

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 23, 2019

Commission Members

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

9:05 a.m. Public Hearing on consideration of a Minor Use Permit (MUP 18-10). The project applicant is STEPHEN SANDTNER proposing a Commercial Cannabis Cultivation license, A-Type 2b Mixed Light, to allow up to 8,640 square feet of canopy area inside 3 greenhouses. The project is located at 16983 Hofacker Lane, Lower Lake and further described as APN 012-056-44. Environmental Evaluation: Mitigated Negative Declaration. (Eric Porter)

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

Jason Orem, owner of the project site and Stephen Sandtner, the applicant, spoke to odor concerns, rainwater catchment system and that their goal is to be a sustainable farm and model for what cannabis farms can do.

Comm. Hess questioned the captured rainwater and how it works.

Mr. Orem said that they have an engineered hydrologist report and they have an average of low and high rain years. He said their plan is to scale their cannabis grow capabilities to what has been captured in rainwater. He added that there are two legal sources of water on site.

9:21 a.m. Opened Public Hearing

Andre Ross, Attorney representing Brenda Frey adjacent neighbor to the project application, spoke to the letter he submitted on May 22, 2019, to the Commission and the

BOS Exhibit C

uniqueness of this application, in which the applicant is seeking cannabis related activities within a California Homeowners Association area. He said Ms. Frey has reached out to the association through a Request for Resolution, which is a statutory mechanism asking the association to mediate or engage in an alternative dispute resolution to deal with issues about whether or not Mr. Orem has lawfully obtained the homeowners association's approval.

Mr. Ross pointed out that Mr. Orem also acts as the current President of the Homeowners Association. He also stated that Ms. Frey has sensitivities, which are triggered by cannabis odors and she is concerned for her personal safety from this cannabis operation and that the association is forced to maintain and upkeep the roads, culverts and other improvements. He said that his client would like the Planning Commission to reject this application, however if the Planning Commission is inclined to approve this or considerate it further, she asks that this hearing be continued for sixty days, so that the association could respond to her request to resolve disputes.

Michalyn DelValle, Community Development Director, said that the property does not have the Residential Design Combining District, so therefore, staff would not have sought input from the Homeowners Association and the County does not enforce CC&Rs.

Nicole Johnson, Deputy County Counsel, explained that they have criteria in permits, which require the applicant to conform to other rules and regulations that would be applicable, and is a generic permit condition. She said the CC&Rs would fall under that and would be a civil issue of whether or not they could grow cannabis in their Homeowners Association. She said the Homeowners Association process is separate from the decision that will be made today.

Mr. Orem said that there is a part that is being missed and the CC&Rs were created in 1971 and it is a two page document. He said the purpose of the associations CC&Rs is to maintain the common areas, which is a gravel road. He felt they have addressed the issues and understands Ms. Frey's concerns.

Mr. Ross said that staff is correct and the County is not responsible for enforcing CC&Rs. He said if action is taken today and the property owner decides that it might be lawful or appropriate, Ms. Frey will then make the decision of whether or not to appeal it to the Board of Supervisors for a second hearing on what is done today, and he felt a sixty day continuance makes sense.

The following people spoke: Debra Fiedler, Gary Condry, Norman Kimes, Eric Areberg and are opposed to this project application.

Concerns expressed were for: Water issues, road usage, safety concerns and children living in the area.

Art Cerna, Secretary of the HOA, spoke in favor of this project application.

Byron Turner, Principal Planner, pointed out that staff has received a letter from a concerned neighbor asking for a continuance.

Comm. Hess noted that it is an either or situation with the water and it was his understanding that the use permit would only recognize the rainwater catchment system.

Mt. Orem stated that they will strictly use the rainwater catchment system for the cannabis and scale the size of the grow to the catchment system.

9:56 a.m. Closed Public Hearing

Comm. Camacho said being that CC&Rs are a civil issue the rainwater catchment system would be a change that he would like to see also.

Comm. Hess and Brown concurred and supported the change of using only the rainwater catchment system for the cannabis grow.

Comm. Hess asked how the County would ascertain that other sources of water were not being used.

Mr. Porter stated that they do three site visits for cannabis cultivation during the first year and during those visits they would verify the water sources.

There was further discussion on background checks and contemplation of the merits of continuing this item.

Comm. Brown moved, 2nd by Comm. Camacho that the Planning Commission find that the original and revised Initial Study (IS 18-16) applied for by Stephan Sandtner representing 707 Organics on property located at 16983 Hofacker Lane, Lower Lake further described as APN: 012-056-44 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 May 13, 2019 as modified today.

Mitigated Negative Declaration 3 Ayes 0 Noes 2 Absent (Comm. Malley and Suenram)

Comm. Brown moved, 2nd by Comm. Camacho that the Planning Commission find that the Minor Use Permit (MUP 18-10) applied for by Stephan Sandtner representing 707 Organics on property located at 16983 Hofacker Lane, Lower Lake further described as APN: 012-056-44 does meet the requirements of Section 50.4 of the Lake County Zoning Ordinance and the Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated May 13, 2019 as modified today.

Minor Use Permit (MUP 18-10) 3 Ayes 0 Noes 2 Absent (Comm. Malley and Suenram)

Comm. Hess 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 May 23, 2019 Planning Commission Hearing, please go to the following link:
<https://countyoflake.com/calendar.aspx>