

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 12, 2020

Commission Members

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

Staff Members

P Scott DeLeon, Interim CDD Director
P Mark Roberts, Principal Planner
P Nicole Johnson, Deputy Cty Counsel
P Danae LoDolce, Office Assistant III

REGULAR MEETING

March 12, 2020

9:00 a.m. CALL TO ORDER

Pledge of Allegiance was led by Daniel Suenram.

9:00 a.m. CITIZEN'S INPUT – none

Mark Roberts, Principal Planner, introduced Community Developments newest Assistant Planner, Michael Taylor and announced that Victoria Kim, Assistant Planner will be presenting her first Planning Commission project to the Commission today.

9:05 a.m. Public Hearing on consideration of a General Plan of Conformity Report (GPC 19-03) and Mitigated Negative Declaration, based on Initial Study (IS 19-36). The project applicant, COUNTY OF LAKE DEPARTMENT OF PUBLIC SERVICES, is proposing improvements to 107-acre Middletown Trailside Park, primarily for passive recreation opportunities including restoration to wetlands, meadows, and other habitats after the devastation from the 2015 Valley Fire. The project is located at 21044 Dry Creek Cutoff, Middletown. (Victoria Kim)

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

Comm. Hess commented that he had been in contact with Ms. Kim and Lars Ewing, Director of Public Services, on this project and thanked them for the work they have put into this project application.

9:11 a.m. Opened Public Hearing

No one present wished to speak.

9:11 a.m. Closed Public Hearing

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find on the basis of the Initial Study IS19-36 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Middletown

Trailside Park improvements, as applied for by the Lake County Department of Public Services, 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 January 27, 2020.

Mitigated Negative Declaration 5 Ayes 0 Noes

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that General Plan Conformity GPC19-03 applied for by the Lake County Department of Public Services for Middletown Trailside Park improvements in Middletown is in conformity with the Lake County General Plan with the findings listed in the staff report dated January 27, 2020.

General Plan Conformity 5 Ayes 0 Noes

- 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>

9:13 a.m. Public Hearing on consideration of a Minor Use Permit (MUP 18-14) and Mitigated Negative Declaration, based on Initial Study (IS 18-18). The project applicant is FIORE DULCE, the owner is ROBERT LIPARI. Proposed is a Commercial Cannabis Cultivation License, one A-Type 2 Small Outdoor Cannabis license, and a "Type 13 Self Distribution" license. The project is located at 21715 Jerusalem Grade Road, Middletown and further described as APN 013-013-49. (Eric Porter)

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

Comm. Suenram asked if there was an existing grow onsite already.

Mr. Porter said that there was and it was approved in 2017 for a self-certification in the same location.

Comm. Brown asked about cultural resources in the Initial Study and noted that all employees shall be trained to recognize the potential of significant artifacts. He asked who would be doing the training and is that standard language.

Mr. Porter noted that he had spoken with Sally Peterson, Middletown Rancheria Representative and she had concerns about this project, and he recommended that the applicant/owner Mr. Lipari, speak directly to her. Mr. Porter said Mr. Lipari was present and could address what was resolved. He noted that the site was already disturbed from the 2017 medicinal cannabis grow.

9:25 a.m. Opened Public Hearing

Robert Lipari, the applicant, spoke to the project application and said he was an organic farmer and also has an olive orchard. He said he has improved the road to get the site and this operation ready. He said he was hopeful to have another agricultural expansion of his business.

9:26 a.m. Closed Public Hearing

Mr. Porter asked the Commissioners if they wanted to put a time duration on the blue rooms on the property, and if so, the conditions would need to be amended.

Comm. Hess said that there should be a one year duration from the date of approval of the use permit for the blue room usage with subsequent inspection by the Community Development Department.

Mr. Porter recommended a new condition A20 for limiting the use of a blue room for the duration of one year.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that that the Initial Study (IS 18-18) applied for by Fiore Dulce C/O Robert Lipari on a property located at 21715 Jerusalem Grade Road, Middletown, further described as APN: 013-013-49 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 February 17, 2019 and as amended here today.

Mitigated Negative Declaration (IS 18-18) 5 Ayes 0 Noes

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Minor Use Permit (MUP 18-14) applied for by Fiore Dulce C/O Robert Lipari on a property located at 21715 Jerusalem Grade Road, Middletown, further described as APN: 013-013-49 does meet the requirements of Article 50.4 and 27(at) 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 February 17, 2019 as amended today and as amended here today.

Minor Use Permit (MUP 18-14) 5 Ayes 0 Noes

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>

9:30 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-06) and Mitigated Negative Declaration, based on Initial Study (IS 19-11). The project applicant is HENNP INC., the owner is LANCE WILLIAMS. Proposed is (1) A Type 3 (medium outdoor) Commercial Cannabis Cultivation License. The project is located at 13200 Seigler Canyon Road, Lower Lake and further described as APN 012-004-03. (Eric Porter)

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

Comm. Brown asked about the cultural resource mitigations. He said the report notes that there was not any comments from the tribes, and in terms of developing all employees to be trained, how that will be developed and is there a standard that is being referenced.

Mr. Porter said at the time the initial staff report was written there were no comments from the tribes. He said he sent out the notice twice, because there was no response to the first notice. He said the second notice was very specific for tribal response and that is when Middletown Rancheria expressed their concerns about it. He said it was his understanding that the applicant had met with Middletown Rancheria and the applicant can discuss what the outcome was of that discussion.

Lance Williams, the applicant, said he reached out to the Middletown Rancheria and discussed that the project site was 160 acres and they were only one acre. He also invited anyone from Middletown Rancheria to attend as the project was started. He said this was welcomed by the tribe and they said if they had time they would come out.

Comm. Brown asked Mr. Williams what he was going to do to prepare/train his employees to find cultural resources.

Trey Sherrill, consultant for this project application, said the plan was to notify Dr. John Parker in the event of a discovery. He said there will be substantial grading in the construction of the road, and some training would be necessary for the operators who are licensed contractors to know what they are looking for and how to report them.

Comm. Suenram spoke to the septic system and noted comments from the Health Department, and asked if any of them have been resolved, as far as the failed inspection and waiting on some permits.

Mr. Williams said he thought once this was approved they would be putting in a septic system. He said he got a septic permit for the original house and should be completed and will look into the porta potty issue.

Mr. Sherill said the septic system that was referenced is for the house that no longer exists, because it was burned in the fire and they will be installing a new septic for the new facility. He said they will apply for that septic permit after this project gets approval.

9:49 a.m. Opened Public Hearing

Erin McCarrick, President of the Lake County Cannabis Alliance, said that Lance Williams has always been committed to making sure his property and permits were up to standards and he was committed to making sure other applicants are informed to County and State standards. She addressed cultural resources and suggested that training could be conducted to make sure everyone is aware of archeological findings.

Richard Derm, Realtor, said he sold this property to Mr. Williams and he is a neighbor of the proposed site and said he is a good friend and great neighbor and was in support of this property. He added that this site was a vineyard in the 1930s and it was an already disturbed piece of property.

Shannon Sanders, Middletown resident, stated that he was in support of this project applicant and felt that it was very well thought out.

9:54 a.m. Closed Public Hearing

Comm. Malley commented that Mr. Williams has been a steadfast advocate for the legalization of cannabis and setting things up in a proper form, he is a person of integrity, and when some chose to yell, he chose to speak. He said he admires his restraint and the amount of educated input that he has given this Commission. He wished him well with his project and he is sure that he will make it all in conformance.

Comm. Brown said he appreciated Mr. Williams's openness and willingness to work with the tribes. He said he appreciates the work being done in a legitimate fashion.

Mr. Porter said that condition A19 requires the applicant and consultant to provide a compliance evaluation report. He said within that report, the applicant specifically says how the employees will be trained and that report can be forwarded to Comm. Brown to make sure his concerns are addressed with added cultural resource training.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Initial Study (IS 19-11) applied for by HENNP Inc. on property located at 13200 Seigler Canyon Road, Lower Lake, and further described as APN: 012-004-03 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 March 2, 2020 and as amended today.

Mitigated Negative Declaration 5 Ayes 0 Noes

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Use Permit (UP 19-06) applied for by HENNP Inc. on property located at 13200 Seigler Canyon Road, Lower Lake, and further described as APN: 012-004-03 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 March 2, 2020 and as amended today.

Major Use Permit (UP 19-06) 5 Ayes 0 Noes

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Grading Permit (BLD 19-01695) applied for by HENNP Inc. on property located at 13200 Seigler Canyon Road, Lower Lake, and further described as APN: 012-004-03 does meet the requirements of Section 30.28.3 of the Lake County Code and the Grading Permit be granted subject to the conditions and with the findings listed in the staff report dated March 2, 2020 as amended today.

Grading Permit (BLD 19-01695) 5 Ayes 0 Noes

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

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STAFF UPDATE

Mark Roberts, Principal Planner, updated the Commissioners on the recruitment of two more Assistant Planners.

10:05 a.m. Adjourned for recess/lunch.

1:00 p.m. Back to order.

1:00 p.m. The County of Lake Planning Commission will host a public hearing where it will show an informational presentation and hold a public comment meeting on the Draft Environmental Impact Report (EIR) for the Guenoc Valley Mixed-Use Planned Development Project. Written and verbal comments will be accepted. The project applicant, LOTUSLAND INVESTMENT HOLDINGS, INC., is proposing a General Plan Amendment to designate the Guenoc Valley Site as Resort Commercial and a rezone to Guenoc Valley District (GVD), pursuant to the Middletown Area Plan Policy 6.3.1b. These amendments would allow for the development of up to 400 hotel rooms, 450 resort residential units, 1,400 residential estates, and 500 workforce co-housing units within the zoning district. The Draft EIR analyzes the effects of the proposed General Plan Amendment and Rezoning of the Guenoc Valley site to GVD on a programmatic level. In addition to the program level analysis, the Draft EIR provides a project level analysis of the impacts of the first phase (Phase 1) of the proposed project. Phase 1 proposes a phased subdivision and related entitlements to allow at full buildout up to 401 residential estates, 41 resort residential units, and 177 hotel units and accessory resort and commercial uses within the Guenoc Valley Site. In addition, Phase 1 includes a subdivision and a rezone of the Middletown

Housing Site to accommodate workforce housing, including 21 single family residences with optional accessory dwelling units, 29 duplex units in 15 structures, and a community clubhouse and associated infrastructure. Off-site infrastructure improvements under the Proposed Project include a proposed water supply well on the Off-site Well Site and pipeline located adjacent to and within Butts Canyon Road, along with intersection and electrical improvements. The project location is 2200 Butts Canyon Road, Middletown. The project site is comprised of 49 assessor parcels totaling approximately 16,000 acres in southeast Lake County. (Mark Roberts) (Scott DeLeon)

Mark Roberts, Principal Planner provided background information on the project application. He noted that this was an informational presentation and that no action would be taken by the Planning Commission. Mr. Roberts, then proceeded with introducing project consultants.

Kristie Shelton, Lotusland Investment Holdings Representative, provided a power point presentation on the project development.

Ryan Sawyer, Analytical Environmental Services, presented an overview of the project.

1:43 p.m. Opened Public Hearing

The following people spoke: David Velasquez, Dyani Bachlader, Donna Mackiewicz, Victoria Brandon, Fletcher Thornton, Kurth Stek

Issues of concern were: International Dark Sky requirements, workforce housing/community center will it be open to Lake County residents, wildlife corridors, Middletown Area Plan and General Plan inconsistencies and significant increases of density, boost to Middletown, and water issues.

2:04 p.m. Closed Public Hearing

Comm. Suenram noted that there would not be any recommendations or any action taken today.

Ryan Sawyer said they will start working on the Final EIR after the close of the public comment period, which is due on April 7, 2020 and written comments on anything that needs to be addressed. She said there will be a ten day waiting period and there will be more Planning Commission hearings in June 2020.

Comm. Suenram stated that the public has until April 7, 2020 to submit their written comments to the Commission concerning any issues they would like to see address.

Comm. Hess said that there will be plenty of questions from the Planning Commission, however this hearing was not the point of this gathering.

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ADJOURNED 2:05 pm

Daniel Suenram, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae LoDolce
Planning Commission Assistant