

**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
March 24, 2022**

Commission Members Present:

**P-John Hess, District I
P-Everardo Chavez, District II
A-Batsulwin Brown, District III
P-Christine Price District IV
P-Maile Field, District V**

Staff Members Present:

**Michael McGinnis, Principal Planner
Nicole Johnson, Deputy County Counsel
Jim Feenan, Office Assistant III
Trish Porter, CDD Technician
Eric Porter, Associate Planner**

9:00 a.m. CALL TO ORDER

9:00 a.m. Pledge of Allegiance - All

**9:01 a.m. Consideration of the adoption of Assembly Bill 361 Findings
Authorizing Teleconference Meetings during a State of Emergency.**

Commission Hess – stated that motion made at the last Planning Commission meeting would still work for him.

Nicole Johnson – stated that the findings that Commission is making in to relations to this particular assembly bill related to an emergency that may exist, the deliberation would be around what steps your Commission would need to take in order to continue business in face of the emergency. If the Commission is making the same findings as before it is difficult to support them the Commission is meeting all together, does not have masking rules, so if you are making findings they need to be supported by the actions also to the actions you are taking going forward in relation to this emergency. So if you are deliberating on what your Commission needs to do in order to continue its business during the emergency the Commission would consider what the emergency consists of, how serious is the emergency right now, what steps you need to take, your findings would relate to that, whether you need to continue with social distancing and whether you need to require masking in meetings, if you find that neither of those two items are necessary going forward, it would difficult to also justify to be able to attend remotely.

Commissioner Hess – restates that the conditions remain the same and he did not see any reason to change anything and he understood County Counsel's point.

Nicole Johnson – stated the steps that were necessary for the Commission to continue with business, the Commission would consider what the emergency is, what is required for safety for your meeting and then adopt findings in relation to that.

On motion by **Commissioner Hess**, and by the vote of the Planning Commission, approval to adoption the Assembly Bill 361 findings authorizing teleconference meetings during State of Emergency. The motion was seconded by **Commissioner Chavez**. The motion carried by the following vote:

The motion carried by the following vote:

4 Ayes 0 Noes – Motion Carried

**9:08 a.m. Approval of Minutes from the January 27, 2022 and February 24, 2022
Planning Commission Hearings.**

On the motion from **Commissioner Hess**, that the Planning Commission approved the minutes from the January 27, 2022 and February 24, 2022 Meeting. Second by **Commissioner Chavez**.

9:09a.m. Citizens Input – No one stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

Any person may speak for three minutes about any subject of concern, provided that it is within the jurisdiction of the Planning Commission, and is not already on today's agenda or scheduled for a future public hearing. Total time allotted for Citizen's Input shall be fifteen minutes. Speakers are requested to complete a simple form (giving name, address and subject) available in the Community Development Department office, prior to 9:00.

Agendas of public meetings and supporting documents are available for public inspection in the Lake County Courthouse, Community Development Department, Third Floor, 255 North Forbes Street, Lakeport, California

Request for Disability-Related Modification or Accommodation: A request for a disability-related modification or accommodation necessary to participate in the Planning Commission meetings should be made in writing to the Planning Commission Assistant at least 48 hours prior to the meeting.

9:10 a.m. Item #1 (Continued from March 10, 2022) (Public Hearing on consideration of Major Use Permit (UP 20-81) and a Mitigated Negative Declaration (IS 20-97). The Applicant: Red Hills, RHRP1/ Crystal Keesey, is proposing Twenty-five (25) A-Type 3 Medium Outdoor Commercial Cannabis Cultivation Licenses consisting of 35 acres of cultivation area and 25 acres of canopy area, and one A-Type 13 'Self Distribution' license. Also proposed are two (2) 120 sq. ft. sheds; one (1) 64 sq. ft. cannabis waste storage and compost area; one (1) 312 sq. ft. portable office building; one (1) 312 sq. ft. portable building for use as an employee break room; three (3) 60,000 gallon water storage tanks; portable restrooms, and a 6' tall security and privacy fence. The proposed project is located at 8210 State Highway 175 (cultivation site); 8300 and 8500 State Highway 175 (clustering sites), Kelseyville, CA; APNs: 009-022-54 (cultivation site); 009-022-55 and 011-056-01 (clustering sites). The project is located at 9850 High Valley Road, Clear Lake Oaks, CA; and further describes as APN: 006-004-19. This hearing was originally scheduled for March 10, 2022, but is being re-noticed due to a correction that is needed in this legal notification.

Eric Porter presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Field – stated that the Ag Commissioner comment about the cannabis production was at least 1,000 feet distance that was requested from any other Ag production, she wanted to know if that was the case.

Eric Porter – stated yes that was the case and there is at least 1,000 feet separation. He wanted to defer to the applicant for any specific questions.

Applicant Crystal Keesey (Chambers) – the project is located in a high vineyard concentration area, in 2020 a setback distance was set by the Board of Supervisors, Commissioner Hayjeck wanted to insure 1,000 feet distance from any existing vineyard was maintained.

9:25 a.m. Open Public Comment

Jennifer Smith (Zoom Room) – stated her voice her support for this project and it was a fantastic project in an agriculture zone with grading that has already been pre-approved, tons of water, mindful of the setbacks from the FPB zones and 1,000 feet from her neighbors. This is the type of project that we want to see, and approved. She hopes the Commission finds its way to approve the project.

Donna MacKowicz (Zoom Room) – asked who holds the state licenses for the Hope property. Is there one company or are there many?

Crystal Keesey (Chambers) – stated there is one existing two acre outdoor permit on another parcel that is on the five acre/parcels of the ranch, and the applicant for this project is just one company, Red Hills, RHRP1 LLC.

Linda (Zoom Room) – Jake read the comment as typed in chat: There is not plenty of water source, the Macintyre ranch abuts this property, the springs are dry and water level is very low, the water that should be coming from Macintyre creek off the property has been abated, the creek is dry. The water table is so low last year that they could not harvest their walnut crops.

Jennette Van – stated she had a thought about the water as well. She was wondering what the County had any drought plans or mitigation. Wanted to know how the drought effects the project.

Eric Porter – stated that the staff is not hydrologist and they did receive a report from the geo hydrologist. The report stated that it will not deplete the aquafer underground water source. He stated the water usage is 84 acre feet, and the projected recharge during a drought year was forecast at 178 acre feet.

Commissioner Field – asked what is the spacing of the plants going to be?

Crystal Keesey (Chambers) - One way the planting would occur as an orchard, another way it would be planted as a field of green. The use has not been determined as of yet. The spacing will be determined based on market sales. She addressed the statement about grave sites that are on the site.

Commissioner Hess – asked about their plans for drought situations.

Crystal Keesey (Chambers) – stated that where the water was coming the 500 gallon storage tank and not from Macintyre Creek.

Commissioner Field – asked about water usage that has been stated. She calculated that the water usage or a 5 X 5 space and 1700 plants would be 3 times the water usage you stated.

Crystal Keesey (Chambers) – stated that water usage is different for each month of the year.

Commissioner Field – stated she is concerned about the number of employees and with the housing issue in this county, asked where they will they live.

Crystal Keesey (Chambers) – explained the time period of harvesting and when there would be full time employees and part time employees. Harvest will begin the 3rd week of October and goes to the end of November. There would only be 45 employees for the four weeks of harvesting.

Commissioner Chavez – wanted to know how many vineyard acres were cleared for this project.

Crystal Keesey (Chambers) – she stated that 35 to 50 acres of the original vineyard footprint were cleared.

Commissioner Chavez – asked if they switched from planting a vineyard to cannabis.

Crystal Keesey (Chambers) – stated the vineyard project is active and ongoing. The cannabis project is just one section of the project that is in progress.

Commissioner Field – stated she would like the Commission to consider our right to farm ordinance allows us in the county to clear areas for vineyards but not for cannabis.

Commissioner Hess – stated this has to do with highest use invest use of property and decisions seem to be made now that tilled stored cannabis rather than wine grapes for example.

Linda (Zoom Room) – Jake read the comment as typed in chat: she stated the field that is to be fed by the Macintyre Creek has harvested only twelve bales of hay. She says the report does not address this. The springs have been due to the fact the water table being so low. How many grapes are being pulled and replaced with cannabis? She stated that the fence is going to run along Highway 175 which faces the ranch house.

Donna Mackiewicz (Zoom Room) – she commented that the date of the current field study dated 2018. She asks if she is a qualified biologist and has there been any recent studies conducted. Has the project been updated with all their studies?

Crystal Keesey (Chambers) – stated she is a qualified botanist. She stated they followed the setback guidelines from water resources imposed by the County and the State of California. She address the water hole in the center of the project. 25 acres of grapes are being removed. There is 100 feet of vegetation which oak trees and manzanita that are 40 feet tall that completes a full visual break.

Commissioner Field – asked how far the project will be from Highway 175.

Crystal Keesey (Chambers) – state is will be well over 150 feet. This project is in response to the community, she felt they have listen and they have learned.

9:53 a.m. Closed Public Comment

Commissioner Chavez – stated that his concerns about the transportation issues were addressed.

Commissioner Field – stated that the conditions of approval need to be reviewed by one of the members of the public and states here concerns were addressed.

Commissioner Hess – says all his questions have been answered.

Mitigated Negative Declaration:

On the motion from **Commissioner Hess**, that the Planning Commission find that the **Initial Study (IS 20-97)** applied for by **RHRP1 LLC** on property located at **8210, 8300, 8500 State Highway 175, Kelseyville**, and further described as **APNs: 009-022-54, 009-022-55 and 011-056-01** 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 **March 24, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-81):

On the motion from **Commissioner Hess**, that the Planning Commission find that the **Use Permit (UP 20-81)** applied for by **RHRP1 LLC** on property located at **8210, 8300, 8500 State Highway 175, Kelseyville**, and further described as **APNs: 009-022-54, 009-022-55 and 011-056-01** 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 **March 24, 2022**. Seconded by **Commissioner Field**. The motion was carried by the following vote:

4 Ayes 0 Noes – 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.

9:56 a.m. Item #2 Public Hearing on Consideration of a Design Review (DR 21-01). The Applicant, Nikki Island, is proposing, a Small Resort, containing nine overnight lodging units; conversion of the existing dwelling to a social gathering room, lobby, kitchen and dining room; outdoor kitchen; in-ground pool and hot tub; site improvements including removal of 1,100+ sq. ft. of asphalt and the western driveway leading to Highway 20; landscaping, parking and interior access aisles and pedestrian pathways. The project location is 5835 and 5825 Highway 2, Lucerne, CA and further described as APN's 034-421-20 and 034-421-21.

Eric Porter – stated that the legal notice had incorrect legal verbiage stated it was a categorical exemption and did not mention that an initial study was needed, therefore it does not have proper legal notice and therefore the planner is requesting a continuance for April 14, 2022.

Commissioner Hess – asked if the applicant was present at the meeting.

Commission Price – thanked the applicant for being present and apologized for the error on the notice.

Nicole Johnson – stated that the Commission can hear the presentation but not take action today and she suggests there be no deliberation.

Eric Porter - presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Nicole Johnson – stated that the Commission will need to wait for full participation from the public in order to deliberate and make a decision.

Commissioner Hess – feels that the matter should be continued

On Motion by **Commissioner Chavez** that matter be continued to **April 14, 2022**. Second by **Commissioner Field**.

4 Ayes 0 Noes – Motion Carried

10:21 a.m. Break

10:24 a.m. Item # 3. Public Hearing on Consideration of Major Use Permit (UP 20-11) and a Mitigated Negative Declaration (IS 20-11). The Applicant, Peter Simon / Pasta Farms is proposing: (11) A-Type 3 Licenses for outdoor cultivation, (4) would convert to greenhouse, A-Type 3B Licenses over a four year time frame in four stages. Project stages are as follows:

Stage I – year 2022 – 479,160 sq. ft. of outdoor canopy; 715,000 sq. ft. of outdoor cultivation, plus 47,201 sq. ft. of nursery / drying building for a total of 762,201 sq. ft. of outdoor cultivation area.

Stage II – year 2023 - conversion of Area 9 from outdoor to greenhouse (eliminates 65,000 sq. ft. of outdoor cultivation area; adds 26,901 sq. ft. of mixed light cultivation area). 697,201 sq. ft. of total outdoor cultivation area 26,901 sq. ft. of total mixed light cultivation area.

Stage III – year 2024. Conversion of Area 8 from outdoor cultivation to mixed light (greenhouse) cultivation. 632,201 sq. ft. of total outdoor cultivation area 53,802 sq. ft. of total mixed light cultivation area

Stage IV – year 2025. Conversion of Areas 6 and 7 from outdoor cultivation to mixed light (greenhouse) cultivation. 502,201 sq. ft. of total outdoor cultivation area 107,604 sq. ft. of total mixed light (greenhouse) cultivation area.

The project is located at 10750, 11000, and 10417 Seigler Springs North Rd. and 10833 Diener Dr., Kelseyville CA., and further described as APNs 115-004-01, 115-004-05, 115-004-07 (well site) and 115-004-08.

Eric Porter - presented the information via Power Point which included the scope, site description, project analysis and recommendations.

10:29 a.m. Open Public Comment

Sheila Henry (Chambers) – stated she is allergic to marijuana. She has incurred \$66,000 in medical bills, but does have medical insurance, but still has put out \$7,253.00 of her own money. Her job is in jeopardy from missing too much work. She has polyps' in her nose. Commented on 90 decibels of sound from the tractor and how it affected her livestock when the decibels hit 100. She lists the times when the noise begins. She presented a map of the property.

Lynne Wiley (Chambers) – stated she is thrilled about more money coming to the county and not opposed having agricultural at the location. She said that they are willing to address her problems. She is concerned about the number of employees that create vehicle traffic and dust that occurs. She states the speed limit on Steeler Spring Road is 55 MPH. She is concerned about the pot holes in the road. She is concerned about the water usage. She would like to have plans for drought years.

Commissioner Hess – asked about the amount of cars that are present during the day.

Lyn Wiley (Chambers) – stated that the employees have been warned about their speed and if they are caught speeding they will be fired.

Peter Simon (Chambers) – representing the applicant – wanted to apologize about the way the employees have been driving on the road. He communicated with Ms. Henry regarding her issues. He addressed the water issue and the well tests. He discussed the issue regarding the trees.

Commissioner Field – stated she has great sympathy for Ms. Henry. Asked if they could alter the time that work ends each day.

Peter Simon (Chambers) – stated that he is trying to adjust the start and end time.

Commissioner Field – stated as a farmer that they can perform. She asked if the water consumption will be reduced if they are using green houses.

Peter Simon (Chambers) – stated that he still well below the amount of water.

Commissioner Hess – asked why the green houses are being built in phases.

Peter Simon (Chambers) – stated that the phases are spread apart due to economic issues.

Commissioner Hess – asked why you are transiting to green houses at all.

Peter Simon (Chambers) – he stated they wanted to diversify the economy.

Commissioner Chavez – asked if there was a property acquired to use the well.

Peter Simon (Chambers) – stated that there was a question as to water usage and ownership. He felt that they were able to use the well from the beginning. He stated they are on very good terms with the owner. They purchased the land in order to build some housing and acquire some of the wells. He stated that Ms. Wiley's 600 foot well was on the opposite side of the property.

Commissioner Chavez – asked how far the well is from the property.

Peter Simon (Chambers) – stated that it was across the street.

Commissioner Chavez – asked how they were going to transport the water.

Peter Simon (Chambers) – He stated that they have tapped into the well line that runs under the street. He stated that they had a significant irrigation system in place for the vineyard.

Donna Mackiewicz (Zoom Room) – noted that the biological report for done in 2019, and she wanted the Commission to consider all the changes that have occurred to the county since 2019. She wanted to know who is handling the cannabis state license for the project. She commented that three minutes was not enough time to for Ms. Henry to voice her opinion.

Shane Williams (Chambers) – he wanted to address the road issue. He states they would grade the road and a week later it would be messed up again. People drive on the wrong side of the road to avoid all the potholes. He thinks it would be a good idea to surface the road.

Commissioner Field – asked if this was a county road.

Shane Williams (Chambers) – he stated it was a county road. He says they are water the road and it is creating mud.

Commissioner Price – discussed the speed limit. She suggested some type of signage stating to slow down.

Commissioner Hess – stated that the pot holes are a public works issue and the Planning Commission cannot address them.

Commissioner Field – read an “E” comment into the record from Pamela Kicenski.

Sheila Henry (Chambers) – stated her well is 100 feet from their property. She stated that the area is 100 feet from her horses. She talked about the noise decibel and stated there are machines that can purchased to be monitored sound decibels. She states she has recordings from sitting in her living room of the backup noise from the work being performed. She stated that the properties will continue to grow. She stated she feels very insecure.

Peter Simon (Chambers) – stated they are not affiliated with any other farms. He stated that they have purchased the O’Gorman property for building of housing. He stated that Ms. Henry property is at the very northwest of the property. He stated that will do their very best to mitigate and minimize the impact on Ms. Henry and all the neighbors.

Commissioner Hess – asked what is the strategy on where to build a greenhouse as oppose to or continue to cultivate, in other words, those areas that are closest to the Henry home is there a reason you would not build greenhouses there rather than somewhere else on your property.

Peter Simon (Chambers) – stated there is a slope to the property, and the property narrows as you get to that area, setbacks are dramatically limiting what they can do in that area. The area where we want to place the greenhouses have the required setbacks.

Jennifer Smith (Zoom Room) – stated that is a land use issue. She states she is very sensitive to and appreciate the neighbor’s comments. She stated that this project in accordance with the county ordinance. The applicant has shown and done their due diligence tried to follow all the rules and is trying to work with the neighborhood.

Sheila Henry (Chambers) – showed a map with the boundary lines.

11:03 a.m. Closed Public Comment

Commissioner Field – Stated that Land Use Planning is difficult.

Mitigated Negative Declaration (IS 20-11):

On the motion from **Commissioner Field**, that the Planning Commission find that the **Initial Study (IS 20-11)** applied for by Pasta Farms on property located at **10750, 11000 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville**, and further described as APNs: **115-004-01, 05, 07 and 08** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings as stated in the staff report dated **March 24, 2022**. Seconded by **Commissioner Hess**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 20-11):

On the motion from **Commissioner Field**, that the Planning Commission find that the **Use Permit (UP 20-11)** applied for by Pasta Farms on property located at **10750, 11000 and 10417 Seigler Springs North Road and 10833 Diener Drive, Kelseyville**, and further described as APNs: **115-004-01, 05, 07 and 08** be granted subject to the conditions and with the findings listed in the staff report dated **March 24, 2022**. Seconded by **Commissioner Hess**. The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

11:13 a.m. (Item #4) Public Hearing to consider Major Use Permit (UP22-02) and a Mitigated Negative Declaration (IS 22-02). The Applicant: Wais Amin/ Green Bear Cali Farms is proposing sixteen (16) additional greenhouses totaling 2,304 sq. ft. and one A-Type 13 Self Distribution License to allow legal transportation of cannabis to and from the site. The project is located at 4680 Clark Drive, Kelseyville, CA and further described as APN 008-042-04.

Eric Porter - presented the information via Power Point which included the scope, site description, project analysis and recommendations.

11:19 a.m. Open Public Comment

Trey Sherrel (Chambers) – explained why they have come back for an additional permit. He stated that they needed to add isles down each greenhouse to satisfy the ADA rules. He explained the issues that can occur during the growing of cannabis.

Commissioner Field - stated that there was a public comment from October 28, 2021 meeting. She read the comment from Dr. Maes from that meeting. She stated that there is a possible conflict of interest, she owns property 1200 feet from the applicant. Counsel has advised her that the conflict sections states that the distance of 500 feet is stated in the code. She also stated the 1,000 foot section of the code. She stated the property is outside the 1,000 feet as stated and will not impact her ability to make an impartial decision. She stated she can smell the odors from the cannabis on the property. She also mentioned the lights that can be seen from Clark Drive. She stated it is ½ mile from densely populated Kelseyville and stinks up the town.

Eric Porter – state that the greenhouses are supposed to have black light screening and the light should not be visible from outside the greenhouses.

Wais Amin (Chambers) – he stated as far as the smell goes, there is a carbon filtration system. He stated that if there is anything he can do to get rid of the smell, he will do that. He stated that he has not heard any complaint from his neighbors, he talks to them every day. He discussed the dust issue on the road, he stated he put gravel on the road in 2020. He is willing to address the light issue.

Commission Field – discussed the possibility of illegal grows in the area.

Wais Amin (Chambers) – stated that there was an illegal drug bust not too far from his proper that week.

Commissioner Field – stated she has concerns regarding this project and felt this was a bad area to grow cannabis.

Trey Sherrel (Chambers) – addressed the wind direction saying the winds are from west to east in the area. He stated if there is a problem they would like to address it. The applicant will share his contact information.

Commissioner Field – she stated that the wind comes from the northwest and hits the mountain and comes back and at night it reverses. The first thing in the morning you smell the cannabis. Stated that she thinks they can remedy the situation.

Commissioner Price – addressed the conflict of interest with Commission Field.

Nicole Johnson – stated since Commission Field felt she was outside the 1,000 foot distance she felt she could make an impartial decision.

Initial Study Addendum (IS 18-43):

On the motion from **Commissioner Chavez**, that the Planning Commission find that that the addendum to the **Initial Study IS 18-43** applied for by **Green Bear Cali LLC** on a property located at **4680 Clark Drive, Kelseyville**, further described as **APN: 008-042-04** will not have a significant effect on the environment, and impacts resulting from this project can be mitigated with specific mitigation measures being added as conditions of approval, and with the findings listed in the staff report dated **March 24, 2022**. Seconded by **Commissioner Hess**. The motion was carried by the following vote:

3 Ayes 1 Noes (Commissioner Field) – Motion Carried

Use Permit (UP 22-02):

On the motion from **Commissioner Chavez**, that the **Use Permit (UP 22-02)** applied for by **Green Bear Cali LLC** on a property located at **4680 Clark Drive, Kelseyville**, further described as **APN: 008-042-04** does meet the requirements of Sections 5, 51.4 and 60 of the Lake County Zoning Ordinance and the Modification be granted subject to the conditions and with the findings listed in the staff report dated **March 24, 2022**. Seconded by **Commissioner Hess**. The motion was carried by the following vote:

3 Ayes 1 Noes (Commissioner Field) – 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's decision, 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.*

UNTIMED STAFF UPDATE

A. Office News – None

Adjournment at 11:29 a.m.

Respectfully Submitted

Christina Price, Chair

Lake County Planning Commission

By:_____

James (Jim) Feenan,

Planning Commission Assistant