

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 9, 2020

Commission Members

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

Staff Members

A Michalyn DelValle, Director
P Mark Roberts, Principal Planner
P Nicole Johnson, Deputy Cty Counsel
P Danae LoDolce, Office Assistant III

REGULAR MEETING

January 9, 2020

9:00 a.m. CALL TO ORDER

Pledge of Allegiance was led by John Hess.

ELECTION OF CHAIR AND VICE CHAIR

Comm. Malley moved to nominate Comm. Suenram for Chair, 2nd by Comm. Hess and all were in favor.

Comm. Suenram moved to nominate Comm. Hess for Vice Chair, 2nd by Comm. Price and all were in favor.

ACTION ON MINUTES

Comm. Malley moved, 2nd by Comm. Hess to approve the minutes from October 24, 2019.

9:00 a.m. CITIZEN'S 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 a.m.

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.

9:07 a.m. Public Hearing on consideration of a General Plan of Conformity Report (GPC 19-02) and Categorical Exemption (CE 19-32). The project applicant is CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) requesting approval to move existing Smith Ranch Road and S. State Hwy. 29 driveways, due to safety issues after the construction of the planned highway project. The project locations are 7100 & 7150 Smith Ranch Road, Kelseyville and further described as APNs 009-022-80 & 81 and 7703, 7763 & 7723 S. State Hwy 29, Kelseyville and further described as APNs 009-022-32, 49 & 79 (Simone Hingston)

Simone Hingston, Assistant Planner, provided background information and a power point presentation on the project application.

Comm. Malley confirmed that this was a relocation of the egress and ingress to this property.

Ms. Hingston confirmed that this was just a relocation.

Comm. Malley noted that the highway project is to widen the highway to two lanes in either direction. He said they are reworking it because of safety concerns, but there will not be any changes on the property itself, as-far-as any new structures or vineyards. He said the only reason is to talk about the driveway.

Ms. Hingston said it does not include any buildings or any other uses.

9:18 a.m. Opened Public Hearing

No one present wished to speak.

9:18 a.m. Closed Public Hearing

Comm. Malley moved, 2nd by Comm. Hess that the Planning Commission find that the General Plan Conformity GPC 19-02 applied by California Department of Transportation on the properties located on 7703 S State Hwy 29 (009-022-32), 7763 S State Hwy 29 (009-022-49), 7723 S State Hwy 29 (009-022-79), 7100 Smith Ranch Road (009-022-80), 7150 Smith Ranch Road, , CA (009-022-81), Kelseyville, CA 95451 is exempt from CEQA because it falls within Categorical Exemption 15061.(b)(3), based on the findings set forth in the Staff Report dated December 20, 2019.

Categorical Exemption 4 Ayes 0 Noes 1 absent (Comm. Brown)

Comm. Malley moved, 2nd by Comm. Hess that the Planning Commission find that the **General Plan Conformity, GPC 19-02** for a **new frontage road** applied by the **California Department of Transportation** on property located at **7703 S State Hwy 29 (009-022-32), 7763 S State Hwy 29 (009-022-49), 7723 S State Hwy 29 (009-022-79), 7100 Smith Ranch Road (009-022-80), 7150 Smith Ranch Road, , CA (009-022-81), Kelseyville, CA 95451** is in conformity with the Lake County General Plan with the findings listed in the **Staff Report dated December 20, 2019.**

General Plan of Conformity 4 Ayes 0 Noes 1 absent (Comm. Brown)

Comm. Suenram noted that there is a seven (7) calendar day appeal period provided 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>

9:22 a.m. General discussion on the Cannabis Annual Reports (Performance Review Report) pursuant to Article 27 of the Zoning Ordinance. Items to be discussed will be:

- **Evaluation process**
- **Party responsible for review reports from applicants.**

Mark Roberts, Principal Planner, provided background information on Article 27 of the Zoning Ordinance regarding the Annual Performance Report for the cultivation of cannabis.

Mr. Roberts explained, according to Article 27 the reports may be reviewed by the Planning Commission or the Planning Commission may delegate the review of these reports to Community Development Department staff. He asked the Planning Commission what their preferences are and if they would like to take on the task of reviewing the reports or if it should be a joint effort.

Comm. Hess asked how many reports are there to review and if there is a standard for a basic level of detail in these reports.

Mr. Roberts explained that the reports may vary depending on the type of project and the applicant would detail their report with documentation on how they are meeting the conditions of approval and how they are staying in compliance.

Comm. Suenram said he would like to get the chance to see some of these reports and the variables of depth.

Comm. Price said she would like to have the chance to read them and work with Community Development staff.

Mr. Roberts said if there were any potential issues after both the Planning Commission and Community Development staff reviewed the reports, a meeting could be scheduled for discussion on the potential issues on how to resolve them should they arise.

Comm. Hess asked if there was a timeframe for getting back to the applicants and is it possible that the Commission could receive a report without a site inspection.

Mr. Roberts said staff is currently in the process of scheduling the required inspections and compliance checks during the cultivation season. He noted that several Community Development staff members would be dedicated to such inspections.

Comm. Suenram asked if staff would fill out a site inspection report.

Mr. Roberts explained that staff would take the applicants approval packet and conditions of approval when the site visit is conducted and inspect the entire premises to ensure compliance.

Comm. Hess said he would not like to see this become a bottleneck and presumably the Commission would not get all forty reports at one time. He said it would be more useful and not redundant, if the Commission could see the site assessment from Community Development staff and the report at the same time to prevent doubling back to review it again, which could create delays.

Comm. Malley asked if the reports were public information and if not, then there would need to be stricter controls as to how it was released.

Mr. Roberts said it is an annual compliance report, which goes with the land use application.

Comm. Suenram agreed with Comm. Hess and preferred to see the report and site assessment at the same time.

Comm. Malley said that makes sense to review it in its entirety in order to make an assessment decision.

Comm. Hess said he thought it would be a good idea to work closely with staff through the process and he was comfortable with delegating to staff.

9:32 a.m. Opened Public Hearing

Richard Deurm, Cannabis Cultivator, spoke to the performance review and asked if there could be a clear guideline sent in the letter on the points that needed to be covered in the annual report, to help streamline it on the cultivators end.

Erin McCarrick, Clearlake resident, clarified that this was for the annual report for applicants who have been in cultivation for a year.

Mr. Roberts said correct.

Bob Scala, Cannabis Cultivator, asked if this review would be specific to the impacts of the approved use permit. He said if there are other activities going on the property, like farming activities outside the scope of the approved project, would there be any overlap issues between those activities.

9:35 a.m. Closed Public Hearing

Mr. Roberts said that the annual report will be based on what the Planning Commission approved for each use permit.

Comm. Hess asked if the reports would contain information on yields, revenues and fees paid to the County. He asked if this would be an opportunity to quantify how well the County is doing in terms of additional revenues raised in how successful the first year has been and if it is matching other counties.

Mr. Roberts said he would look into that.

9:36 a.m. Reopened Public Hearing

Erin McCarrick asked if there has been a public document of the cost-in and cost-out for all the cannabis operations, so there might be a baseline for the Commission to review. She referred to the tax revenue, application fees for use permits etc., to go off of the annual reports.

Mr. Roberts indicated he was unaware of such report

Comm. Hess said he thought that was ultimately useful information for the Planning Commission and Board of Supervisors.

Comm. Suenram asked if the Planning Commission had the authority to request that information or was it strictly for the Board of Supervisors.

Comm. Hess asked if it was the realm of the Tax Collector to prepare a report for the Planning Commission and/or the Board of Supervisors for revenues raised versus anticipated projections.

Mr. Roberts said staff would need to reach out to the Tax Collector.

Comm. Malley said it would be good to know if the taxes were actually being paid.

Comm. Suenram said he was interested in all of that information.

Nicole Johnson, Deputy County Counsel, said that staff could follow-up with the Commission after determining whether or not that this is information that the Planning Commission could request or if that is information that could even be provided.

9:39 a.m. Closed Public Hearing

Mr. Roberts summarized the discussion and noted that once the letter is sent to the applicants and they submit their annual reports, staff will perform the site evaluation and submit it to the Planning Commission for review and that there would be no more than ten reports grouped in one meeting.

Comm. Suenram asked if the Ag. Department would be involved in these inspections.

Mr Roberts said that staff could coordinate with them to see if they have an interest.

UNTIMED STAFF UPDATE
OFFICE NEWS

Mark Roberts, Principal Planner, said staff is recruiting for a Resource Planner, Assistant/Associate Planners and the Guenoc draft documents are in review. Additionally, Mr. Roberts mentioned they are currently processing a proposed golf course at the Glider Airport in Middletown. Mr. Roberts indicated that staff is extremely busy processing several applications.

- 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>

ADJOURNED 9:46 a.m.

Daniel Suenram, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae LoDolce
Planning Commission Assistant