



**LAKE COUNTY PLANNING COMMISSION
REGULARLY SCHEDULED MEETING**

**MINUTES
MAY 12, 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:

**Mary Darby, CDD Director
Nicole Johnson, Deputy County Counsel
Jim Feenan, Office Assistant III
Andrew Amelung, Cannabis Manager**

9:00 a.m. CALL TO ORDER

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

9:01 a.m. - Approval of Minutes from the April 28, 2022 Planning Commission Hearing.

Commissioner Hess – stated that he was not present at the April 28th meeting, but has reviewed the minutes and stated he is familiar with them.

On the motion from **Commissioner Chavez** that the Planning Commission approved the minutes from the April 28, 2022 Planning Commission Hearing. Second by **Commissioner Field**.

The motion was carried by the following vote:

4 Ayes 0 Noes– Motion Carried

9:01 a.m. - Citizens Input

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 one stepped forward or raised their hand in the Zoom Room. Citizen input is closed.

9:05 a.m. **Item #1** – (Continued from 4-14-22) - 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.

Commissioner Price – stated that there is a request for a continuance on this matter to a date uncertain.

Andrew Amelung – stated that Director Darby will speak about this request.

Director Darby – requested that this matter be continued for the staff to continue further analysis. She stated that the staff report did not address some of the issues that needed to be included on the staff report, therefore staff is requesting a continuance. She stated that they are ready to make a presentation since the applicant is present.

Commissioner Hess – asked if the applicant was made aware of the continuance.

Andrew Amelung – stated that they were not since he was made aware of the request for continuance this morning. He stated that some of the confusion could be made clearer during the presentation, and a decision is not requested today.

Commissioner Field – asked the director how they should proceed.

Director Darby – stated if state can answer all the question adequately, than they could proceed with the presentation at the desire of the Commission.

Commissioner Price – stated that if the staff report is inconclusive, than she feels that the Commission should review the full state report.

Andrew Amelung – stated that a portion of the staff report was scaled back and it did not reflect all the changes, and the presentation could cover those changes, but the staff report that was submitted did not show the changes.

Commissioner Field – asked if there were any legal issues. If the scope of the project has been changed, does there need to be new legal notices sent, or does the Commission discuss the changes.

Nicole Johnson – stated that she had not been notified of what the changes were made, however if a project is altered, than the original CEQA analysis presented today may not be applicable, and the decision of the Commission is based on evidence that is not relevant to the project as is proposed with the changes.

Commissioner Hess – stated his preference is not to hear the presentation today. He stated there could be some confusion what is current and what is not.

Commissioner Price – stated she is in agreement with Commissioner Hess and asked the Commission if they are in consensus with that.

Commissioner Hess – stated that in his opinion if the staff report does not reflect the reality on the ground, and it is difficult to move forward as a Commission. He stated the Commission had no idea about the continuance.

Nicole Johnson – stated that if public comment is taken, than public comment will need to be opened for the public and not individuals.

9:10 a.m. Open Public Comment

Trey Sherrill (Consultant) (Chambers) – stated that the changes that were made reduce the impacts and scope of this project, he could go over them and show the reductions that have been done. He stated the staff report and CEQA analysis that is before the Commission was performed on a larger project. He encourages the Commission to hear the presentation today.

Donna Moskowitz (Zoom Room) – noted on page 8 of the biological assessment, section 1.1.42 field surveys stated that the survey was done in March, but the time stated at 10:00 PM, seems unusual and that it should be checked to make sure this is correct due that a night time survey could not give a true reflection or any activity of the bird species.

9:12 a.m. Closed Public Comment

Nicole Johnson – stated that depending on what particulars have changed within the project and what is being proposed under the new project scope by staff, there may also may be a notice issue as to whether or not the notice was adequate to describe the project that is in fact being proposed going forward. She would have to review the particulars and compare was is being proposed today.

Commissioner Field – stated that since all the parties are present the Commission should at least listen to the presentation.

Commissioner Price – stated that if the project had changed than County Counsel stated that the legal notice is in conflict and not accurate.

Nicole Johnson – stated if the project had changed significantly, than notice would potentially not be for the project that the Commission will be considering, it would have been for a different project.

Director Darby – stated that she understood that in the presentation the changes would be highlighted.

Andrew Amelung – stated that Director Darby was correct.

Commissioner Price – asked the Commission what they would like to do.

Commissioner Hess – stated that the presentation has been given a few times and is very familiar to him, but he says he is still concerned about notice issues and fully informing the public with an adequate amount of time. He stated he was ready to support this project today, and his preference would be continue the matter with apologies to the applicant.

Commissioner Price – stated that instead of continuing to a date uncertain, maybe give an actual date certain.

Andrew Amelung – stated the next available date would be May 26, 2022. He noted that there was just a few adjustments on the square footage.

Commissioner Price – noted legal notice would have to done again.

Andrew Amelung – stated if the Commission continued to a date certain, there would be no legal notice needed.

Commissioner Hess – asked if there was enough time to send legal notice for May 26, 2022. Asked if the applicant was looking a future date.

Andrew Amelung – stated that there was enough time to send legal notice for the May 26, 2022 meeting. Due to the fact the Director request we continue the matter, but he suggests that the Commission hears the presentation today so that the Commission could grasp the project and look into any uncertainties that may be raised.

Commissioner Field – stated she is not as familiar with the project as Commissioner Hess.

Commissioner Chavez – stated he would like to hear the project today.

Commissioner Price – asked County Counsel if she could open public comment again after the presentation if there is any comments.

Nicole Johnson – stated that yes public comment could be re-opened, but it would be for anyone of the public that wishes to speak.

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

Director Darby – stated after speaking to County Counsel that they may be able to go forward with May 26, 2022 hearing.

Nicole Johnson – stated that if the Commission wished to continue the matter to May 26, 2022, than counsel has suggested that she can review the legal notice to see it is covers the project changes and if it does the Commission could continue hearing the item on May 26, 2022, if not than staff will notify the Commission that staff has re-noticed for a further date with the particulars of the new project that is re-proposed.

Commissioner Field – asked if all discussion and deliberation would be held until that new date.

Nicole Johnson – stated, yes all discussion and deliberation would be held until the May 26, 2022 date. Than on that date County Counsel would let you know if the service was proper for that date.

Upon motion by seconded by **Commission Field**, second by **Commissioner Chavez**, and carried by a voice vote of (4-0), IT IS ORDERED, that the matter be continued to **May 26, 2022 at 9:30 a.m.** Planning Commission Meeting.

The motion was carried by the following vote:

4 Ayes 0 Noes – Motion Carried

9:49 a.m. Item #2 – (Continued from 4-28-22) - Public Hearing on Consideration of Major Use Permit (UP 20-90) and a Mitigated Negative Declaration (IS 20-109). The applicant, Cresta Properties LLC Development is proposing three (3) A – Type 1C “Specialty Cottage” licenses and two (2) A – Type 3B “Mixed-Light” licenses for commercial cannabis cultivation. The total cannabis canopy area proposed is 41,500 square feet and 72,000 square feet of cultivation area. The project includes, twenty-four (24) 35’ X 100’ greenhouses and four (4) 30’ x 120’ metal storage barns; The project is located at 6267 Kelsey Creek Drive and 6245 Gold Dust Drive, Kelseyville, CA; and further described as APNs: 007-013-23 and 007-013-22.

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

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

Commissioner Hess – asked what the difference was between the waste enclosures versus the 30 x 30 waste previously mentioned.

Kim Hunter (Consultant from LACO) (Zoom Room) – stated that the 10 x 10 was for solid waste, specifically trash.

Commissioner Hess – asked how close this project was to other projects in the watershed. He asked about the cumulative impacts in that area.

Andrew Amelung – stated he did not have the figures at this time, but he said they could calculate the pending projects in the county especially in southern watersheds, which he would not like to discuss due to the fact it does not apply to this project. He stated that here are not projects within a mile of this proposed project.

Commissioner Field – asked how far the residences are located from the project.

Andrew Amelung – stated he has a slide to address the distances.

10:17 a.m. Open Public Comment

Mike Marshall (Chambers) – stated that there will be loss of property value. He stated the area is zoned residential/Agriculture. He states that he would have to put a disclosure if the property is sold, stating he lives next to a cannabis farm. He stated that the area is a quite small family location and that allowing the cannabis farm to be located here would may the homes targets for home invasion by outsiders. He is concerned with the smell at harvest time, water shortage in the aquifers and the possibility of drilling new wells. He concerned about the safety of the children in the neighborhood. He asked about the level of security that would be provided.

Commissioner Hess – stated that the Commission did receive a copy of the letter he submitted.

Mike Wiley (Chambers) – stated his concerns are water usage. He has had to reduce his water usage. He also is concerned about the property value while living next to a cannabis farm. He feels it will affect the crop reputation in the area. He stated there are three new houses on Kelsey Creek just off Highway 29. He is opposed to the project.

Joan Moss (Chambers) – she stated she feels the problem began years ago. When wells were drilled, they were supposed to be drilled a certain amount of feet away from the road. She stated there was a problem with the vineyards. She stated that attention should be given to the age and wisdom of the residents of the area.

Broc Zoller (Chambers) – he also stated he was concerned about the property value and stated he wrote a letter to the Commission. He feels it is too close to Kelseyville. He talked about the prevailing winds that come from the coastal areas. He stated that there has been no studies done on how much of the compound will be sent into Kelseyville. He stated that they have made errors in the distancing calculations. He stated that measurements should be property line to property line. For example, Kelseyville High School is .8 miles away from the project.

Commissioner Hess – asked Mr. Zoller about an item in his letter regarding abandoned greenhouses, and thanked him for bringing up this point in his letter.

Broc Zoller (Chambers) – discussed the wine growing process and how farming next to a cannabis farm makes it difficult to sell your crop. He stated the skins are impacted by growing of cannabis.

Commissioner Field – stated that Dr. Zoller was one of the authors noted in the study that was used in this project.

Sharon Zoller (Chambers) – stated that the project is located near 11 residential properties. She feels that the county of square footage is incorrect. She noted the item on Page 9 of the staff report under Article 7 that states it is an Ag area and further states that cannabis is not recognized as an Ag crop by the State of California or the Federal Government. She noted that there was a large amount of comments received during the comment period of this project. Her recommendation is that the Commission votes no on this project.

Stephen Luu (Consultant) (Chambers) - wanted to submit letters of support regarding this project. He discussed the water usage issues and possible solutions to the water shortage. He stated this is a family operation. He will using the same labor force that he uses for his grape harvest. He stated that there would be 20 employees on the farm at one time. He stated the applicant would stagger labor so the amount of employees on site would be limited.

Commissioner Hess – asked about the composing of cannabis waste. He wanted to know if an enclosed composting area would fit into his future plans.

Stephen Luu (Consultant) (Chambers) – stated that it could be considered and further stated that most of the odor comes from the bud or flower part of the plant. He stated that most of the composting involves the leaves, stalk and root ball. The flower and bud provide all the usual part of the plant and is the main value and where the odor is concentrated.

Director Darby – read comments submitted by Stephen Luu into the record. These comments were uploaded on the agenda on the public website.

Richard Dare (Zoom Room) – spoke in support of the project. He noted that this is quite visionary and things have changed in past year. He spoke about the odor and about the employees that will be working on site. He felt it was well thought out.

Jennifer Smith (Zoom Room) – she spoke about the letters of opposition. She state that a lot of people who wrote these letters are not familiar with cannabis, and have a lot of fears. She felt the real thing to worry about were the illegal farms. Those that are have water trucked in illegally, polluting our water sources, diverting water, mistreating employees, and living in sub-standard housing. She stated this project is not of these things and this is a first class greenhouse operation. It is in an Ag Zone where there is a lot of water is and reason it is in greenhouse is because it is in an Ag Zone. Greenhouse save 20-30% of the water usage that would normally be seen from an out door crop. She feels that this is the industry needs to go if they are going to use the drought argument. She stated the odor will be mitigated by the greenhouses. She feels this project should move forward.

Erin McCarrick (Zoom Room) – She is in full support of this project.

Joan Moss (Chambers) – stated that she has a personal interest in this project due to the fact there is a cannabis farm moving in by her residence. She has a lot of friends that are trimmers and personal use growers. She feels that it is a tough choice and that the County made their choices. She felt that since the director read the comments into the record that someone needs to read all the comments into the record.

Michael Dunnigan (Chambers) – noted information about the odor. He feels we are an agricultural county and that is the way it is. He supports this project.

Commissioner Field – she noted that Lake County has a “right to farm” ordinance which allows farmers to produce Agriculture products that produce odors. She noted that marijuana/cannabis is not an Ag project.

Commissioner Hess – noted that the Commission does see the pro and con letters and they are part of the hearing packet they receive before the hearing.

Zarro Sabev (Owner) (Chambers) – stated that he wanted to thank all the supporters and he will try to address all the issues the neighbors have brought forward.

Deborah (Zoom Room) – she stated that cannabis is needed to help the economy of Lake County.

10:57 a.m. Closed Public Comment

Commissioner Field – stated that this is prime farmland and some of the best wines are produced in Lake County. She does not think this is a good place for cannabis. She is questioning if there is a hydrological report for this project.

Kim Hunter (Consultant from LACO) (Zoom Room) – stated that the information was provided by the applicant. Maybe the applicant can speak regarding this issue.

Stephen Luu (Consultant) (Chambers) – stated that there was a supplemental letter that went with the report. There was discussion regarding water usage and the effects of cannabis on the grape crop, between the Consultant and the Commission.

Commissioner Field – she stated she had a question regarding Ordinance 3106 and feels that is not compatible for this area. She feels that there needs to be consideration for the people who are already using the land in the area. She cannot support this project and feels there are better places to grow cannabis in this county. She feels it does help the economy and while it provides jobs, it is really hard now to find labor to work on the farms.

Stephen Luu (Consultant) (Chambers) – discussed issues with Commission regarding issues related to labor usage and he would like google map displayed to discuss the area.

Commissioner Hess – agreed with Commissioner Field regarding the lack of water information in the staff report. He feels staff needs to push back and ask for more information that is needed.

Stephen Luu (Consultant) (Chambers) – stated that they try to provide the most complete application as needed. Discussion with the Commission occurred regarding application process and the issues that are present regarding this project.

Commissioner Chavez – asked if the greenhouse were going to be in one phase.

Zarro Sabev (Owner) (Chambers) – going to be done in three phases starting with four greenhouses and one building. Every three months they will be adding greenhouses and buildings. Should be done in about two and a half years.

Commissioner Field – would like to recommend denial of this project.

Commissioner Price – there is a motion with no second. The motion will not carry. Is there any other motion to be had at this time?

Commissioner Hess – asked if the result would be the same if she read the original motion.

Commissioner Chavez – stated he supports the project due to the fact it has been mitigated and discussed.

Commissioner Hess – discussed with the Commission about tabling the motion and asking for a hydrology report and it was stated that the full Commission was not present and the vote could be effected differently if they were fully present.

Upon motion by seconded by **Commission Hess**, second by **Commissioner Chavez**, and carried by a voice vote of (3-1), **IT IS ORDERED**, that the matter be continued to a date uncertain.

The motion was carried by the following vote:

3 Ayes 1 Noes (Field) – Motion Carried

11:26 UNTIMED STAFF UPDATE

Director Darby – advised the Planning Commission that the Revised Cannabis Ordinance will be heard by the Board of Supervisors on May 24, 2022, and the Revised Cannabis workshop will occur on May 24, 2022 and May 25, 2022 at 4:30 to 6:30 p.m. in the Board of Supervisors chambers.

Adjournment at 11:27 a.m.

Respectfully Submitted:

Christina Price, Chair
Lake County Planning Commission

By: _____
James (Jim) Feenan,
Planning Commission Assistant