

# LAKE COUNTY PLANNING COMMISSION

## MINUTES

### REGULAR MEETING

June 27, 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

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**9:14 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-43). The project applicant is SHANNON SANDERS proposing (1) A-Type 3B (mixed light) commercial cannabis license to allow 25,996 sq. ft. of cultivation area that includes 13 greenhouses and a 4,000 sq. ft. drying and packaging building. The project is located at 19424 Butts Canyon Road, Middletown and further described as APN 014-004-20. Environmental Evaluation: Mitigated Negative Declaration (IS 18-58). (Eric Porter)**

Comm. Hess disclosed that he has had a discussion with Dave Jordon, Middletown resident about this project application.

Eric Porter, Associate Planner, provided background information and a power point presentation of the proposed project application.

Comm. Suenram commented on the petition list, which represents people who are not from the community, and asked if they could get an updated list of just Lake County residents from Middletown who are in support or against this project application. He added that this is a local issue and people who are not Lake County residents do not have jurisdiction on this matter and should not have been included to begin with.

Richard Knoll, Land Use Consultant, presented a power point presentation on the behalf of the project applicant.

Comm. Hess spoke to the reasonably productive well, odor issues and green houses with odor control.

**BOS Exhibit C**

Shannon Sanders, the applicant, provided an overview and addressed odor concerns and spoke to the fundamentals of the farm. He said it is setback 1200 feet from the road and the farm is well suited for low impacts and his goal is to make it invisible. He addressed the management plan, carbon filtration instead of charcoal and ozone generators to combat the odors.

#### **9:40 a.m.     Opened Public Hearing**

Justin Hodges owner of Circle D ranch, presented photos to the Commission and stated that he adamantly is opposed to this project. He said this project with 13 green houses, processing facility, excessive water usage, odor issues and security fencing is not appropriate for this neighborhood. He said this is absolutely the wrong location for this project.

Bob Dunley, Lake County resident, spoke to the well issues and was opposed to this project application.

Dave Jordon, shared his concerns with negative issues opposing this project. He said his main concern is with security/safety issues, water shortages, parcel acres discrepancies and impacts on peace and quiet.

Sally Peterson, Middletown Rancheria Tribal Council Vice Chairwoman, commented on this project location and that there is a high likelihood of cultural resources in this area. She would like to see a condition placed on the permit that the owner engage with the tribe for cultural resource monitoring.

Comm. Hess said the County cannot legally impose certain conditions. He said the two parties will need to come to an understanding themselves.

Michalyn DelValle, Community Development Director, said it was her understanding that they can include a condition to require monitoring, but the County cannot require an agreement.

Jake Davis spoke to water issues and how many gallons per minute wells can pump.

Gail Wright, resident on Butts Canyon Road, spoke to water, traffic, road maintenance, dust mitigations, safety and security issues.

Lois Jordon spoke to her concerns with crime, safety and security issues.

Newt Jackson, Agricultural Consultant for this project, spoke to charcoal filtration systems, blackout tarps for light pollution, and security issues.

Debra Bottoms spoke to water and safety issues.

Lauren Goodman said everything in projects like these can be mitigated and he said he was in support of this project application.

Jennifer Smith, Cannabis Cultivator, addressed community concerns and felt there should be community outreach, so that the people understand that there are mitigations in place and there are checks and balances.

Trey Sherrill, Environmental Consultant who works with cannabis farmers in Lake County said there is no cap on the rate of water you can take from a well. He said the minimum is three gallons per minute and the maximum is ten gallons per minute, if taken from a spring or creek.

Rebecca Fletcher spoke to odor and water concerns and traffic safety on Butts Canyon Road.

#### **10:20 a.m. Closed Public Hearing**

Mr. Knoll addressed draw down water tests in August of 2017, which is a dry month and the information provided to the County was for 11 gallons per minute.

Comm. Malley asked if the Water Resources Board is still actively involved in these permitting situations and do they have to have a certificate from California.

Mr. Porter said they have to be set up with the Water Board before the County can accept an application. He said he did not know the extent of the Water Boards involvement after the use permit has been approved and thought they differed to Cal Cannabis. He added that the County requires an annual report from every cultivator for water usage over the prior year. He said the County does not have a minimum threshold for wells, so there is no basis for staff to recommend a denial at this point, based on inadequate water supply.

Mr. Knoll said that the project is enrolled with the Regional Water Quality Control Board and there is a requirement for an annual report, which is a site management plan, required to be prepared and submitted. He said the applicant is in conformance with their requirements addressing water quality issues.

Comm. Malley questioned fire safety of commercial buildings and will the applicant have a certain amount of water to be able to run a sprinkler system.

Byron Turner, Principal Planner, said that type of building permits for greenhouses will be determined at that time. He said he did not have an answer if a sprinkler system will be required for this type of facility.

Ms. DelValle stated that the Board of Supervisors have approved several amendments to the personal and commercial cannabis ordinance, which went into effect on June 21, 2019. She said she would provide the Commissioners with a copy of that document.

There was further discussion on the confirmation of the actual lot size of this project application.

Comm. Suenram said if this project moves forward, he felt a hydrology report is needed for this project and he did not believe that this meets the requirements of section 51.4 of the Zoning Ordinance, sections 1, 2 & 3.

Ms. DelValle said if the Planning Commission decides to entertain a motion of continuance, staff will need guidance on what needs to be brought back.

Mr. Turner stated that there are two types of comments in the packet, which are letters written by residents as part of the public hearing process, and there are also online petitions that were not County generated.

Comm. Hess said he personally is prepared to proceed today.

Ms. DelValle asked for a break to prepare conditions to state the exact language that will be added to the project so there is no confusion.

**10:36 a.m. Break**

**10:48 a.m. Back to Order**

Mr. Turner said that staff would like to add condition D3 to read: *"A Tribal Representative is required to be onsite for monitoring during all ground disturbance related to this project."* Condition C4 to read: *"Ozone generator application shall be required at each exhaust port for each green house on site."* Condition H5 to read: *"The permit holder shall be required to provide a water availability analysis to the Community Development Department prepared by a qualified professional indicating that there is sufficient water available to sustain the proposed use and adequate aquifer recharge occurring following irrigation system use. The applicant shall maintain a record of all data collected, and shall provide a report of the data collected to the County annually."*

Comm. Suenram asked if something should be in there about the toxic waste dumpsite, which was previously onsite and to make sure hazardous materials are not being drawn from that site.

Mr. Turner said that he did not believe that the toxic waste site was on this property.

Comm. Suenram said it is not on the property, however it is near the property.

Mr. Turner said that is a valid concern for all projects, but it should not be addressed by this project individually.

Comm. Suenram reiterated that they are up there serving the members of this community and he thought it was imperative to take to heart what the majority of the community is

feeling on these issues and move forward in such a manner for the wellbeing of the community.

Comm. Malley moved, 2<sup>nd</sup> by Comm. Camacho that the Planning Commission find that the Initial Study (IS 18-58) applied for by Shannon Sanders on property located at 19424 Butts Canyon Road, Middletown, further described as APN: 014-004-20 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 June 17, 2019 as amended today.

**Mitigated Negative Declaration 3 Ayes 1 Noes (Comm. Suenram) 1 Absent (Comm. Brown)**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Camacho that the Planning Commission find that the Use Permit (UP 18-43) applied for by Shannon Sanders on property located at 19424 Butts Canyon Road, Middletown, further described as APN: 014-004-20 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 June 17, 2019 as amended today.

**Major Use Permit (UP 18-43) 3 Ayes 1 Noes (Comm. Suenram) 1 Absent (Comm. Brown)**

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

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