

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**October 25, 2018**

**Commission Members**

**P John Hess, District I  
P Bob Malley, District II  
P Eddie Crandall, District III  
P Dan Camacho, District IV  
P Daniel Suenram, District V**

**Staff Members**

**P Michalyn DelValle, Director  
P Byron Turner, Principal Planner  
P Shanda Harry, Deputy County Counsel  
P Danae Bowen, Office Assistant III**

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**9:03 a.m.     CALL TO ORDER**

Pledge of Allegiance was led by Eddie Crandell.

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess to approve the minutes from September 27, 2018, with an amendment made by Comm. Hess.

**CITIZENS INPUT – None**

**9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-02). The project applicant is LOWER LAKE METHODIST CHURCH proposing new construction and subsequent use of 2,850 square foot church. This project replaces the church destroyed by fire. The project is located at 16264 Main Street and 16255 Second Street, Lower Lake and further described as APNs 024-281-07 & 28. Environmental Evaluation: Mitigated Negative Declaration (IS 18-07). (Byron Turner)**

Byron Turner, Principal Planner provided background information and a power point presentation of the project application. He noted that a neighbor submitted a request to continue this item, because of his concerns with the Record of Survey. He added that Gordon Haggitt, Lake County Surveyor was present for questions on the records of survey. He said staff recommends approval of this project application.

Comm. Malley asked about the alley in-between the original property and where the new church is proposed to be built, it shows that it is twenty-feet wide and it is a narrow strip that has always had limited use up until the fire. He said since the fire with the removal of the old firehouse on Lake Street, there has been more traffic in that area. He said he said he does not know its current status, as far as being a legal roadway.

Mr. Turner said that it is a County right-of-way, but not designed to be the primary access to the church and there are four parking spaces proposed to be back there. He said the main parking will come off of the second lot to the rear and foot traffic across the alley.

Comm. Malley said he had concerns when there are activities at the church with the potential for injury from vehicle traffic in that small area would be heightened. He asked staff what the maximum occupancy of the new church is going to be.

Mr. Turner said there is seating for 72 people.

Comm. Malley said that would be a lot of extra cars if the church is at capacity.

Mr. Turner noted with the parking overlay it is designed to not require the use to provide for their own parking, but it is at the Commissions discretion.

Comm. Hess asked if speed bumps would address the concerns on the speed of vehicles.

Mr. Turner said it is a County right-of-way and that question should be addressed to the Department of Public Works.

Comm. Malley said while we are in the design phase the issue of mixed use with traffic and pedestrians should be addressed especially in that twenty-foot area.

Mr. Turner added that it could be discussed with the applicant and the Public Works Department about signage that would identify the crosswalk

Comm. Crandell said he noticed in the green sheeted documents, that there were a couple of homeowners that did not receive a legal notice of this project application.

Mr. Turner said that the procedures for legal notification have been followed.

Michalyn DelValle, Community Development Director, noted that if your property is under an acre in size, the noticing area is 325 feet and over an acre is 725 feet.

Mr. Turner said the noticing was for 725 feet from the exterior boundaries of both of the parcels.

Comm. Hess addressed Mr. Baker's concern about the thirty-foot reference in his deed and what is the nature of the confusion.

Mr. Turner said that Mr. Baker received notice and he looked at the plans and pulled his record of survey to look at the property, which showed his property at 22 feet when his deed referenced 30 feet and the assessor's parcel maps also showed 30 feet. He said that staff has looked at all survey records, because this parcel map is not necessarily the appropriate way to measure distance. He said all of the surveys identified it as 22 feet wide and could not answer why his deed reads 30 feet.

Gordon Haggitt, Lake County Surveyor, said that there has been several surveys showing the church parcel and the first one was done in 1970. He gave a history of the survey of the church and the boundary lines. He said in his opinion he thought the churches parcel is in the right spot. He said Mr. Ruziicka's survey substantiated the prior two surveys. He said a record of survey is nothing more than a professional opinion of where a boundary is on the ground, and it would be an uphill battle to dispute the east boundary of the churches parcel and the common line between the church and miles, and you would have to find another location for that brick building.

#### **9:25 a.m.      Opened Public Hearing**

Brian Grant, Practice Architects, spoke to the Fredrickson Alley and cross traffic. He said based on the number of seats in the church they are within one parking stall within the minimum requirements in that lot immediately behind the church. He said there is adequate parking for the facility.

#### **9:26 a.m.      Closed Public Hearing**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find on the basis of the Initial Study No. IS 18-07 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Use Permit as applied for by Lower Lake Methodist Church 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 October 25, 2018.

#### **Mitigated Negative Declaration 5 Ayes 0 Noes**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit (UP 18-02) applied for Lower Lake Methodist Church on property located 16264 Main Street in Lower Lake, CA does meet the requirements of Section 51.4 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 Use Permit be granted subject to the conditions and with the findings listed in the staff report dated October 25, 2018

**Use Permit 5 Ayes 0 Noes**

Comm. Crandell noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**9:29 a.m. Public Hearing on consideration of a Major Use Permit (UP 17-04) and Variance (VR 18-03). The project applicant is VERIZON WIRELESS (C/O EPIC WIRELESS), property owner is the COUNTY OF LAKE proposing an unmanned 70 foot tall green mono-pine wireless telecommunication tower. The tower would include three (3) sectors, each containing four antennas, designed for collocation of other carriers and a Variance to allow the 20 foot wide access easement required pursuant to Article 71, Section 71.8(#13) to be reduced to the 15 feet in width. The project is located at 25 & 55 Worley Drive, Lakeport and further described as APN 029-141-31 (project site) & 029-141-33 (access point only; with Worley Drive Right-of-Way). Environmental Evaluation: Mitigated Negative Declaration (IS 17-12). (Mark Roberts)**

Mark Roberts, Associate Planner, clarified for the record, that this is a Broad Leaf Mono Tree and not a pine tree. He provided background information and a power point presentation of the project application. He reviewed the Site Description and the Permit Request:

- Location
- Existing Development
- Zoning
- Parcel Size
- Slope
- Applicants Request (included discussing proposed plans/layout)
- Discussed Photo Simulations
- Plan Conformance (General Plan & Lakeport Area Plan)
- Zoning Ordinance Conformance (Zoning, Article 27 and Article 52)
- Telecommunication Act of 1996 (Section 704)
- Letters of Support
- Environmental Analysis
- Conditions of Approval
- Findings for Major Use Permit – Article 51
- Findings for Wireless Communications – Article 71
- Findings for Variance – Article 52
- Recommendations

Comm. Hess asked what this area would look like if it was fully built out with other collocation carriers and how much more clutter would be created.

Mr. Roberts explained collocation is allowed with a zoning clearance and as long as they are not expanding past five-feet and stay within the original width of the existing antennas, it would just require a building permit. He said if there was a change in height or width, then additional review would be required.

Comm. Malley asked if they required more area or another tower to put more equipment up, they would have to change that.

Mr. Roberts said they would have to apply for a Major Use Permit.

Comm. Camacho asked what the existing height of the water tank is.

Comm. Suenram said that the tower that was placed Lower Lake, behind Browns RV, was seventy-feet.

Mr. Roberts said according to the site plan, that the water tower was 27.5 feet in height.

**9:49 a.m.      Opened Public Hearing**

Jim Maguliulo, Real Estate Agent, addressed the real estate values being affected by cell towers being placed in residential areas. He said there are health concerns involved with the placement of cell towers in residential areas. He said Lake County does need these towers, however the placement of them needs to be considered, because of the health and the economy of the residential areas, and asked that the Planning Commission reevaluate where these cell towers should be located.

Andrew Lesa, Verizon Wireless Representative, provided a brief breakdown of the proposal and what Verizon is trying to accomplish. He pointed out their concerns with condition B9 and would like alternative language with seismic activity and actions required in the event of seismic activities in the area. He pointed out condition B15, which requires Verizon Wireless to annually submit an FCC compliance report, and he would like this to be amended to only be provided in the event of a design or equipment change. He also pointed out condition B17, which limits the dimensions of antennas located on the facility and the limitations are not consistent with current technology. He asked if the Commission wanted to still impose a dimensional limitation on the size, and asked if it could be modified to nine feet tall by three feet wide. He said all current technologies fit within those current dimension's to date. He asked that condition J2, which requires off street parking within the Verizon fenced area, be required outside of the fenced and leased area to allow for the equipment to be located within that fenced area. He did not think they had adequate space to allow for a vehicle to be parked in there with the equipment.

Mr. Roberts said he has consulted with Mary Jane Montana, Building Official about the seismic issue. He said condition B9, staff proposes it to be modified as follows: *"At the discretion of the Chief Building Official all antennas and/or antenna towers may be required to be inspected by a licensed Engineer, in the State of California to access the structural integrity after a substantial seismic event within close proximity of the tower. The applicant shall submit an engineering report of the Engineers findings of the structural integrity to the Community Development Department within thirty days of the completion of the report. All costs of the inspections and reporting shall be the responsibility of the applicant."*

Comm. Malley asked what is considered significant on a seismic event and what the trigger is.

Mr. Roberts spoke with the Chief Building Official and said Mary Jane Montana could clarify that.

Comm. Hess asked if there was prior language about what to do after an earthquake and if so, why would it be different than any other tower.

Mr. Roberts said the language that is taken out is that any antenna after a seismic event needs to be inspected.

Comm. Malley asked if inspections are required after seismic events for towers that are already in place.

Mr. Roberts said not that he was aware of.

Comm. Malley referred to condition B15 bullet #2, and said that he did not think that the documentation needs to be more than an email that would say there was confirmation from the FCC on documents verifying that it was still in compliance. He thought it was an agreement that staff and the applicant need to specify on how it should be done.

Mr. Lesa said the preference of Verizon would be is that they have FCC requirements that they are held to and have to make filings with the FCC regularly. He said the governing body with regards to radio frequency emissions would be the FCC and they will make sure they are in compliance with that. He said they have conducted a report and provided staff showing how they would be in compliance. He said they have a third party Engineer who conducted that report who is present today, in case there are any FCC or EME emission questions, they can address the health concerns and the like. He said their request is the design does not change and the antenna models do not change, and they provide evidence that the design is in compliance with the FCC that no further action is necessary, unless a change occurs, in which case they would have to conduct a study or provide evidence to the County that the change does comply with the FCC and they remain compliant.

Comm. Malley noted that Mary Jane Montana was present and that the discussion was about tower vulnerability after an earthquake.

Mr. Roberts stated that the proposed modification for condition B9 will be as follows: ***“At the discretion of the Chief Building Official all antennas and/or antenna towers may be required to be inspected by a licensed Engineer in the State of California to assess the structural integrity after a substantial seismic event within close proximity of the tower. The applicant shall submit an Engineers Report of the Engineer’s findings from the structural integrity to the Community Development Department within thirty days of the report being completed. All costs of inspections and reporting shall be the responsibility of the applicant.”***

Comm. Malley said that his question about that is how is it determined what a significant seismic event is.

Mary Jane Montana, Chief Building Official, said there is no way, because it depends on the type of event, the location and the depth of the event, the event being seismic event. She said there are standards within the California Building Code, that buildings and structures must meet, based on their proximity in different seismic categories and we are in category D3, which most of the Bay Area, North Bay and some other seismically active area. She said a 2, 3 or a 4.0 earthquake at the Geysers is not likely going to affect something in Upper Lake. She said that is why it is based on the discretion of the Building Official. She said Lake County has seven major/minor faults that run through it and it would depend on the proximity of that and other things. She said if they felt that the area had been impacted where that particular tower or structure was, then as part of their safety assessment evaluation that has to be done after seismic events, they would provide an Engineer to make an initial analysis of a windshield survey and whether or not it needs further review by a Structural Engineer.

Mr. Roberts said the new language for condition B17: ***“Directional or panel communications antennas shall not exceed **nine (9) feet** in height and three (3) feet in width, unless the cumulative visual impact of an array can be reduced by using a different size.”*** He added that condition J2 shall read as: ***“Prior to the building permit final, the applicant shall provide a minimum of one (1) off street parking **space adjacent to the leased area.**”***

Comm. Suenram asked if the whole property that this is being situated on, would that not be considered off-street. He asked if the County maintained property is all fenced in.

Mr. Roberts said the property is fenced and there is parking around the water tanks and around the structure.

Linda Shields, Hickory Avenue resident, concerned with the one way in and one way out of the 75 properties, and spoke to Worley Drive, which is being proposed to be made smaller from 20 feet to a 15 foot right-of-way. She was concerned with a firetruck accessing that area and make the turn and the time it will take to get the residents out. She also spoke to property values and how cell towers impact the sale of properties. She submitted a document for the Commissioners to read.

Michael Green spoke in support of this project.

Janice Pilcher was not in favor of this cell tower in their neighborhood.

Magdalena Morris spoke to health issues and concerns with air quality and views and asked about the future use of the property.

Mr. Roberts noted that the future use of the property is undetermined and it is up to Special Districts.

Karen Tracy said when she bought her home in 2017, there were not any disclosures on a proposed cell tower. She said this size cell tower in a residential area does not seem appropriate. She said there is conclusive evidence that there is a direct link between cancer and cell towers. She said surely a better site could be found than in the middle of their neighborhood. She asked if there were any grounds to get this turned down.

Mr. Roberts said the Telecommunication Act of 1996 says that agencies cannot deny the project based upon comments regarding the “environmental effects” of radio frequency emissions.

Comm. Hess said they are bound by the terms of the Telecommunications Act.

Comm. Crandell said he empathizes with Ms. Tracy and appreciated her comments. He said it is also concerning to them as well and it needs to be addressed.

Helena Dolbick said her home was built in 2008 and she has a beautiful view of the lake from each room in her house and now the view will be disturbed by having this cell tower. She said she would have never invested money if she had known there was going to be a cell tower there. She asked that this cell tower be reconsidered to another location. She presented a handout to the Commission.

Raj Mather, Hammond and Edison Engineering Firm, evaluates sites like these for radio frequency exposure or RF exposure compliance with the FCC standard. He said they have completed the evaluation for this site and they have found that it will comply with the FCC limits. He added that he would be happy to answer any question on radio frequency exposure.

Comm. Suenram asked Mr. Mather if the RF exposure emitted from your personal cell phone is more than anything coming from the cell tower.

Mr. Mather said correct and that is because cell phones are capable of operating close to the FCC limit, so they have a dynamic power range.

Jim Iulo said a cell phone is temporary where tower is 24/7, and he thought you would get more exposure from a tower than you would from a cell phone.

Mr. Mather said the exposure from a cell phone depends on how often you use it and he was comparing the peak exposure from a cell phone with the peak

exposure from this particular proposed installation. He said he was happy to answer any further public questions about radio frequency exposure.

Comm. Malley asked if the tower constantly puts out the same amount of power or does it go up and down like the cell phone usage does as far as Radio Frequency.

Mr. Mather said it puts out the same amount of power and the 4G LTE technology is always on, so if there is one user or 100, it would put out the same power.

Comm. Malley said if you used your cell phone for eight hours out of the day you would be more exposed than the twenty-four hours of what was coming from that tower.

Mr. Mather said correct and the peak exposure possible from a cell phone is significantly higher than the peak exposure from the base station like these.

Comm. Camahco asked if the exposure was from when they are on or when they are communicating.

Mr. Mather said it was when they are communicating. He said the maximum happens when there is a data stream. He said if you are watching Netflix on your phone and it is constantly getting a data stream and a cell site is far away that is when it is trying the hardest to get all this data to the phone to show the video.

Comm. Suenram asked if the frequencies were higher when you are sending emails and instant messaging or any data services versus than actually talking on the phone.

Mr. Mather said instant messaging data stream is just a packet of text, but when you have a continuous data stream like a video, which constantly needs to be updated, that is when the phone is communicating the most.

Ms. Tracy asked if the Jail or Fire Departments have been considered for better suited sites to accommodate emergency needs.

Mr. Iulo spoke to the height elevation of the towers and how roofers would have to wear protective clothing and get off the roof every forty-five minutes.

Comm. Crandell asked if there were any meetings with the community and Verizon.

Mr. Iulo said there were not any meetings and he did not get his notice for this hearing until last Thursday, October 18<sup>th</sup>.

Mr. Mather said at the nearby properties you could go as high as you want without being in excess of the FCC limit and that is because of the exponential drop-off with distance. When you are 200 feet away, it does not matter whether you are sixty, twenty or ten feet up above ground, you would not exceed the FCC limit because of that exponential drop-off with distance.

Duke Pilcher said if what Mr. Mather said was true, would it not be better to the antenna higher up above everyone, like on top of a hillside, then everyone down below would have a lot less radiation versus putting it right in the middle of a subdivision.

Andrew Lesa, Epic Wireless, said there are eleven alternative sites in the general vicinity and some of the restrictions they were trying to overcome were the setback requirements of at least 100 feet from residential zoned parcels. He said they did not meet County code and the main reason this facility was chosen to be

located at this parcel was for the size and the distance from some of the residential properties. He said this location was the least intrusive.

Ms. Pilcher said that they were not notified and did not have time to investigate all the ramifications this would create. She added that most of her neighbors did not know either until she told them. She said they were not consulted or part of this process and she did not feel other sites have been adequately addressed.

Comm. Suenram stated on attachment 3, page 29 of the staff report, it does address other sites and the use of using a higher elevation.

#### **11:03 a.m. Closed Pubic Input**

Mr. Roberts said the notice of intents twenty day review period ended August 1, 2018. He said it was sent to all parcels within 725 feet of the project parcel in accordance with the Lake County Zoning Ordinance and added that surrounding parcel owners information is obtained from the Assessor's office.

Comm. Camacho read a letter into the record from Rich Mather on Miramonte Avenue.

Comm. Crandell asked if the other Commissioners were ready to vote on this or is the consensus that there be more time for the community to talk with the applicant.

Comm. Malley said he personally felt that the county has done due diligence with notification regulations.

Comm. Crandell agreed with Comm. Malley, but felt the applicant could have met with the neighbors.

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find on the basis of the Initial Study No. 17-12 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Use Permit, UP 17-04 and Variance, VR 18-03 as applied for by Epic Wireless Group (Verizon Wireless) will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated October 12, 2018 and as amended today to the conditions of approval.

#### **Mitigated Negative Declaration 4 Ayes 1 No (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the Use Permit, UP 17-04 applied by Epic Wireless Group (Verizon Wireless) on property located at 25 and 55 Worley Drive, Lakeport, CA 95453 further described as APN: 029-141-31 (Project Site) and 29-141-33 (access point only; within Worley Drive Right-of-Way) does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018 and as modified today.

#### **Major Use Permit 4 Ayes 1 No (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Suenram that the Planning Commission find that the Variance, VR 18-03 applied by Epic Wireless Group (Verizon Wireless) on property located at 25 and 55 Worley Drive, Lakeport, CA 95453 further described as APN: 029-141-31 (Project Site) and 29-141-33 (access point only; within Worley Drive Right-of-Way) does meet the requirements of Section 52.5 of the Lake County Zoning Ordinance and grant the Variance subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018 as amended today.

#### **Variance 4 Ayes 1 No (Comm. Crandell)**



Comm. Camacho moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the Wireless Communication facility applied for by Epic Wireless Group (Verizon Wireless) on property located at 25 and 55 Worley Drive, Lakeport, CA 95453 further described as APN: 029-141-31 (Project Site) and 29-141-33 (access point only; within Worley Drive Right-of-Way) 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 October 12, 2018 and as amended today.

**Wireless Communication Facility Approval 4 Ayes1 No (Comm. Crandell)**

Comm. Crandell noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**11:12 a.m. Break**

**11:25 a.m. Back to Order**

**11:25 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-09). The project applicant is CAITLIN STOUVENOT, property owner is BENMORE VALLEY RANCH, LLC proposing a Commercial Cannabis Cultivation License, A-Type 3 Outdoor to allow up to 43,560 square feet of canopy area and up to 65,000 square feet of cannabis cultivation area. The project is located at 3303 Benmore Valley Road, Lakeport and further described as APN 007-001-34. Environmental Evaluation: Categorical Exemption (CE 18-79) Class 4. (Mark Roberts)**

Comm. Crandell stated that Benmore Valley Ranch, LLC donated money to his political campaign and recused himself from the following four items up for review. He passed the gavel to Comm. Hess

Mark Roberts, Associate Planner, provided background information and a power point presentation of the project application. He noted conditions A14 where this use permit shall not become effective, operative, or vested until the applicant has paid the cannabis cultivation tax through December 31, 2018. This tax shall be paid within 30 days of permit issuance and proof of payment is required to be submitted to the Community Development Department. He said condition C5, prior to this use permit having any force or effect, the applicant shall submit and obtain an authority to construct permit from the Lake County Air Quality Management District. He said condition K2, prior to this use permit becoming effective, operative, vested or finalized the applicant is required to pay the Cannabis Program Service Fee to the Community Development Department. He said this project was found to be a categorically exempt.

Comm. Suenram asked Mr. Roberts if they have submitted all the things they need to in the permit conditions. With reference to Dust mitigation plan, storm water runoff plan etc... and asked if there would be any cover crop planted on the ground throughout the winter.

Mr. Roberts said prior to taking in the application they have to go through a pre-application process, which staff reviews Article 27 and the whole ordinance and what they have to go through to submit their application with a property management plan. He said the property management plan details all the requirements that would address those issues. He said the applicant has a presentation that will discuss the inner operations of the use in more detail.

Comm. Camacho disclosed that he received a phone call from someone on the Scotts Valley Water District with concerns of runoff into Benmore Creek into

Scotts Creek and asked about the conditions and how that will be monitored over the years.

Mr. Roberts referenced page 3 of the conditions, under Geology and Soils, attachment 7. He referenced that there will be best management practices to reduce discharge of all construction and post construction pollutants into the County storm drainage system and nearby waterways for the life of the project.

**11:52 a.m. Opened Public Hearing**

Angie Dodd, Entitlement Coordinator for the project provided a power point presentation of the project application. She said Steven Luu, Project Manager; Cliff Ruzicka, Civil Engineer and Rob Adelman, property owner for this project application were also present to answer more detailed questions.

Mr. Roberts pointed out that the ordinance allows for up to four cultivation permits to be allowed on a single parcel, provided that each permit meets the minimum acreage requirements and all other developmental standards. He said since the parcel is 119 acres, they would need 20 acres per applicant.

Comm. Suenram said his concerns were that all of the cultivation is in one tight area.

Ms. Dodd said the layout of Benmore Valley Ranch and the four sites that are close in proximity, minimizes impacts by consolidating.

Comm. Suenram shared his concerns with safety hazards with the exposed drip lines in the cultivation areas.

Steven Luu, Project Manager, spoke to drip lines and products that lay flat to prevent safety hazards and to meet regulations.

Robert Aldemen, Owner of Benmore Valley, commented on the ecology there and his objective was to restore the valley to its natural state. He said they removed the vineyards and restored everything to the highest ecological standard and go beyond what the permits require.

Michael Green, said he was in strong support of this project and that this project is the most regulated agricultural crop in California, and all concerns have been mitigated.

Ms. Dodd said that this project raised the bar for outdoor cannabis cultivation in the County.

**12:19 p.m. Closed Public Hearing**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-09 applied by Caitlin Stouvenot on property located at 3303 Benmore Valley Road, Lakeport, CA 95453 further described as APN: 007-001-34 is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth in the Staff Report dated October 12, 2018.

**Categorical Exemption 3 Ayes 1 No Suenram 1 recused (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-09 applied by Caitlin Stouvenot on property located at 3303 Benmore Valley Road, Lakeport, CA further described as APN: 007-001-34 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018.

**Major Use Permit 3 Ayes 1 No (Comm. Suenram) 1 recused (Comm. Crandell)**

Comm. Hess noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**12:21 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-07). The project applicant is STEVEN LUU, property owner is BENMORE VALLEY RANCH, LLC proposing a Commercial Cannabis Cultivation License, A-Type 3 Outdoor to allow up to 43,560 square feet of canopy area and up to 65,000 square feet of cannabis cultivation area. The project is located at 3303 Benmore Valley Road, Lakeport and further described as APN 007-001-34. Categorical Exemption (CE 18-76) Class 4. (Mark Roberts)**

Mark Roberts, Associate Planner, provided background information and a power point presentation of the project application.

Comm. Suneram said that he has an issue with something this size being exempt from CEQA and that was one of his contentions in the previous item and why he voted no on that. He said until they have more data he is not comfortable with it being exempt under the basis of the Class 4.

Mr. Roberts said the only differences between each license is that it may be a bit further back from the top of bank from the creek.

Byron Turner, Principal Planner, noted that staff proposed that this application was exempt under Class 4, as previously disturbed property.

Comm. Suneram said he did understand why, but he did not agree with it.

**12:25 p.m. Opened Public Hearing**

Michael Green, spoke to the Categorical Exemption and said a lot of the future cultivation projects are taking place on previously disturbed agricultural activity. He said all the things that could potentially create impacts will have been addressed.

Mr. Turner said that staff looks at each project individually and just because this application was found to be a Categorical Exemption Class 4, does not mean the next application would be. He said each project is unique and others may require a Negative Declaration or even an EIR depending on the scenarios.

Bobby Dutcher, Kelseyville resident, stated that he has been to the Benmore Valley Ranch a number of times and noted that if someone wanted to switch varieties and take the vineyard out and put another vineyard in, there would be no question of whether or not it was categorically exempt. He said if there is going to be exceptions to cannabis, then down the line when someone wants to go from a walnut orchard to a vineyard, then you would have to apply the same rules to it. He said he was in support of the categorical exemption on this project.

Comm. Suneram said he appreciates what has been said and his concern on the whole issue is data collected on illegal grows and what amendments being applied was being used in excess of what is being normally used in normal agricultural practices.

Robert Adlemen, owner of Benmore Valley Ranch, said he runs a biotech firm and they do a lot of testing of the product. He said this product is tested in terms of contaminants, and he would not ever compare this operation to an illegal operation. He said operations like this one could generate some revenue, so that cleanup enforcement could be done all over the County that causes concerns.

Comm. Suneram thanked Mr. Adlemen to making this a world class operation.

Mr. Adlemen said that they take pride in their operation, keeping it a local treasure and respects the history of the ranch.

Steven Luu, Project Manager, spoke to nutrient applications and the levels of testing goes far beyond any other agricultural product.

**12:36 p.m. Closed Public Hearing**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Suenram that the Planning Commission find that the Use Permit, UP 18-07 applied by Steven Luu on property located at 3303 Benmore Valley Road, Lakeport, CA 95453 further described as APN: 007-001-34 is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth in the Staff Report dated October 12, 2018.

**Categorical Exemption 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-07 applied by Steven Luu on property located at 3303 Benmore Valley Road, Lakeport, CA further described as APN: 007-001-34 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018.

**Major Use Permit 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Hess noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**12:38 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-08). The project applicant is VICTOR VINCENTE, property owner is BENMORE VALLEY RANCH, LLC proposing a Commercial Cannabis Cultivation License, A-Type 3 outdoor to allow up to 43,560 square feet of canopy area and up to 65,000 square feet of cannabis cultivation area. The project is located at 3303 Benmore Valley Road, Lakeport and further described as APN 007-001-34. Environmental Evaluation: Categorical Exemption (CE 18-77) Class 4. (Mark Roberts)**

Mark Roberts, Associate Planner, noted that this was the exact same presentation of the previous two items, except each site may be a little further away from the top of the bank from Benmore Valley Creek.

**12:40 a.m. Opened Public Hearing**

No one present wished to speak.

**12:40 a.m. Closed Public Hearing**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-08 applied by Victor Vincente on property located at 3303 Benmore Valley Road, Lakeport, CA 95453 further described as APN: 007-001-34 is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth in the Staff Report dated October 12, 2018.

**Categorical Exemption 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-08 applied by Victor Vincente on property located at 3303 Benmore Valley Road, Lakeport, CA further described as APN: 007-001-34 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018.

**Major Use Permit 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Hess noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**12:43 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-11). The project applicant is PHILLIPE STOUVENOT, property owner is BENMORE VALLEY RANCY, LLC proposing a Commercial Cannabis Cultivation License, A-Type 3 Outdoor to allow up to 43, 560 square feet of canopy area and up to 65,000 square feet of cannabis cultivation area. The project is located at 3303 Benmore Valley Road, Lakeport and further described as APN 007-001-34. Environmental Evaluation: Categorical Exemption (CE 18-78) Class 4. (Mark Roberts)**

Mark Roberts, Associate Planner, noted that this was the exact same presentation of the previous items, except each site may be a little further away from the top of bank from Benmore Valley Creek.

**12:43 p.m. Opened Public Hearing**

No one present wished to speak.

**12:43 p.m. Closed Public Hearing**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-11 applied by Phillippe Stouvenot on property located at 3303 Benmore Valley Road, Lakeport, CA 95453 further described as APN: 007-001-34 is exempt from CEQA because it falls within Categorical Exemption Class 4 set forth in the Staff Report dated October 12, 2018.

**Categorical Exemption 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Camacho moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-11 applied by Phillippe Stouvenot on property located at 3303 Benmore Valley Road, Lakeport, CA further described as APN: 007-001-34 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated October 12, 2018.

**Major Use Permit 4 Ayes 0 Noes 1 recused (Comm. Crandell)**

Comm. Hess noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**12:47 a.m. Public Hearing on consideration of a Minor Use Permit (MUP 18-09). The project application is LAWRENCE JOHNSON, SWEETWATER FARMS proposing a Minor Use Permit for a Cannabis Cultivation License, A-Type 1-C specialty cottage, which proposes 1,440 square feet of canopy area and 3,564 square feet of cultivation area. The project is located at 11322 Bottle Rock Road, Kelseyville and further described as APN 011-068-67. Environmental Evaluation: Categorical Exemption (CE 18-25) Class 3. (Byron Turner)**

Byron Turner, Principal Planner provided background information and a power point presentation of the project application.

**12:54 p.m. Opened Public Hearing**

Lawrence Johnson, the applicant, said he was present for questions.

Comm. Suenram asked how the 5,000 gallon water tank was being filled and how long does it take to refill it off of the well and what is the water usage for the garden.

Mr. Johnson said that they only use 150 gallons of water per day, which is being filled by his permitted well. He said there are blackout curtains on the greenhouse so there is no exposure to light and there are two carbon filters in the greenhouse and there are no air quality issues.

Comm. Malley asked Mr. Johnson if he was currently operating as cannabis greenhouse.

Mr. Johnson said not at this point.

Comm. Suenram pointed out that odors travels great distances without any winds.

**1:00 p.m. Closed Public Hearing**

Mr. Turner pointed out that the water usage is part of the management plan, which is required as part of the application.

Comm. Suenram stated that his concerns are with odors, and if they are being addressed he would be okay with it.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find this Minor Use Permit, MUP 18-09, applied by Lawrence Johnson on property located at 11322 Bottle Rock Road, Kelseyville, and further described as APN 011-068-067 is exempt from CEQA as it falls within Categorical Exemption Class 4 set forth in the Staff Report dated October 25, 2018.

**Categorical Exemption 5 Ayes 0 Noes**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Minor Use Permit (MUP 18-09) applied for by Lawrence Johnson on property located at 11322 Bottle Rock Road, Kelseyville, and further described as APN 011-068-067 does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Categorical Exemption which was adopted for this project and the Minor Use Permit be granted subject to the conditions and findings listed in the staff report dated October 25, 2018.

**Minor Use Permit Approval 5 Ayes 0 Noes**

Comm. Crandell noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**UNTIMED STAFF UPDATE**

Michalyn DelValle, Community Development Director said that staff has hired a Building Inspector, Tod Elliott who has started today.

**ADJOURNED 1:03**

Respectfully Submitted,

Eddie Crandell, Chair  
Lake County Planning Commission

By: \_\_\_\_\_  
Danae Bowen  
Office Assistant III