy City Counsel
P Kerrian Marriott, Office Assistant III**

REGULAR MEETING

9:00 a.m. CALL TO ORDER

Pledge of Allegiance lead by Comm. Price

9:00 a.m. ACTION ON MINUTES

Comm. Hess Motioned to approve the minutes from the May 27, 2021 PC Hearing seconded by Comm. Price.

5 Ayes, 0 Nays -- Motion Carried

ACTION ON MINUTES

Comm. Hess Motioned to approve the minutes from the June 10, 2021 PC Hearing seconded by Comm. Price.

5 Ayes, 0 Nays -- Motion Carried

9:02 a.m. CITIZEN'S INPUT – NONE

**9:05 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 19-35).
Owner: Frederick W. Soderlind, Applicant: Oak & Stone LLC. .
Location: 19303 Butts Canyon Road, Middletown CA; APN: 014-004-10
Environmental Evaluation: Mitigated Negative Declaration (IS 19-55).
(Victor Fernandez)**

Victor Fernandez Associate Planner gave a verbal and visual presentation on the proposed project. Mr. Fernandez reviewed the Permit Request, went over the project description, Site Description, Project analysis and Conditions for recommendation.

Comm. Chavez referenced a comment made and asked about a drain from an existing pond that had been removed.

Mr. Fernandez responded that multiple concerns had been brought up during the project review which required multiple site visits. Staff did not detect on multiple site visits that a drain had been removed. Biological assessment showed an existing culvert on the site.

Comm. Hess requested that Mr. Fernandez speak on the other public concerns mentioned.

Mr. Fernandez stated that there were five main concerns – cultivation on proposed site without an early activation permit. Project was issued EA in 2020 but it was reported that site was under cultivation after the EA had expired. A site visit was completed and photos were taken which yielded no evidence of cultivation. Second concern was regarding green houses, storage containers and water storage tanks, during site visit, hoop houses were seen on the property but they were not for cannabis plants, the hoop houses contained vegetables and other plants, no storage tanks were observed and although the applicant had water storage containers (they are allowed). Third concern was regarding extensive lighting, all lighting had to be down and compliant with the dark sky requirements. Staff documented and pictures were taken. Fifth concern (as the forth had already been addressed regarding the drain) was regarding road improvements with the applicant upgrading the road to gravel which was a requirement of their permit approval, no improvements were made that would trigger a grading permit.

Comm. Williams reiterated that the applicant was early activated and had a state license and that it was an outdoor cultivation with no lights. Stated he was letting it sink in.

9:18 a.m. Public Comment –

Randy Pleasure neighbor stated he was irritated by some of the comments said in the presentation. Mr. Pleasure stated that he had taken photos of

the proposed site and had sent them to the previous Deputy Director. Stated that the applicant had many plants onsite that he would try to hide behind storage containers. Stated that for plants not to be seen during a site visit by staff would be a lie. Mr. Pleasure stated that the hoop houses were approximately 20 ft. long and if the applicant was using them for flowers and vegetables he did not know but it was not taken down it was moved to the back of the house. Spoke on his concern with the water usage and well permits, stated that the well permit was for domestic use only. Stated that he trucks water to his site. Suggested applicant provide a hydrology report and that the applicant be required to truck water on site. States the applicants well is 100 ft. deeper than his.

Comm. Price asked Mr. Pleasure if he had the photos that he had spoken about with him.

Randy Pleasure stated that he didn't but had emailed them to Mr. Fernandez. Stated that it was simply not true that the applicant stated that he was not currently cultivating. His main concern was water and so he felt that he had to attack the main source of his loss of water which was the cultivation.

Karen Mantele is a resident of Lake county, prior planner. She was in support of the proposed project. Reiterated the lack of vernal pools, no wetlands and no special status species and the project was not in a designated farmland protection zone. Ms. Mantele stated that the water resource board had to be observed when issuing permits of this kind.

Ken Estes neighbor stated that he felt compassion for Mr. Pleasure and he understood that Mr. Pleasure's main concern was the water. Gave Mr. Pleasure a recommendation of working with the applicant. Stated that the applicant was a good person. Recommended to the board that regulation was needed for cultivators without a permit and suggested that they fly over the surrounding area of the proposed site, as there were many unpermitted cultivators. Supports applicants getting the permit.

Jennifer Lynchese (Sunshine) neighbor is in support of the project. Spoke of the relationship she had with the applicant and his family, stating that they were great people. Ms. Lynchese stated she knew the prior owners of the applicants proposed site and stated that there had never been water on the site. She stated that a lack of water had always been a concern and so the project had no bearing on that.

Shannon Sanders neighbor, stated that he wanted to echo Ms. Lynchese's comments and that the neighbors were very kind and had taken an interest in mitigating the neighbors' concerns and he appreciated that they were going about their cultivation site the correct way by obtaining a permit

Fred Freeland stated that he grew up with the applicants and supported the project.

Randy Pleasure, stated that Ms. Lyncheseey had made an error in her statement and that the prior owner of the proposed site had always had water. Mr. Pleasure stated that there had always been a pond on his side of the property but since the road was added it had blocked it.

Amy Sodelind, applicant thanked staff for their hard work as well as the commissioners, asked to be granted the permit so she could do what she loved in a community that she loved. Spoke on a comment of support received by her closest neighbor to her well.

Carl Hemelton JK well drilling, stated that there were two wells on the property, the well in the front was of poor quality and would not have sustained the grow, however the well that his company drilled in the back would meet the applicants agricultural needs.

Amy Soderlind stated that the well in the front closer to Mr. Pleasure's property was not being used, they were utilizing the one in the back.

Comm. Price asked if the well would be used for domestic and commercial.

Amy Soderlind responded that the well would not be used residentially and was only used for the commercial grow.

Joe Rogoway attorney for applicant stated that there were no current pending lawsuits against the applicants, something was filed by Mr. Pleasure but was squashed.

9:41 a.m. Public Comment Closed

Comm. Hess Moved to Motion, Seconded by Comm. Price find that the Major Use Permit (UP 19-35) applied for by Oak & Stone LLC on property located at 19303 Butts Canyon Road, Middletown, further described as APN: 014-004-10 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 June 14, 2021.

3 Ayes, 2 Nays (Comm. Chavez and Comm. Williams) – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Price find that the Major Use Permit (UP 19-35) applied for by Oak & Stone LLC on property located at 19303 Butts Canyon Road, Middletown, further described as APN: 014-004-10 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 June 14, 2021.

3 Ayes, 2 Nays (Comm. Chavez and Comm. Williams) – Motion Carried

9:44 a.m. Public Hearing to consider a Major Use Permit (UP 19-20) to consider approval of a commercial cannabis cultivation project on a 23+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-35) . Applicant / Owner: LDM Enterprises LLC. Location: 7295 Adobe Creek Road, Kelseyville, CA; APN: 007-021-23. (Eric Porter)

Eric Porter gave a presentation on the proposed project. Mr. Porter stated that the proposed site was in AG zone, was an outdoor grow and that the project has a 30 gal per min well, with rapid recharge. Mr. Porter referenced letters of concern regarding water and safety from the neighbors.

Comm. Williams inquired if this was the item that was close to a community growth boundary.

Mr. Porter responded that he didn't believe so.

Comm. Hess stated that he believed it was the first item.

Mr. Porter stated that it was near the edge of the community growth boundary, referenced page four of the staff report for exact location. Project was more than 1000 ft. from the boundary.

9:50 a.m. Public Comment –

Dale Carnathan neighbor, thanked the commissioners for their work and stated that he firmly objected to the project. Documents presented did not reflect the correct name of the company applying for the application that the proper name was LDM operation Inc. by the secretary of state. Mr. Carnathan spoke of several concerns including water use during a drought, his well-being downstream and less than a 1000 ft. away. Urged the commissioners to consider expanding the well requirements to include the effects on the neighboring wells for domestic use. Spoke of the neighbors that were against the project, spoke on his concern for the project attracting crime. Mr. Carnathan stated that although the area is zoned AG but it was residential with limited road access. Shared his concern that a site visit hadn't been completed since 2019. Stated that grow activity was visible via google on the proposed site. Requested that permits be placed publicly and show if they were being maintained.

9:54 a.m. Public Comment Closed

Comm. Price asked Eric to confirm that there hadn't been a site visit since 2019.

Eric Porter stated that he hadn't completed a site visit himself.

Com. Williams stated that he was not concerned with the water as it was a small grow and the well was a decent producing well. Asked for the other commissioners input and could the name be readjusted.

Comm. Hess asked if there was any way to confirm the correct name for the applicant.

Eric Porter stated that it could not be clarified currently but that the Commissioners could direct staff to confirm the correct name and to put it in the conditions of approval.

Comm. Hess stated that to make a motion would require to refer to the enterprise correctly.

Comm. Price stated her agreeance with Comm. Hess, the legal name with the state.

Comm. Hess asked Nicole Johnson County Counsel for clarification.

Nicole Johnson stated if the comm. were issuing a permit they would need to know the correct entity that they were issuing the permit to. Ms. Johnson stated that she had completed a search within the California business database which yielded no results for the name on the agenda.

Comm. Hess stated that he agreed with Comm. Williams's observation and the project was fine but the Commissioners would need to refer to the entities correct name in the motion. Comm. Hess suggested a continuation.

Comm. Williams stated he would support a continuation and asked if the applicant was present.

Comm. Price stated if the Commissioners were in agreement to continue the items she was in agreeance with the motion.

Comm. Price Moved to Motion, Seconded by Comm. Chavez to continue item to the July 8, 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.

9:59 a.m. Continuation from Planning Commission Meeting June 10, 2021. Public Hearing to consider an appeal of the closure of two Use Permit files; file no. UP 18-36 and file no. MUP 18-37 for commercial cannabis cultivation on two adjacent properties. Owner: David Boies. Applicant: Jonathan Boies; proposed new applicant is Mitch Hawkins. Location: 13046 and 13048 S. Highway 29, Lower Lake, CA; APN: 012-056-48 and 012-056-49. (Eric Porter)

Nicole Johnson County Legal Counsel addressed a few items on the report for the item. Page one summary paragraph two consisted of a few things that the commissioners were being asked to consider which were largely incorrect. Ms. Johnson stated that there were two appeals, two separate permits, properties and uses, two separate action was required. Ms. Johnson stated that the commissioners could either grant the appeal or deny the appeal and that the appeal was a request from staff asking to close the application.

Comm. Hess asked should the denial be supported. Could the applicant re-apply immediately?

Nicole Johnson stated that if the denial was approved as is, the applicant would need to wait six months to reapply if a denial without prejudice was granted the applicant could reapply immediately.

Comm. Hess asked if in theory the commissioners could deny the categorical exemption but support the appeal or vice versa?

Nicole Johnson responded that the appeal was a decision made by staff and the decision was to close the application, so a decision was not being made today about categorical exemptions. The commissioners were deciding if the application should be closed or continued.

Nicole Johnson recommended that clarity would be required as to which appeal was being addressed.

Eric Porter Associate planner stated that he was unaware that 2 applications being submitted by the same applicant at the same time would

require two appeals. AA 21-02_a would apply to major use permit 18-36 and appeal AA 21-02_b would apply to minor use permit 18-37.

10:05 a.m. Public Comment

Mitch Hawkins, the applicant stated that he had been farming the proposed site since 2000 and that Boise the original applicant who was deceased was his brother in-law and his father in-law owned the site, he was hoping to get the opportunity to move forward with the application for both permits.

Richard Knowle planning associate from Lakeport representing Mr. Hawkins stated that he was asked to review the application and provide clarification on what the applications required. Provided his assessment of where he thought the application were and stated that he believed both applications were close to completion only missing a few items that needed to be updated and documents that needed to be submitted to staff. The death of the original applicant might have caused a delay and was requesting that the comm. allow the project to go forward and give Mr. Hawkins the opportunity to get all the required information.

Nicole Johnson requested that staff addressed where the application stood and what was the reason staff was requesting to close the file.

Eric Porter stated that UP 18-36 was close to being complete, secondary bio study was needed, with no CEQA completed on either, it had been an entire year since the file had been reviewed and the reason for closure was based on when the applications were submitted and the circumstances surrounding a lack of continuance on both applications. Per prior deputy directions recommendation was to look at the older inactive files. Mr. Porter stated that the applications were good but no one was looking into them on behalf of the applicants. Mr. Porter stated that this was a soft denial request on his part due to having an interested applicant and the property owner's support of the project changing hands.

Comm. Williams stated that he would like to see the new applicant take over the project. Asked how the commissioners would be able to make that happen.

Eric Porter responded to Comm. Williams stating the comm. could deny both appeals. That would enable the new applicant to submit a name change application and would assume control of the review process.

Comm. Hess stated that he would support denying the appeal, stated that he understood that a sudden death of a family member could put a family in disarray and would be prepared to offer the Motions.

Comm. Brown stated he supported Comm. Hess and Comm. Williams statements but his concern was that no documentation was provided to support what needed to be done. How much work still needed to be done and how soon could it be completed he asked.

Eric Porter stated what needed to occur was a reevaluation of both applications and a determination of incompleteness would need to be done, a second bio survey would be needed, water re-assessment and a new well report.

Richard Knowles stated that the documentation that Mr. Porter stated the new applicant would require was in line with his own assessment. He believes that the applicant would need only a few months to complete the process, given that a biological survey would need to be completed.

10:23 a.m. Public Comment Closed

Comm. Hess Moved to Motion, Seconded by Comm. Williams find that the administrative appeal AA 21-02_a filed by Mitch Hawkins in behalf of the property listed below, and in order to restart Use Permits (UP 18-36) applied for by Diamond One and Diamond Two LLC on property located at 13046 and 13048 S. Highway 29, Lower Lake, and further described as APN: 012-056-48 and 49 be granted subject to the findings listed in the staff report dated June 24, 2021.

5 Ayes, 0 Nays – Motion Carried

Comm. Hess Moved to Motion, Seconded by Comm. Price find that the administrative appeal AA 21-02-b filed by Mitch Hawkins in behalf of the property listed below, and in order to restart Use Permits (MUP 18-39) applied for by Diamond One and Diamond Two LLC on property located at 13046 and 13048 S. Highway 29, Lower Lake, and further described as APN: 012-056-48 and 49 be granted

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.

**10:26 a.m. Public Hearing to consider approving Use Permit UP 20-45.
Applicant/Owner: Blue Lake Organics LLC / Jose and Alma Franco.
Location: 10680 and 10717 Schuette Road, Upper Lake, CA on
property consisting of 41+ acres. APNs: 003-001-21 and 003-002-11.
(Eric Porter)**

Eric Porter Associate Planner gave verbal presentation on proposed project. Mr. Porter stated that the applicant met with the Upper lake Habematolel Tribe and agreed on a path forward. Mr. Porter mentioned the last minute opposing comments received from a neighbor's attorney, along with pictures of a fire that had occurred on site on June 19, 2021 which required ground and air support. The letters were then read into the record.

Comm. Chavez asked about the proximity of the proposed site to the resort and how the application was accepted due to the public lands boundary limitations.

Eric Porter responded that when public land was zoned it was zoned under O for open space, the resort is zoned RL so staff did not know that a resort was there. Mr. Porter stated he was not certain of the separation distance but could find out. Resort was not mapped as a red flag during the review process.

Comm. Chavez stated that via GIS the projected site property line was over 2000 ft. from the resort.

Eric Porter responded that the required setback was 1000ft from the projected site to the property line of resort and the project did meet the setback requirements.

Comm. Hess asked Mr. Porter if more time was needed to review the opposing letters received due to the late submission.

Eric Porter responded that the item would more than likely receive an appeal, so taking the time to review the documents would not matter. Mr. Porter addressed a few of the concerns brought forth in the letters, fire concerns stating that a condition of a 5000 gal suppression tank could be added to the conditions.

Nicole Johnson asked staff to elaborate on how he knew how the fire started and who he gathered the information from.

Eric Porter stated that he spoke with fire captain Mike Ciancio Northshore fire district.

Comm. Price asked if there was visibility from the resort to the cultivation site.

Eric Porter responded that if the distance between both were half mile away it would not be visible but he was unable to say for sure. The site was issued an Early Activation two months prior. Mr. Porter reviewed a few additional concerns i.e. Safety concerns were addressed, 16 cameras, 6 ft tall screened fencing would be onsite. Odor, which Mr. Porter stated for an outdoor cultivation was difficult to mitigate but would recommend fragrant plants be planted around the cultivation site. Proximity to the resort, which was determined not to be an issue. Run off and flooding, no engineered erosion plans were submitted but the plans provided were from a professional designer and was adequate.

10:59 a.m. Public Comment Open

Jose Franco owner spoke on the project. Mr. Franco spoke of the fire on June 19, 2021 stating that after Calfire had completed their inspection they stated that the cause stemmed from a prior burn pile and due to high temperatures an ember was reignited, he also stated that he had the inspector's business card for reference. Mr. Franco stated that he had spoken to the neighbors and had offered help if needed. Mr. Franco also addressed a few of the neighbors' concerns as it pertained to water, stating that he was early activated last year and the neighbors had no concern then, also spoke of his well productivity and he was not the only cultivation site within the area but he was going through the correct process of getting his permits.

Benjamin Tagert attorney on behalf of a neighbor who opposes the project. Stated that the project had plans of expanding which would fall out of the conformity of the use, zoned rural and residential along with a family recreation facility in close proximity. Mr. Tagert spoke of the run off stating that staff's report stated that the area was generally flat, but mapping shows hilly, and there was no plan to mitigate run off downhill to the resort area. He spoke of odor drifts would be a large issue and doesn't consider fragrant plants that might or might not bloom within the same timeline as cannabis should not be considered a mitigation measure. Mr. Tagert also shared his client's security concern and visibility concern stating that a mesh fence was not tall enough, cannabis plants grown outdoor had the potential to grow ten to 12 ft. tall which affects visibility.

Comm. Williams asked cultivation site was visible from the resort.

Benjamin Tagert responded that visibility from the resort was less of a concern than visibility from the road.

Karen Maurer neighbor had several concern, regarding water, spoke of the drought. Composed a petition along with a few other neighbors which was read into the record by Mr. Porter. Spoke on her experience with other grow

sites that surrounded her land and the criminal element. Spoke on her health concerns and the affects that the odor would cause.

Brooke Halsey attorney representing Karen Maurer spoke on discrepancies in the staff report that the proposed site was in a designated rural area and in a high fire zone. Referenced Mr. Porter conversation with Calfire stating that it was brush fire that started the fire, Franco stated that he spoke with someone else and received different information. Spoke on the neighbors and the small community. Self-distribution license would create high traffic.

Jose Franco addressed a few concerns stating that security measure were met based on the requirements and that the site could not be seen from the resort or the road. Referenced the fire chief that provided him information and read his business card information for the record. Mr. Franco stated that he had grown for years following the regulations of prop 64 and had always followed the county ordinance.

11:19 a.m. Public Comment Closed

Comm. Williams commented on rural lands is an Ag land, which our county allows for vineyards and pears. Different counties have different ordinances. Water is not an issue, would like to conduct a site visit.

Comm. Hess concurred with his colleague Comm. Williams and stated that instead of a 6ft fence they could require an 8 ft. Had no concerns with the security plan.

Comm. Williams stated he was comfortable with the security plan.

Comm. Brown asked Mr. Farnco what was his capability to respond to a fire if one started.

Jose Franco responded that he had 3000 gall. Suppression tank that was stored on site.

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Initial Study (IS 20-56) applied for by Blue Lake Organics LLC on property located at 10717 and 10680 Schuette Drive, Upper Lake, and further described as APNs: 003-001-21 and 003-002-11 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 June 24, 2021 and as amended today.

5 Ayes, 0 Nays Motion Carried

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Major Use Permit (UP 20-45) applied for by Blue Lake Organics LLC on property located at 10717 and 10680 Schuette Drive, Upper

Lake, and further described as APNs: 003-001-21 and 003-002-11 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 June 24, 2021 and as amended here today.

5 Ayes, 0 Nays Motion Carried

11:26 a.m. Break

11:35 a.m. Return from Break

11:36 a.m. Public Hearing to consider Use Permit (UP 21-24) and adopt a Categorical Exemption to CEQA for an expansion of a recovery home within an existing dwelling on a property located at 14725 Catholic Church Drive, Clearlake Oaks; APN: 010-046-06. The applicant is Hilltop Recovery Services LLC. (Eric Porter)

Eric Porter Associate Planner gave a verbal presentation on the proposed project.

11:43 a.m. Public Comment

Jaqueline Churner neighbor read a letter into the record that she stated had been given to the Community Development Dept. traffic which spoke of her concerns, states that on an almost daily basis they had traffic on their property including police officers, parole officers and fire dept. looking for the proposed site. Catholic Church road was not a county maintained road, requested that the applicant place a sign with directions for their patrons. Asked with the increase in traffic would the county of lake maintain the roads and required that the applicant have adequate signs for their establishment. Ms. Churner spoke of an increase in burglary and drug paraphernalia found on their property and stated her water concerns. She opposes the project.

Alijah Betleigh neighbor had concerns regarding traffic, drug uses, stated that they placed a chained fence around their property which did not alleviate their concerns, gave an example of a an incident that occurred with a semi-truck that came to their location due to the lack of proper signage indicating where the facility was located. Proposed an alternative of having the facilities main entrance to the male rehab center connect to the female rehab facility, which would help with the traffic concerns. Opposes the project but also requested that should the project be approved that the applicant worked with the community and addressed their concerns.

Dennis Churner stated that he had maintained the road for over 40 yrs and due to traffic it was getting to a state of disrepair. Spoke of his concerns

with the drug paraphernalia that had been found on his property. Stated that the applicant was on septic and wells.

Comm. Brown stated that he was familiar with the area and that he had witnessed a few accidents in that area, but supports the recovery service which was of great need. Stated his concerns for drug paraphernalia found around the community which was a definite hazard to the community. Asked if the applicant or a representative for the applicant was present.

Comm. Price stated her agreeance with Comm. Brown stating the exit to Catholic Church Road even if you were familiar with the area it was still difficult to locate. Acknowledged the proposal of changing the access point of the facility.

Jacqueline Churnery stated they had many incidents of trespassers on the property. Gave an example of a gentleman showing up on her property asking for the hilltop facility. Stated that the lack of direction is what brings trespassers to her property and confirmed that crack pipes and the like had been found on her premises but does not have the pictures to prove it.

Comm. Hess asked Alijah about the map that he had given the commissioner to view with his request for an alternative entry point to the facility and asked him to clarify if he was seeking signage off hwy. 20.

Alijah Betleigh responded stated that most people map their way to the hilltop location which brings them directly to his property line.

Comm. Price asked if there was anything mentioned in the conditions for additional signage.

Eric Porter stated that the applicant did not propose additional signs or any improvements to any roads.

Comm. Hess stated that he thought it was unfortunate that a representative from hilltop was unavailable to answer any questions.

Dennis Churner stated that the prior resident of the proposed site incorporated the property to church road which was eventually split, it was never re-addressed and needed to be fixed on a county level, which he attributes to being a part of the problem. Mr. Churner asked Mr. Porter if he would be able to find out. Mr. Churner stated that due to the split, the facility did not have an address on Catholic Church Road.

Eric Porter stated he was looking at the zoning and vicinity map and stated that Mr Churner was correct, the facility was on a well and septic not on public sewer and water.

Comm. Price asked if Mr. Porter knew off hand how many current patients the facility had or what the projected amount of patients would be.

Eric Porter stated that the applicant projected up to 6 people staying from 4 to 8 weeks including staff and potential visitors. Approx. 24.

Comm. Price shared her concerns with the approx. number of people utilizing the septic system.

Comm. Hess shared his concern that the applicant was not present to discuss access and asked if someone would be able to answer concerns from the community 24 hr. per day. Asked if monthly meetings were held by Applicant with the community to hear of their concerns.

Comm. Williams stated he would not be able to vote on the project at this time.

Comm. Brown asked if Mr. Porter knew if the facility was check in check out and did people park at the facility or do the walk?

Eric Porter stated that his assumption was that people could leave throughout the day as it was not a locked down facility but he did not know.

Comm. Brown stated that he had visited the facility on a few occasions for meetings, supporting clients, he never accessed Catholic Church Road but was very familiar with the area, stated that getting signage would be important.

Alijah Betleigh had a friend that visited the facility and said that parking spots were available, clients could stay overnight at the facility, some clients are dropped off. Mr. Betleigh asked the commissioner to appeal to the applicants about considering damn road in Clearlake as a possible location for their facility where it would have less impact, as they would have no neighbors.

12:08 a.m. Public Comment Closed

Comm. Chavez read into the record the applicant's website information page and stated if the applicant was on septic and well it was not sustainable. Comm. Chavez stated he did not see that the application benefited the community at all and agrees with the service but not with the location.

Commissioners discussed that they would move the item to a date uncertain and give the applicant enough time to address the concerns discussed.

Comm. Price Moved to Motion, Seconded by Comm. Chavez item moved to a date uncertain.

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.

12:19p.m. UNTIMED STAFF UPDATE

Office News

12:21 p.m. A Presentation on the Role of the Planning Commission and Planning Commissioner by Nicole Johnson County Legal Counsel.

Nicole Johnson County Legal Counsel gave a verbal presentation on the role of the Planning Commissioner. Ms. Johnson reviewed meetings and Procedures as it pertained to regularly scheduled meetings, special meetings, and work sessions, Abstention and Disqualification, How to get the most out of public meetings, basic meeting procedures, civility in public meetings, parliamentary procedure, chairing meetings. Understanding the type of decision that the commission is being asked to make, whether it be quasi-judicial or legislative, making a decision, legal and factual findings, the record, appeals and judicial review.

1:05 p.m. Adjournment