



LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING

MINUTES

MAY 26, 2022

Commission Members Present:

A - 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:

Mary Darby, CDD Director
Nicole Johnson, Deputy County Counsel
Eric Porter – Assistant Planner
Jim Feenan, Office Assistant III
Andrew Amelung, Cannabis Manager

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

9:00 a.m. Pledge of Allegiance – All

9:00 a.m. Consideration of the adoption of Assembly Bill 361 Findings Authorizing Teleconference Meetings during a State of Emergency.

On the motion from **Commissioner Chavez**, that the Planning Commission continue Teleconference Meetings during the State of Emergency. Second by **Commissioner Field**.

The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

9:01 a.m. - Approval of Minutes from the May 12, 2022 Planning Commission Hearing.

On the motion from **Commissioner Field** that the Planning Commission continues approval of minutes to the June 23, 2022 Planning Commission Hearing. Second by **Commissioner Chavez**.

The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

9:03 a.m. - Citizens Input

Joan Moss – she questioned whether wine and vineyards are considered agriculture. She stated she disagreed with this statement, she further stated wine produces alcohol which is not a food.

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.

No other individuals stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

9:05 a.m. Item #1 – Public Hearing on Consideration of Major Use Permit Extension (UPX 22 90-1), for a Billboard originally approved through MAJOR USE PERMIT (UP 93-31), and consider Categorical Exemption (CE 22-28), per CEQA* section 15301. The applicant, Trudy LaMonica (LaMonica Signs), is proposing a five year extension for an existing billboard. The project is evaluated for being in accordance with Lake County General Plan, the Lakeport Area Plan, and the Lake County Zoning Ordinance Article 45, Part 45.22, Signs and Billboards; Article 20, C3 Service Commercial Zone; Article 60, Expiration, Revocation, or Modification of Permits and Reapplication, Part 60.1(b) and (c); 51.4, Major Use Permits – Required Findings for Approval. The project is located at 2595 S. Main Street, Lakeport, CA; and further described as APN: 005-053-20.

Jim Feenan – Legal notice has been determined on this matter.

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

9:09 a.m. Open Public Comment

No one stepped forward or raised their hand in the Zoom Room. Public input is closed.

9:10 a.m. Closed Public Comment

Commissioner Field – stated that billboards are an obsolete way of advertising and she does not feel that it adds to the ascetic appeal of the county at all, but since this billboard is an industrial part of the county, and stated that when billboards are not allowed the public has a way do get around that issue by parking trucks that have big ugly signs on them. She stated she is ready to make a motion.

Categorical Exemption:

On the motion from **Commissioner Field**, that the Planning Commission find that the **Use Permit Extension, UPX 22-01** applied by **LaMonica Signs** on property located at **2595 S. Main Street, Lakeport, further described as APN: 005-053-20** is exempt from CEQA because it falls within Categorical Exemption Class 1 (file no. CE 22-28), based on the findings set forth in the Staff Report dated **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

Use Permit Extension:

On the motion from **Commissioner Field**, that the Planning Commission find that the **Use Permit Extension, UPX 22-01** applied by **LaMonica Signs** on property located at **2595 S. Main Street, Lakeport, further described as APN: 005-053-20** does meet the requirements of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Categorical Exemption, CE 22-28 which was adopted for this project and the Use Permit Extension, file number UPX 21-02, be granted and shall extend

this use for a period of five years subject to the conditions and with the findings listed in the Staff Report dated **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 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

9:16 a.m. Item #2 –Public Hearing on Consideration of Major Use Permit UP 22-09 and that a determination has been made that this project required a Mitigated Negative Declaration to consider the adoption of an Initial Study IS 22-11. The applicant, NEW CINGULAR WIRELESS PCS, DBA AT&T MOBILITY – to consider to allow a 150' tall lattice cell tower and support equipment within a 40' x 45' enclosed lease area. The proposed project is located at 16200 E. Highway 20, Clearlake Oaks, CA; APN: 010-020-29, and further described as APN: 010-020-29.

Jim Feenan – Legal notice has been determined on this matter.

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

Commissioner Field – She asked about the concerns from Caltrans, she asked if the site was accessed via Almond Way. She wanted to know if this was addressed. She said there were some right of way and easement issues. She stated that it takes some time for the projects to get done that some of the material is dated.

Eric Porter – stated yes that was the access point. He stated they would be addressed and they would have to make improvements in order to make it CalFire compliant. He was not aware of any outstanding issues.

Commissioner Chavez – noted that the Commission received a letter from Pasty Thorburn in opposition to the tower. Asked if there has been any communication with Ms. Thorburn. He asked if she was present.

Eric Porter – stated he just received that letter this week, and with everything going on, he had not had time to respond to Ms. Thorburn.

9:27 a.m. Open Public Comment

Donna Moskowitz – she asked about the lighting and if it would be in the way of migrating birds, and asked if they monitor the amount of birds that are killed. She wanted to know if the County accepts the 600 acre parcel, would there be 300 acres of wilderness, and is this fitting with a wilderness park.

Carl Jones – thanked the staff and Community Development Department. He explained why the previous project did not go forward. He stated Donna Davis from AT&T will speak following his comments with regards of First Net. He discussed the board band agreement that was in place from First Net. He stressed how urgent this project is needed to be completed for the county. He addressed the ascetics regarding the location. He stated a non-reflective tower was chosen due to the fact it matches the current P G & E site. He addressed that a monopine tower would not be attractive at this site since it would be the only tree and would stick out like a sore thumb in the skyline. He urged the Commission to approve the tower due to safety concerns.

Donna Davis – stated these type of projects were wanted after the 911 Commission was formed and this is where First Net was formed. She stated there is really need for first responders to help them with disasters. She stated the key driver is public safety.

9:36 a.m. Closed Public Comment

Commissioner Chavez – he stated he supports this project and feels it is important to have infrastructure, especially in a rural county and communication is key to first responders.

Commissioner Field – she stated she was really torn by Ms. Thorburn's concerns due to the fact the towers are pretty hideous, and she has seen the fake trees and they do look like fake trees. She reviewed the photographs and feels that there are so many towers in that location already and the public safety concerns are greater than what is being looked at astatically.

Mitigated Negative Declaration:

On the motion from **Commissioner Chavez**, that the Planning Commission find that the **Initial Study (IS 22-11)** applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **16200 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 010-020-29** 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 26, 2022**. Seconded by **Commissioner Field**. The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 22-09):

On the motion from **Commissioner Chavez**, that the Planning Commission find that the **Use Permit (UP 22-09)** applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **16200 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 010-020-29** 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 26, 2022**. Seconded by **Commissioner Field**. The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

Wireless Communication Facility Approval:

On the motion from **Commissioner Chavez**, that the Planning Commission find that the wireless communication facility applied for by **New Cingular Wireless PCS, dba AT&T Mobility** on property located at **16200 E. Highway 20, Clearlake Oaks, CA 95423**, and further described as **APN: 010-020-29** does meet the requirements of Section 71.13 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Wireless Communication Facility be granted subject to the conditions and with the findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Field**. The motion was carried by the following vote:

3 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.*

9:40 a.m. Item #3 - Public Hearing on Consideration of Major Use Permit (UP 22-13) and to consider Categorical Exemption (CE 22-22), per CEQA section 15303(c). The applicant, RIPE CHOICE FARM (MARK & TAMMY LIPPS) is proposing convert a portion of his 5+ acre lot to accommodate special events. The property contains a 116 year-old farmhouse, and a 100 year old barn that has been recently remodeled. The buildings are not on a historic registry. The application material submitted states that there will be between 1 and 2 events per month for up to 8 months per year; that the site can accommodate up to 75 cars and the events could have up to 100 people attending. The application states that there may be amplified music inside the barn for some events, and that the farmhouse, which contains a commercial kitchen, can supply food for the events (cater the events). The project is evaluated for being in accordance with Lake County General Plan, the Lakeport Area Plan, and the Lake County Zoning Ordinance Article 5, Agriculture Zoning District; Article 51.4, Major Use Permits – Required Findings for Approval, Article 41, Performance Standards, Lighting, and Article 46, Parking. The project is located at 2550 Soda Bay Road, Lakeport, CA; and further described as APN: 008-010-46.

Jim Feenan – Legal notice has been determined on this matter.

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

Nicole Johnson – wanted to correct the Planner’s statement at the beginning of the presentation to state that there should be 1 to 2 events per month up to 8 months per year and the conditions of approval do state that up to 18 events per year with no month limit, these are two different limits and if the Commission wishes to amend the conditions of approval they can do so.

Commissioner Field and Nicole Johnson - discussed the event limits.

9:58 a.m. Open Public Comment

Chambers

Mark Lipps – thanked staff for their support. Organic farm approximately 6 acres. 2 acres of vineyards. One and half acres are sold to organic wineries. Another half-acre are turned over to soup and nuts. There are 115 fruit trees, 5 walnut trees, row crops and three hydroponic gardens. He discussed how the hydroponic gardens are set up. He discussed the venue and its set up.

Mark Lipps and Eric Porter and the Commission – discussed the hydroponic gardens and if they are part of the permit.

April Liferman – stated that the applicant has a very energetic approach to his projects. She would hope he can bring his experience to help educate the people of Lake County. She stated the County should be proud of what we can offer in the terms of educating the Ag community. She stated that the applicant volunteers so much of his time that he is really a gem to the community.

Mimi Whittaker – she stated she does receive a newsletter that the applicant sends out every month. She feels that he has made an effort to mitigate the issues that were brought up by his neighbor. She hopes the Commission approves his permits.

Rebecca Harper – stated that it is the Farm Bureau’s goal on this matter choice to encourage the Ag activities that occur at Ripe Choice Farms while also protecting the routine uninterrupted productive use of surrounding agricultural properties. She would like the permit to be as specific as possible, not only to protect surrounding farms but protect Ripe Choice Farms. The time limits should be discussed as well as the size of the events and the limits.

Robert Gayaldo – discussed the history of another issue that occurred 15 years ago. He discussed his location to the applicant and issues he incurred during his farming. He

explained how he sprayed and how the wind machines were used. He feels that communication is the problem with this project.

Beth Obrella – stated her support for the project. She explained the event that she was involved in. She discussed the parking issue. She feels that the applicant and his wife have given so much to the County. She would really like the permit approved.

Dan Darvision – discussed the event that occurred and the applicant came over personally and apologized. He feels they should be welcomed to the community. He urges leniency and wishes them good luck.

Alicia Russell – she wanted to state that they did try to make the permit proper by coming in to Community Development and getting a permit. She stated they are good neighbors and they offer something very special.

Christian Clark – stated they have working with the applicant for the past 18 months on creating and maintain an environment that promotes Agtourism for Lake County as well as farm to fork availability of high quality, organic produce. He does help them to maintain the property. He has been hired as the parking attendant since the previous event occurred.

Pam Harkerster – stated that she feels that the applicant is an economic driver for Lake County.

Mark Burch – stated he did welcome the applicants to the county. He discussed the event that occur in 2020 and the previous permit that was issued. He discussed the complaints he filed with Code Enforcement. He discussed the exchange during the event with parties that were present at the event. He wrote a letter to the Community Development Director. He informed them on November 9th that they do not have a permit. He discussed the RV's and the generators they are running. He says they have not followed the by-laws. He asked for a postponement to have further discussion regarding this permit. He asked the Commission to do their work.

Laura McAndrews Sammel – stated that Ripe Choice is one of the members of the chamber of commerce. She stated that they do support the application with perimeters. She stated if we postpone the decision they applicant will lose a large amount of income.

Anita Sandrovosy – stated she was here today to support the applicant. She discussed the help that the applicant gave her family during her planning of her wedding. She feels that the people of Ripe Choice are good people.

Toni Skulley –She echoes what has been said about the applicant. She feels that this has been an example of a failure to communicate. She hopes there will be a decision soon and bring the neighbors together.

Zoom Room

Monica Rosenthal –stated that she sat on the Farm Bureau for five years. She supports the applicants and welcome to the area. She also states she supports the Farm Bureau for what they done for agriculture in the County. She stated this is not a popularity contest. She stated this is a land use decision. She stated the permit goes with property not the person.

Bobby Dutcher – stated he never heard the applicant make any derogatory remarks regarding the neighbors. He feels that there should be constraints on the project.

Jennifer Smith – stated that the Ag revenue is decreasing in Lake County and it is Lake County's goal to be noticed as an Ag leader. She feels that there can be a middle ground in this project. She hopes the Commission approves this project.

10:52 a.m. Closed Public Comment

Director Darby – stated the calls were over the weekend and they have no staff on weekends to respond to the complaints. When the letter was received they did send out Code Enforcement and in the meantime she was informed the applicant had applied for the permit.

Commission Field - she stated in full disclosure that she owed property within 1500 feet and feels there is no conflict of interest. She asked about the Health Department issues and if they were resolved. She asked about the organic farming details. She asked about pear trees. She asked if David Wise was managing the fruit tree orchards.

Eric Porter – clarified a statement that was made about the terms used as winery and should be stated that it has a vineyard on the location.

Mark Lipps - stated the vineyard is certified organic are by one of the companies. The whole farm has been certified by Janis from the Ag inspectors' office and all the records have been checked. He stated everything is organic. He stated the orchards are mainly apples, a few pear, and plum and persimmon trees. He stated that David Wise is not managing the tree orchards. Discussion between Commissioner Field and Mr. Lipps regarding fruit crops.

Commissioner Field – Discussion occurred regarding conditions of approval. Some items discussed were sound decibels and generator use. RV hookups and limits were discussed. Condition D8 was added and altered. Director Darby generators can only be used by in case of emergencies.

Nicole Johnson – stated there is an area where language regarding generators could be borrowed. She cited the language for generator use.

Mark Burch – noted that all complaints were recorded on record and has a printout showing they were submitted.

Director Darby – stated that all complaints since she has been with Community Development have been handled by her.

11:06 a.m. Re-opened Public Comment

Robert Gayaldo – asked if there could be clarification between and how many large events versus small events. Discussion regarding conditions of approval regarding event size. He stated he really wants to come to agreement on event size to avoid an appeal being filed on this project.

Rebecca Harper – she echoed Mr. Gayaldo's comments and does not want to regulate the small events. She stated she would like to see a clause added to distinguish two type of events and this would be applicable to the larger events.

Niccole Johnson – stated the Commission has the authority to apply conditions. It is the Commission's job to evaluate the evidence before them to make mandatory findings for the approval of a permit. If there is a change necessary in order to meet or make the findings than you can make the change.

Commissioner Field – suggested that they reach a compromise. Discussion occurred regarding size of different events and notification to Community Development of size of each event. Discussion regarding allowing up to 14 events with a cap of 100 people.

Commissioner Price – disagreed with the cap due to the fact the land belongs to the applicant.

Commissioner Chavez – asked applicant to define large event. In the 8 month span would he be having more large or small scale events?

Mark Lipps – Discussion occurred regarding different type of events that have occurred in the past. Does not like to have events over 100 people.

Director Darby – shared some examples of conditions of approvals that have been used on other projects.

Commissioner Chavez – clarified some items regarding Conditions #A1 and #A2.

Robert Gayaldo – wanted to have perimeters. The verbiage of events were discussed.

Monica Rosenthal (Zoom Room) – would like staff to look Zoning Code regarding this project.

Nicole Johnson – stated that there is a definition for special events in the Zoning Ordinance. Discussion occurred regarding the definition in the section of the Zoning Ordinances.

11:27 a.m. Public Comment Closed

Discussion occurred that there will be a 325 feet notification for the project. Eric Porter suggested 750 feet notification. The boundary notification was changed to 750 feet.

Categorical Exemption:

On the motion from **Commissioner Field**, find that the **Categorical Exemption (CE 22-22)** applied for by **Mark and Tammy Lipps** on property located at **2550 Soda Bay Road, Lakeport**, and further described as **APN: 008-010-46** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings here listed in the staff report dated **May 26, 2022 and as amended here today**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 22-13)

On the motion from **Commissioner Field**, find that the **Major Use Permit (UP 22-13)** applied for by **Mark and Tammy Lipps** on property located at **2550 Soda Bay Road, Lakeport**, and further described as **APN: 008-010-46** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted as amended here today subject to the conditions and findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 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'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 Planning Commission's final determination.*

Break 11:31 a.m. – 11:49 a.m.

11:49 a.m. Item #4 - Public Hearing on Consideration of Major Use Permit UP 19-19 and adoption of an Initial Study (IS 20-15) to satisfy the California Environmental Quality Act (CEQA) requirements related to potential environmental impacts The applicant, MOMBACHO MOUNTAIN ORGANICS, LLC (DAN WESTPHAL & KATHY MCGUIRE) to allow a major use permit for One (1) A-Type 3: “Outdoor” license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 “Distributor Transport Only, Self-Transport Distribution” license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 9205 Mombacho Road, Kelseyville, CA and 9261 Wildcat Road, Kelseyville, CA; further described as Assessor Parcel Numbers: 011-044-17 and 011-044-18.

Jim Feenan – Legal notice has been determined on this matter.

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

11:56 a.m. Open Public Comment

Chambers

Joan Moss – stated she is objecting to the project due to the hydrology report and water condition report. Discussed the item that was given to the Commission for review. Called the Department of Environment Health, than called the Department of Water Resources. Handed Commission copies of the well report. Stated issues regarding well depth and location. Her main concern is water and the discrepancies regarding the hydrogeologist report. She is asking the project be denied until the discrepancies can be answered at the state or local level. She read a statement from Drew Davis. Handed email to Commission that was placed into the record.

Kathleen McGuire – she loves to swim in the lake. Graduated from Lower Lake High School. Wants to develop the property. Wants to help her sons grow the property. Wants to do everything properly. She stated there is over 20,000 gallons of water on the property. She discussed the wells located on the property.

Trey Sherill – wanted to know if he could review the documents that was handed in by Ms. Moss. He referred to one of the attachments to the staff report. He addressed the well discrepancies. Discussion occurred regarding the well test that was completed.

Kristen Callahan – stated she has helped the family with some of their compliance. She stated they have done everything to be in compliance and to do everything the State and County requires them to do. She feels the cannabis community is much more aware of water usage. She discussed different ways of water usage. She stated there are standards that cannabis growers have to meet in order to be in compliance. She stated they are a wonderful farm and they do wonderful things for the community and have been in the county for a long time.

Jason Snares – stated that he been dealing with cannabis on the black market. He stated this is a good farm and hopes the Commission grants the farm their permit.

Erin Mccarrick – stated she is on the Planning Commission for City of Clearlake. She has worked with the applicant regarding cannabis. She trusts the applicant and has worked with them. She has joined in with other applicants to do well monitoring. There is a process in place where water tracking is occurring. She stated the cannabis market has brought into light the usage of water on farms. She voiced her support for this project.

Kirk Westphal – discussed the process he has gone thru do have this farm develop and thrive. It is his passion to have this farm up and running. Asked the Commission to grant the use permit.

Dan Westphal – stated that this whole project has been a bumpy road and maze. He stated it has been a long road. He wants to move back to Lake County and wants to be a farmer and support his family.

Trey Sherill – stated he has reviewed the well report. He pointed some items out regarding the report.

Commissioner Field – asked what the elevation of the property.

Trey Sherill – stated that 2500 feet above sea level. The well is 2400 feet above sea level.

12:28 p.m. Closed Public Comment

Commissioner Chavez – asked for clarification of address regarding for the well.

Commissioner Field – discussion regarding well ownership and depth.

Nicole Johnson – stated the Commission has three options before them.

The Commission and Mr. Sherill discussed issues regarding the well, tree removal and possible continuance. The Commission asked tree removal language be added to the Conditions of Approval.

Commissioner Chavez – stated that the application was given early activation. He wanted to know if the applicant has had any changes with their wells in the past two years.

Joan Moss – stated her well has not changed in the past two years. She stated everything has done to be official.

Commissioner Price – asked Ms. Moss what year was her house built.

Joan Moss –stated she could not remember.

Kathleen McGuire – stated she has never had a problem with the well.

Mitigated Negative Declaration:

On the motion from **Commissioner Chavez**, that the Planning Commission find that the **Mitigated Negative Declaration (IS 19-34)** prepared for **Mombacho Mountain Organics, LLC** for the property located at **9205 Mombacho Road and 9261 Wildcat Road, Kelseyville**, further described as **APNs: 011-044-17 and 011-044-18** will not have a significant effect on the environment and therefore a determination of a Mitigated Negative Declaration with the accompanying **Mitigation Monitoring and Reporting Program (MMRP)** shall be approved with the findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Field**.

The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 19-19):

On the motion from **Commissioner Chavez** that the Planning Commission find that **Major Use Permit (UP 19-19)** applied for by **Mombacho Mountain Organics, LLC** for the property located at **9205 Mombacho Road and 9261 Wildcat Road, Kelseyville**, further described as **APNs: 011-044-17 and 011-044-18** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [i, ii(g), I (ii)] of the Lake County Zoning Ordinance with the

amended site plan and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **May 26, 2022** and as amended here today. Seconded by **Commissioner Field**.

The motion was carried by the following vote:

3 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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

12:41 p.m. Item #5 - Public Hearing on Consideration of General Plan of Conformity (GPC 22-05) to satisfy for a property zoned “O-SC-FF-WW”, Open Space – Scenic Combining – Floodway Fringe – Waterway. The Government Code Section 65402(b) requires that prior to the disposal of land, the County report the location, purpose, and extent of any proposed sale of county property to determine the conformity with the adopted General Plan. The purpose of the conformity would be to allow the accommodation of a homeless shelter. The project at 1111 Whalen Way, Lakeport, CA; further described as Assessor Parcel Number: 004-029-41.

Jim Feenan – Legal notice has been determined on this matter.

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

12:56 p.m. Open Public Comment

12:57 p.m. Closed Public Comment

No one stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

Categorical Exemption:

On the motion from **Commissioner Field**, that the Planning Commission that on the basis of the lack of site disturbances and the lack of future site improvements associated with this property, that a Categorical Exemption to CEQA shall be adopted pursuant to CEQA Section 153012, and that General Plan Conformity will not have a significant effect on the environment with the findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 Ayes 0 Noes – Motion Carried

General Plan Conformity:

On the motion from **Commissioner Field**, that the Planning Commission find and report that General Plan Conformity GPC 22-05, applied for by the Lake County Administration Department and the Community Development Department for the property located at 1111 Whalen Way, Lakeport, CA and known as APN: 004-029-41, is in conformity with the Lake County General Plan with the findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote:

3 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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

1:05 p.m. **Item #6 - (Continued from May 12, 2022) - Public Hearing on Consideration of Major Use Permit (UP 19-44) and a Mitigated Negative Declaration (IS 19-63).** The applicant, Auto Canna, LLC (Auto Canna) is proposing Four (4) A-Type 3: “Outdoor” license: Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size per license on one premise; and a Type 13 “Distributor Transport Only, Self-Transport Distribution” license: The transport of cannabis goods between entities licensed pursuant to California Code. The project is located at 21258 Morgan Valley Road, Lower Lake, CA; Assessor Parcel Numbers: 012-069-57.

Legal notice had been determined on this matter at the previous hearing.

Kim Hunter (Consultant from LACO) (Chambers) presented the information via Power Point which included the scope, site description, project analysis and recommendations.

Commissioner Field – stated she has two concerns. One is the oak tree removal and wanted to know if cannabis is a qualified Ag use under the Williamson Act.

1:25 p.m. Open Public Comment

Joan Moss – asked if there was a qualified Arborist who has examined the trees and noted which trees will be cut down.

Trey Sherrill – stated that yes, a qualified Arborist has examined the trees and is available to speak in the Zoom Room. The Arborist has review over 300 trees for this project. He stated that the 27 trees that have been identified for removal are necessary for this project to go forward. Further discussion occurred regarding the tree removal.

Andrew Amelung – showed a picture of the tree tags and one of the larger trees that will be removed.

1:34 p.m. Closed Public Comment

Environmental Determination:

On the motion from **Commissioner Chavez**, that the Planning Commission makes a determination in accordance with the California environmental Quality Act (CEQA) for a Mitigated Negative Declaration with findings for **Major Use Permit (UP 19-44) and Complex Grading Permit (GR 20-13)** applied for by **Auto Canna, LLC** for the property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APN 012-069-57**, will not have a significant effect on the environment as recommended in this staff report and therefore a mitigated negative declaration along with the accompanying **Mitigation Monitoring Reporting Program (MMRP)** shall be approved with the findings listed in the staff report dated **May 26, 2022**. Seconded by **Commissioner Field**. The motion was carried by the following vote

3 Ayes 0 Noes – Motion Carried

Major Use Permit (UP 19-44):

On the motion from **Commissioner Chavez**, that the Planning Commission find that the amended **Major Use Permit (UP 19-44)** applied for by **Auto Canna, LLC** on property located at **21258 Morgan Valley Road, Lower Lake, CA**, further described as **APN 012-069-5721258, Morgan Valley Road, Lower Lake, CA** does meet the requirements of Section 51.4 and Article 27, Section 1(at) [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 **May 26, 2022**. Seconded by **Commissioner Chavez**. The motion was carried by the following vote

3 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 fees must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

1:36 p.m. UNTIMED STAFF UPDATE

Director Darby – stated it is Kim Hunter from LACO last day today and her replacement will be Bryon Turner.

Director Darby – noted that there is a summer intern that has been hired and his name is Miles Richardson.

Director Darby – noted that the revised cannabis ordinance went in front of the Board of Supervisors on May 23, 2022 and the first cannabis workshop occurred on May 24, 2022 and went very well and noted there is one additional workshop on May 25, 2022 from 4:30 pm to 6:30 pm. She noted that all public comments received during the workshops will be presented to the Board of Supervisors at the July 12th meeting. There also has been an electronic comment card added to the website for the public to send in comments electronically. The comments can be made available through a public information request procedure.

Director Darby – noted that she will appear before the board on June 7th to have the Board of Supervisors approve a task force for the revised cannabis ordinance. Her recommendation would be to appoint one or more of the Planning Commissioners to the task force. She stated there is no project timeline at this time.

Adjournment at 1:43 p.m.

Respectfully Submitted:

**Christina Price, Chair
Lake County Planning Commission**

By: _____

**James (Jim) Feenan,
Planning Commission Assistant**