

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**August 12, 2021**

**Commission Members**

**P John Hess, District I  
P Everardo Chavez, District II  
A Batsulwin Brown, District III  
P Christina Price, District IV  
P Maile Fields, District V**

**Staff Members**

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

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**REGULAR MEETING**

**9:00 a.m. CALL TO ORDER**

Pledge of Allegiance lead by Comm. Price

**9:01 a.m. CITIZEN'S INPUT –**

Randy Pleasure referenced the ordinance passed by BOS regarding geohydro reports, asked if there was a limit on the acreage as the cannabis project next to his residence was between 6-10 acres and asked if they qualified. Mr. Pleasure also asked about the permit process and why permission was given for the use of ground water without knowing what the impact would be. Mr. Pleasure stated that his well had been without water for approximately two years.

Comm. Price gave an introduction to the new Comm. of District V Maile Fields.

Maile Fields gave a brief background on herself. Long term resident of Kelseyville, organic AG farmer pear walnut. Moved to Washington DC for 10 years and recently returned.

**9:05 a.m. Public Hearing to consider MAJOR USE PERMIT (UP 20-13). Owner: Ryan Santiago & Igor Stolper, Applicant: RMI Venture (Jerusalem Grade Farms). Proposed Project: (1) A Type 3 (outdoor) Commercial Cannabis Cultivation license and (1) Type 13 Distributor Transport Only, Self-transport Distribution license consisting of 43,560 square feet of canopy area located within 45,560 square feet of cultivation area. Location: 22644 Jerusalem Grade Road, Middletown, CA; APN: 136-051-04. (Victor Fernandez)**

Victor Fernandez Associate Planner requested a continuance of the item due to the new emergency ordinance 3106 passed by the Board of Supervisors on July 27, 2021 requiring all cannabis projects to have a hydrology report completed.

Comm. Hess asked if the ordinance was retroactive or were they only imposed on new applications, which he stated tied into the citizens input.

Nicole Johnson Deputy County Counsel stated that she would need to check the language to see if it made the ordinance retroactive. Ms. Johnson stated that this was not a ministerial process and that the Commissioners had the authority to ask for this information in order to process the application

Comm. Hess asked that staff include language that spoke of retroactivity.

Victor Hernandez stated that staff would look into it and present findings.

Nicole Johnson asked Comm. Hess for clarification did the comm. mean retroactive for permits issued or applications currently being processed.

Comm. Hess stated on behalf of Mr. Pleasure who spoke during Public Comment retroactivity as it pertained to permits already approved.

Nicole Johnson stated that research would be needed. As permits once issued are a rite that is conferred and changing them retroactively might not be an option.

**Comm. Hess moved to continue item to a date uncertain, Seconded by Comm. Chavez.**

**4 Ayes, 0 Nays – Motion Carried**

**9:11 a.m. Public Hearing to consider MAJOR USE PERMIT (UP20-73). Applicant/Owner: Paul Bernacchio. Proposed Project: Retail Sales of**

**Cannabis within an existing commercial building. Location: 6914 Frontage Road, Lucerne California 95458; APN: 006-411-03. (Michael Taylor)**

Michael Taylor Assistant Planner gave a verbal and visual power point presentation, which reviewed details of the permit request, location and vicinity map, site description, site and floor plan, site photos, project analysis, Recommendations and Conditions of approval.

Comm. Hess requested for staff to go back to a fencing picture during site photos presentation and asked if the fence would be replaced.

Michael Taylor stated that the applicant had a robust plan for security which included fencing replacement.

Paul Bernacchio applicant stated he was available should anyone have questions.

**9:24 a.m. Public Comment –**

Kevin Waycik neighbor stated that there had been a shooting, drugs and crime in the neighborhood previously, so the community came together and created a neighborhood watch, they had now developed a strong community bond. Mr. Waycik stated that the project was not a good location because the community had become more family oriented, spoke on fence facing not being sufficient, spoke on the depreciation of home values should the project be approved and stated that the applicant made no attempt to communicate with members of the community.

Maheia Lani Urquiza Chair of the Lucerne Town Hall Counsel to the BOS stated that lack of transparency from the applicant to the community concerned her, the project does not suit a residential neighborhood, concerns of increased traffic, invited applicant to a Lucerne meeting and asked how the proposed project would impact the community both positively and negatively.

Comm. Hess stated to the public that the proposed project was zoned correctly for commercial use.

Lailani Schwartz neighbor asked about traffic impacts, understands the site is zoned commercial but does not believe the project suits the current neighborhood. Gave a back story on the previous business in the space Driftwood lounge which had been closed for several years. Ms. Schwartz stated that she had witnessed several unsavory businesses that had gone out of business over the years which once closed had a positive impact on the community, the Riveria Hotel and the Driftwood bar included. Ms.

Schwartz stated that she had witnessed a positive shift in the neighborhood as it pertained to housing and that although she had no issues with the project her concern was with the inappropriateness of the proposed location.

Patricia Dunham neighbor requested rezoning of the site from commercial to residential. Had two points of concern one being exemption, what was the applicant being exempt from and two being nuisance. Stated the community did not want or need the project. Spoke about the current commercial business in community, Bud's auto which was a nuisance enough. Spoke on her concern due to the length of the permit if permitted and echoed other neighbors with concerns of the road use.

Theresa Forleigh with the Lake County school office of education neighbor stated that the community was a family oriented neighborhood and believes that the project would change the feel of the community. Recommended a different location also read an email sent by neighbor Debra Jones.

Natasha Sokolaski supports project, spoke on the applicant and them being colleagues, spoke on the county being a catalyst for change in the industry acknowledged community concerns and recommended education for county regarding cannabis.

Erin McCarnick supports project stating that the applicant had a well thought out proposal, correctly zoned and a security plan exceeded the recommended requirements. Ms. McCarnick stated that the City of Clearlake had achieved a decrease in cannabis issues, especially as it related to dispensaries because of the commitment to security and ensuring that the legal cannabis industry is able to survive and have a good reputation.

Damien Ramirez Lake County Grown colleague supports project, spoke on some of the applicants attributes. Stated that the project was well planned, had great security measures, acknowledged concerns of neighbors. Mr. Ramirez spoke on project is zoned correctly and as long as the regulations were followed by the applicant, concerns raised by the community should be avoidable. Mr. Ramirez stated that the project should not be judged by the nuisances created by prior businesses.

Jennifer Smith supports project spoke of prop 64 as it related to safe access to cannabis. Ms. Smith stated that the project was zoned correctly and spoke well of the applicant adding that Mr. Bernacchio was a member of the Lake County Cannabis Alliance.

Ted Dunham neighbor stated that his concern was a lack of communication from the applicant, he can see building structure from his home. Mr.

Dunham stated that the applicant also owns a parcel behind the proposed site which he states has had questionable characters loitering on it. He is also concerned that the project could bring unsavory characters to the neighborhood. Mr. Durham spoke of Buds auto and the owners unfulfilled promises and asked if the applicant did not follow the guidelines who would address the neighbors' concerns.

Carol Bear stated her appreciation for the legalization of cannabis states that the location is residential and was not commercial. Stated her concern for frontage area as being a viable public access area turning to Rosemont

**9:56 a.m. Public Comment Closed**

Michael Taylor stated that the applicants had requested a change in the hours of operation from 10 am to 6pm changed to 9 am to 9 pm.

Comm. Fields referenced the general plan which stated promote the development commercial uses that are compatible with surrounding land uses. How would the applicant propose to address and mitigate the concerns of the neighbors?

Paul Bernacchio stated that it was difficult finding a location in Lake County. The proposed site was the best commercial location for the project as it was zoned commercial for prior use. Stated that if he wanted to reopen a bar, he would only need to secure a liquor license. Addressed comments made by Mr. Waycik stating that he and Mr. Waycik had numerous conversations prior to the hearing. Mr. Bernacchio stated that he would like to be a good member of the community and that although he didn't live in the community he owned a building there and he was invested.

Comm. Hess asked why the change in operational hours.

Paul Bernacchio responded stating that the change was for the convenience of his customers and a reduction of loitering as it could be conceived as a nuisance.

Comm. Price walked through the general operation for the public i.e. customers would visit the site, show an ID to get into the building, purchase their product and leave the site, there was no need for loitering once the transaction was complete and asked the applicant to confirm that for the public.

Paul Bernacchio compared the customer contact of that of a liquor store, the customers are not expected to purchase and use their item in the parking lot. Mr. Bernacchio added that there would be a security guard

stationed in the parking area of the site, customers would then enter a secured locked area and are surveyed from entry to exit of the site.

Comm. Price asked about the access point to the facility and if there was a protected turn to Frontage from highway 20 versus the minimal margin for error turn from Highway 20 to Rosemont. As she was familiar with the area she stated that she would go pass Rosemont to a better access point to Frontage.

Paul Bernacchio responded not that he wasn't aware but Comm. Price suggestion of a better access point is something that he could promote eventually.

Comm. Hess commented that the site was zoned commercial and residential. Stating that if the applicant had decided to open a bar he would be opened already. Comm. Hess stated that although he had not visited the Driftwood bar that he had driven past and vehicle were parked there for hours at a time versus a dispensary where you go in conduct your business and leave. Stating that the auto body shop and the hotel did not have security guards vetting everyone that went onsite. Comm. Hess also referenced the commercial differences between the dispensary and the Driftwood bar i.e. music, loud conversations, cigarette smoke which would not happen with the proposed project. Stated that the commissioners did not have the power to change the zoning status from commercial to residential as that was not the application presented and is in support of the project.

Comm. Chavez stated that the community's safety concerns could be alleviated by the applicants proposed security measures and the project potentially help the community. Comm. Chavez agreed with Comm. Hess regarding the prior business, the Driftwood bar it would be more upsetting to the neighbors with longer hours and loitering and is willing to support the application.

Comm. Hess recommended a review of a study completed by UC Davis of the presence of dispensaries and the reduction of opioid overdoses in a neighborhood.

Comm. Fields thanked applicant stating that it appeared he had done his research, but also stated that she felt that based on feedback from the neighbors that the application was not compatible with the surrounding community and so she would vote against the project.

**Comm. Chavez. Moved to Motion, Seconded by Comm. Hess find the Major Use Permit (UP20-73) applied for by Paul Bernacchio on**

property located at 6914 Frontage Road, Lucerne, California 95458 further described as APN: 006-411-03 is exempt from the California Environmental Quality Act, Categorical Exemption Class 1 §15301 based on the findings set forth in Staff Report dated August 12, 2021 and as amended here today

**3 Ayes, 1 Nays (Comm. Fields) – Motion Carried**

Comm. Chavez Moved to Motion, Seconded by Comm. Hess find that the Major Use Permit (UP20-73) applied for by Paul Bernacchio on property located 6914 Frontage Road, Lucerne, California 95458 further described as APN: 006-411-03 does meet the requirements of Section 51.4 and Article 18 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 August 12, 2021 and as amended today.

**3 Ayes, 1 Nays (Comm. Fields) – 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.*

**10:11 a.m. UNTIMED STAFF UPDATE**

**Office News**

**10:12 a.m. Adjournment**