

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 24, 2019

Commission Members

P John Hess, District I
P Bob Malley, District II
A Batsulwin Brown, District III
P Dan Camacho, District IV
P Daniel Suenram, District V

Staff Members

P Michalyn DelValle, Director
P Byron Turner, Principal Planner
P Nicole Johnson, Deputy Cty Counsel
P Danae Bowen, Office Assistant III

REGULAR MEETING

January 24, 2019

9:03 a.m. CALL TO ORDER

Pledge of Allegiance led by John Hess

OATH OF OFFICE - Maria Valdez

Oath of Office was given to Commissioner Hess.

9:01 a.m. CITIZEN'S INPUT – None

9:05 a.m. UNTIMED STAFF UPDATE

Michalyn DelValle, Community Development Director, explained that during the last Planning Commission Hearing there were questions concerning Granicus and information retrieval from the County website. She said Shane French, IT Director is here to answer any questions concerning Granicus and how long information is stored.

Shane French, IT Director, provided information on Planning Commission Hearing videos and the process for the storage for videos. He said it is stored as long as the County has a contract with Granicus. He said his understanding is that there is no limit on how long they will store the video/audio recordings or any documents that have been uploaded to the system.

Comm. Malley asked if the County were to change to another carrier, would the recordings be transferred over.

Mr. French said it was his understanding that Granicus would allow the transfer, but a cost would probably be involved. He said that information will still be the County's and it will be able to be retrieved if so needed.

Comm. Malley said this discussion started, because of concerns of this information being available for access to prior meetings going back ten or fifteen years.

Mr. French said it was his understanding, that it will be available as long as the County has a contract with Granicus. The videos will be able to be retrieved and the public will be able to view them.

Danae Bowen, Planning Commission Assistant, also verified that two copies of the DVDs for each hearing are retained in the Community Development Department.

9:07 a.m. Public hearing on consideration of a Major Use Permit (UP 18- 20). The project applicant is RICHARD DERUM/SPECIALTY TOKES proposing a Commercial Cannabis Cultivation license, A-Type 3 outdoor to allow 16,896 square feet of canopy area within 24,608 square feet of cultivation area. The project location is 13605 Seigler Canyon Road, Lower Lake and further described as APN 012-004-64. Environmental Evaluation: Mitigated Negative Declaration (IS 18-25). (Eric Porter)

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

Comm. Malley stated that there was a letter from Mr. & Mrs. Crouch, neighbors of the applicant, complaining about odor and other issues. He asked if all those items were taken into account as far as the amount of water to be used.

Mr. Roberts said that it is covered by the Property Management Plan and the State Water Board Permits. He said Air Quality has given the applicant temporary authority to construct permit during the Early Activation Permit.

Comm. Hess said the staff report stated that the outdoor cultivation area will have no odor control as proposed and yet the report speaks to the requirements in attachment 6 for an odor control plan.

Mr. Roberts said that there is an odor control plan and it is part of the Property Management Plan and Air Quality will address the issues.

9:21 a.m. Opened Public Hearing

Richard Derum, the applicant spoke to water usage and odor control issues. He said they intend to be completely compliant and good citizens.

9:24 a.m. Closed Public Hearing

Comm. Malley moved, 2nd by Comm. Camacho that the Planning Commission find that the Initial Study (IS 18-25) applied for by Richard Derum representing Specialty Tokens on property located at 13605 Seigler Canyon Road, Lower Lake further described as APN: 012-004-64 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 December 12, 2018.

Mitigated Negative Declaration (IS 18-25) 3 Ayes 1 No (Comm. Suenram) 1 Absent (Comm. Brown)

Comm. Malley moved, 2nd by Comm. Camacho that the Planning Commission find that the Use Permit (UP 18-20) applied for by Richard Derum representing Specialty Tokens on property located at 13605 Seigler Canyon Road, Lower Lake further described as APN: 012-004-64 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 December 12, 2018, and is valid for a period not to exceed ten years from this date.

Major Use Permit (UP 18-20) 3 Ayes 1 No (Comm. Suenram) 1 Absent (Comm. Brown)

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

9:27 a.m. Public Hearing on consideration of a Major Use Permit (UP 18- 06).

The project applicant is MICHAEL DONYGAN proposing a Commercial Cannabis Cultivation License, A-Type 3 outdoor cultivation to allow 43,500 square feet of canopy area within 64,053 square feet of cultivation area. The project location is 8959 Wight Way, Kelseyville and further described as APN 007-036-02. Environmental Evaluation: Mitigated Negative Declaration (IS 18-10). (Eric Porter)

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

Comm. Malley spoke to wetlands through the property, State Water Control Board permits, water usage, the location of the grow site and the existing driveway.

Richard Knoll, Consultant, provided a power point presentation concerning the lavender aspect of the project application. He said that the lavender is not required to have a Major Use Permit, because there will be no manufacturing of the lavender cultivation. He addressed traffic, vehicle access and spoke to the Property Management Plan on security concerns, gates and fences.

Comm. Suenram shared his concerns with sediment retention measures around the cannabis grow site.

There was discussion on the proposed greenhouses, water use, pesticides/fertilizers, beneficial insects and environmental protections and discussion on a standard condition for beneficial insects.

10:27 a.m. Opened Public Hearing

Mark Borghesani, Karen Tracey, Rick Reynolds, Robert Hinger, Win Stiles, Betty Unger, Deborah Sherrer, Vincent Price and Mike Mitzel all spoke to their concerns on the project application.

11:09 a.m. Closed Public Hearing

Comm. Suenram said that he was against this being an outdoor grow at this site, however he would like to see more sediment retention measures taken to help prevent runoff from this, and especially because there is a pond near and also spoke to the security of this industry. He said he would like to see this restricted to an indoor facility at this location.

Comm. Malley moved, 2nd by Comm. Camacho that the Planning Commission find on the basis of the Initial Study No. 18-10 prepared by the Planning Division and the mitigation measures which have been added to the project, that the use permit as applied for by Michael Donygan on property located at 8959 Wight Way, Kelseyville and further described as APN: 007-036-02 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 December 20, 2018.

Mitigated Negative Declaration 3 Ayes 1 No (Comm. Suenram) 1 Absent (Comm. Brown)

Comm. Malley moved, 2nd by Comm. Camacho that the Planning Commission find that the Use Permit (UP 18-06) applied for by Michael Donygan on property located at 8959 Wight Way, Kelseyville and further described as APN: 007-036-02 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

December 20, 2018. This permit is valid for a period of ten years from the date of this approval.

Mitigated Negative Declaration 3 Ayes 1 No (Comm. Suenram) 1 Absent (Comm. Brown)

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

11:17 a.m. BREAK

11:26 am BACK TO ORDER

11:26 a.m. Public Hearing on consideration of a Major User Permit (UP 18-01). The project applicant is HORIZON TOWER LLP Owners are RICHARD & SHERRY GUBERA proposing an unmanned 85 foot tall green mono-leave wireless telecommunication tower able to accommodate up to four (4) wireless communication carriers. The tower would include four (4) 36-panel antennas, each approximately 8'x18", and up to eight (8) microwave dish antennas, approximately 36" in diameter. The project is located at 9475 Mojave Trail, Kelseyville and further described as APN 009-004-21. Environmental Evaluation: Mitigated Negative Declaration (IS 18-06). (Mireya Turner)

Comm. Suenram disclosed that he conducted a site visit of the project location.

Mireya Turner, Associate Planner, provided background information and a power point presentation on the project application.

Comm. Suenram asked about a fire buffer around this tower and if there are any requirements for clearing around the fence and turnaround and what is being proposed for new requirements in a residential area.

Ms. Turner explained that in a residential area there is different criteria and if it is within the states responsibility area, staff goes by public resource code 4290, which mandates on properties over an acre, that there be 30 foot setbacks for placement of structures, so there are not house to house fires. She added in the Clear Lake Riviera Subdivision, those parcels are less than an acre and staff would then revert to the setbacks in the Zoning Ordinance, however Cal Fire does request that the local jurisdiction has the "same as" in place, so we have fire hydrants. Other than that as far as clearance, we do not have anything in place. She said fire breaks can also be installed.

Comm. Suenram said these structures are sound, however if it were to fall over, is the clearing far enough away where the top should not touch any brush causing a fire, and it should be made a requirement on this.

Michalyn Del Valle, Community Development Director, spoke to 4290 and 4291, which does have some hazardous vegetation removal requirements. Within thirty feet there are specific requirements which are applicable to dwellings. She said as far as clearance requirements around the cell tower itself there is not anything required that she is aware of in 4290 and 4291.

Comm. Suenram said if this goes through with its proximity to dwellings, it could be two minutes with the right wind blowing the tower over, and there would be fire lapping at the houses within a couple of minutes.

Ms. Turner said the only thing they have regarding the tower is a general condition, which requires that the construction be reviewed and approved by a Civil Engineer or an Architect.

Comm. Suenram said you always need to prepare for the worst case scenario especially in this location.

12:07 a.m. Opened Public Hearing

Greg Guerrazzi, representing Horizon Tower, reviewed statistics of the project application and noted that the subject property has had regular brush clearance and they have worked with CAL FIRE requirements. He said the compound will be graveled and fenced and the chances for any firefighting within the compound are nil, because there is no equipment in there that generates sparks. He said the facility will comply with all local, state and federal requirements and it will operate almost twenty times below the federal guidelines for radio frequency exposure. He said he has submitted a report by consulting Engineers Hammond Edison, which document that the facility will operate at 5% of the standard, which is almost 20% below the federal requirements, with a maximum of four carriers at maximum power. He said he understands the concerns about the tower falling over, however it is designed by a Structural Engineer and the foundation is designed to withstand maximum earthquakes and the plans will be approved by the Lake County Building Department. He said even if it did fall over, it does not have a live transmission line so it will not spark and start a fire and the power would shut down automatically if there were a situation like that.

The commissioners further discussed the style of tree to be placed at the tower.

Richard Gurbera, owner of the parcel, said he is sensitive to this neighbors' concerns and would be happy to address their questions.

Brad Chatan addressed his fears and health issues with the tower and said he was not in favor of this project application.

Pete & Mary Chappars said this tower should not be in a residential area and are opposed to this project application.

Mark Natkin spoke to toxins from the tower and radiation health concerns.

Deborah Harmer provided a letter to the Commission and shared her concerns about property values and aesthetics and is not in favor of this project application.

Don Green read his comments into the record and voiced his concerns with fire danger and wildfire and is in opposition to the proposed cell tower.

Aurelia Johnson spoke to wildlife issues, the impacts to the birds and the bees, and is opposed to this project application

Kirstin Olson spoke to the absence of reliable fire escape routes in the Clear Lake Riviera area and the increase of fire danger in this area. She was opposed to this project application.

Mr. Michelle spoke to the health effects on humans from a cell tower. He was not in favor of this project application.

Frank Howard presented a handout to the Commission and spoke to easement issues.

Robin Atkin spoke to a petition that was given to the Commission of those who were not in favor of this cell tower and is opposed to this project application.

Steven Tucker spoke in opposition to this cell tower and was concerned with property values.

Joan Moss spoke to the health effect of radio frequency emission standards. She asked that this tower be put in another place.

Richard Gubera spoke to the public comments and said he is concerned with the things that have been presented from his neighbors. He said the closest house to the proposed cell tower is his and he would like to live there one day.

1:16 a.m. Closed Public Hearing

Greg Guerrazzi, representing Horizon Tower, said he understood everyone's concerns and addressed property values. He said if your property does not have cell service, your property is not a desirable location, because half of residents do not have land lines anymore and people need access to the internet and telecommunication services. He said there is no direct health results, if it is properly installed and operated, which this site will be under FCC guidelines.

Comm. Suenram said that he has issues with the site and believes that there are other sites better suited for this cell tower.

Comm. Malley said he believes that the applicant and County have done their due diligence and understands the immediate worry about health issues. He said he did not see as it being a deterrent to property values as some people believe. He felt that this item needs to move forward, because this is allowed in this area as far as the General Plan and the applicant has done his due diligence.

Comm. Suenram said he is torn, because he grew up in the Red Hills area and has considered this his home, but unfortunately as long as all the safety precautions are met, he felt compelled to make a motion.

Comm. Suenram moved, 2nd by Comm. Malley that the Planning Commission find on the basis of the Initial Study No. 18-06 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Use Permit, UP 18-01 as applied for by Horizon Tower, LLP 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 January 24, 2019.

Mitigated Negative Declaration 4 Ayes 0 Noes 1 Absent (Comm. Brown)

Comm. Suenram moved, 2nd by Comm. Malley that the Planning Commission find that the Use Permit, UP 18-01 applied by Horizon Tower, LLP on property located at 9475 Mojave Trail, Kelseyville, further described as APN: 009-004-21 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 January 24, 2019.

Major Use Permit 4 Ayes 0 Noes 1 Absent (Comm. Brown)

Comm. Suenram moved, 2nd by Comm. Malley that the Planning Commission find that the Wireless Communication facility applied for by Horizon Tower, LLP on property located at 9475 Mojave Trail, Kelseyville, further described as APN: 009-004-21 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 January 24, 2019.

Wireless Communication Facility Approval 4 Ayes 0 Noes 1 Absent (Comm. Brown)

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

Please note:

- For further details, discussion and public comments on the above items from the January 24, 2019 Planning Commission Hearing, please go to the following link: <https://countyoflake.com/calendar.aspx>

ADJOURNED 1:33 p.m.

John Hess, Chair
Lake County Planning Commission

Respectfully Submitted

By: _____
Danae Bowen
Office Assistant III