



# County of Lake Planning Commission

# Agenda

## COMMISSION MEMBERS

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

## STAFF MEMBERS

Scott DeLeon, Interim Director  
Tocarra Nicole Thomas, Deputy Director  
Mark Roberts, Principal Planner  
Nicole Johnson, Deputy County Counsel  
Kate Lewis, Office Assistant III

**Location: Lake County Courthouse  
Board of Supervisors Chambers  
255 N. Forbes Street  
Lakeport, California**

Due to COVID-19 and to facilitate Social Distancing, public comments will be available during Thursday's meeting on any item on the Planning Commission Agenda at the following address: [Planningcomments@lakecountyca.gov](mailto:Planningcomments@lakecountyca.gov). Please note the agenda item number being addressed in your comments. To join the Zoom meeting, please send a request to the above email address for Zoom Meeting details. Click the following link to watch the Planning Commission Meeting – In progress:  
<https://countyoflake.legistar.com/Calendar.aspx>. Please be sure to check your date filter is correct to display ALL YEARS.

## REGULAR MEETING

May 28, 2020

**9:03 a.m.    CALL TO ORDER**

Pledge of Allegiance

**9:04 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.

1. 9:05 a.m. Public Hearing on consideration of a General Plan of Conformity Report (GPC 20-01). The project applicant is the LAKE COUNTY PUBLIC SERVICES proposing the expansion of the existing Eastlake Sanitary Landfill in order to meet the demands of the county and to be able to effectively operate the landfill. The proposed expansion would laterally expand the existing landfill to the "north" and "east" onto properties owned by the County of Lake. The project is located at 16520; 16525; 16501; 16655, 16811 Davis Street, Clearlake, CA. 4525 Parker Street, and

**17340 Dam Road, Clearlake, CA and further described as County Parcel Number(s): 010-053-11; 010-053-12; 010-053-13; 010-008-03; 010-008-35; 010-008-39; 010-008-41 City of Clearlake Jurisdiction: 010-053-14; 041-224-40; 041-234-07 and 041-244-18. Environmental Evaluation: (Sateur Ham)**

Sateur Ham, Assistant Planner, presented a power point presentation to expand upon the proposed expansion of the Eastlake Sanitary Landfill. The presentation included the vicinity map; the existing and proposed site plans; plan conformance, which included the general plan land use designation; the environmental analysis; staff recommendations which included adopting a Mitigated Negative Declaration (IS 20-53), and to approve GPC 20-01.

Comm. Suenram asked if the Commissioners had any questions.

Comm. Malley said that he waited all week long for materials to be sent to his email, but did not receive them until this morning. He said that he is not currently ready to make a determination on this project. He said that he had asked if Clearlake was consulted on this project, and was told by Mayor Russ Cremer that he was not aware of it. He feels that due to this project being just outside Clearlake's city limits, the city should be aware of it and be given an opportunity to comment on the project. He said he is not ready to make a determination on this project, although he understands the need for this expansion to the landfill.

Comm. Hess said that he was also part of the confusion over whether materials should be sent to official or personal emails. He said it was a transitional snafu, and is prepared to continue this item to a later date, in order to more adequately digest the materials set forth for this project, at which time they can more easily make a determination.

Comm. Price said that she agreed.

Comm. Brown said that he is in agreement, and that he has been having some issues with Granicus and has not been able to open the documents.

Comm. Suenram asked if all are in agreement to table this item for today.

Comm. Hess said he supports tabling it for today.

Comm. Malley said he would like input from the County and asked if it needed to be dealt with today, if it was time sensitive due to something such as a grant, or if it is possible to meet at a later date and time.

Tocarra Nicole Thomas, Deputy Director, apologized to the Commissioners for them not receiving the materials. She stated that she respectfully accepts their decision to continue this item for a later date; she stated that from her understanding it is time sensitive, but not due to a grant.

Mark Roberts, Principal Planner, said that it is not due to a grant, and said that if Lars Ewing was on the call, he would be able to expand further on this.

Comm. Suenram asked what the role of Lars Ewing is in this project.

Mark Roberts responded that Lars Ewing is the main lead for the project for Public Services, and that he was the one who reached out with an environmental consultant who helped prepare the Environmental Analysis.

Comm. Suenram acknowledged that Lars Ewing is a County employee and said he would like to hear more about this project from Lars before opening the discussion up to the public.

Lars Ewing, Public Services Director for Lake County, said there is no grant for this project and it is entirely need driven in order to get the project completed and built before they exceed capacity. He said that what they have is a "permitted bubble", and they are not able to put any garbage outside of that bubble. He said that it is not happening tomorrow, and that they are looking at being four to six (4-6) years out before current capacity is met. This project is to help them get out in front of that capacity deadline. He said he fully understands the need to review documents before a decision is made. He said that the County is subject to a variety of regulatory permits both for the expansion and operating procedures that range from CalRecycle to the Regional Water Quality Control Board, Air Quality, etcetera. He said they do a

variety of stormwater control, to have that in place, primarily through the oversight of the Regional Water Quality Control Board, and they have reporting requirements. He said that while this expansion is not directly related to stormwater, the expansion would be built and operated in accordance with those permits. He said Clearlake is aware of this project, and that they have been included in planning discussions up to this point, and cannot speak to why Mayor Cremer was not aware of it, but that Alan Flores was aware as well as the planning staff at City of Clearlake, who planned on being the leading agency for this project.

Comm. Suenram asked if anyone had any questions for Lars before opening up to public comment

**9:27 a.m. Opened for Public Comment**

No one from the public wished to speak.

**9:27 a.m. Closed Public Comment**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Price, that the Planning Commission continue the Public Hearing on consideration of a General Plan of Conformity Report (GPC 20-01) to their next meeting (June 11, 2020 at 9:05am).

**Motion to Continue 5 Ayes 0 Noes - Approved by Roll Call Vote.**

Comm. Suenram stated that the item will be moved to their next meeting.

Tocarra Nicole Thomas said that if it is the Planning Commission's pleasure, the next hearing can be on June 11, 2020.

Comm. Hess acknowledged the date of June 11, 2020 is sufficient.

2. **9:29 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-50) and Mitigated Negative Declaration based on Initial Study (IS 18-74). The project applicant is MAGIC MEADOWS FARMS' owner CHRISTOPHER KELLY, proposing (1) A Type 3 (outdoor) Commercial Cannabis Cultivation license, consisting of 43,560 square feet of canopy area, and one (1) A Type 2B (Small mixed light) license consisting of 7,680 square feet of canopy area. The project is located at 21650 St. Helena Creek Road, Middletown, and further described as APN 014-460-05. (Victor Fernandez)**

Victor Fernandez, Assistant Planner, presented a power point presentation to expand upon this project. The presentation included information on the permit request; the project description; the site description; early activation; the project analysis and finally the recommendation and conditions. The recommendation is the approval of UP 18-50. The conditions are the adoption of Mitigated Negative Declaration IS 18-74; compliance with air quality-dust palliatives, equipment and access and parking requirements; compliance with geology/soils-erosion control measures and hazardous material requirements; water quality requirements, and to obtain all federal and state agency permits, and they cannot divert water; if cultural resources are found during ground disturbance, all work will immediately cease and proper agencies will be contacted for guidance. The proposed permit expiration will be on May 28, 2030.

Comm. Hess stopped the power point presentation and asked for clarification of the language used in the report regarding structures; he pointed out that some of the listed structures in the third paragraph of the report were not in the second paragraph of the report.

Victor Fernandez said that the Commissioner was correct, and that there was a typo in the report, and clarified the correct structures to be implemented.

Comm. Hess directed Victor to clean up the language in his final report.

Victor Fernandez agreed to do so to make everything clear.

Victor Fernandez continued his presentation. He made a verbal correction that the Project Analysis should say Middletown Area Plan, and not Lakeport Area Plan, and apologized for the error. He noted the first green sheet from a neighbor of the property, citing health concerns. He responded to it citing that the applicant has already been working on mitigating those concerns.

Comm. Hess noted a second green sheet in favor of the project.

Kristen Callahan, Project Applicant, said that she wanted to offer information about the road comment: they've added a lot of different measures for dust mitigation. She stated that they always use water trucks for any deliveries as a mitigated plan; using weed free straw and native seed along the road to mitigate dust, these measures are already in place, well before erosion happens in the wet season. She stated that they are and will continue to be diligent about their neighbors' health and safety.

Comm. Hess asked what accommodations are in place or will be in place for employees. He asked about the number of employees, what the accessibility to facilities would look like for them, and asked if they would be willing to provide more accommodations to employees as necessary.

Kristen Callahan said that they understand that as their business grows they will need to be more accommodating to their employees; she mentioned that they have already implemented shade and seating for employees; added handwashing stations connected to their septic; they added clean water fountains and risers throughout their garden. She said she wants to learn and adapt and be respectful and good to everyone they work with. She said she wants to possibly build a larger restroom area in the parking facility where they currently have a blue room, but they would need to plan ahead. She said that she always wants to pay respect to her employees as well as to the County, and giving employees a space to be safe is very important to her, especially during COVID. She said they will definitely continue to add accommodations to employees as they go along.

Comm. Hess thanked her for mentioning COVID, and for her wanting to adapt to those restrictions, and understanding the potential for having to adjust things as they go along in order to respond to the COVID restrictions.

Kristen Callahan said that The Bureau of Cannabis Control reached out to all licensed applicants, as they have two provisional licenses, and required that they access the facilities that have regulated PPE such as hand sanitizer, masks and other PPE to have accessible to employees. They have already accessed those facilities and have all necessary PPE available for their future employees to access for their continued safety.

Nicole Johnson, County Counsel, wanted to remind the Commission that while they would like to ensure the health and safety of employees, they can't step outside the planning sphere to regulate employee health and safety requirements, as they are regulated by a different agency.

Comm. Suenram asked about the plans to rebuild a residence down the road, and asked if there was a permanent residence on site.

Kristen Callahan, said that they have an active building permit and are currently in the progress of building a house on the property.

Comm. Suenram asked if there was a full time resident on site, as one of stipulations of the permit is that the dwelling needs a full time resident.

Kristen Callahan said that she is the onsite resident and that she will be there full time, as she has a lot of plants and animals that are in her care.

Comm. Price suggested they open for public comment

**10:00 a.m. Opened for Public Comment**

Sally Peterson, Middletown Rancheria Representative, said that she read over the conditions of approval, which are consistent with the Initial Study. She noted Mitigation Measures CUL-1 and CUL-2 which involve the training of employees, and she would like to request that employees be given cultural sensitivity training, and offered to provide that training free of charge. She said that the applicant did reach out to the Tribe for discussions and she felt that if anything were to be discovered during ground disturbance, that the applicant would contact the Tribe for guidance. She stated that the Tribe approves of this project and looks forward to working with them. She stated that she would like to see some processes in place in order for the Tribe to be consulted early on in these Early Activation applications, in order for them to have input into these projects. She thanked the applicant and Victor Fernandez and Mark Roberts for their help with this.

Kristen Callahan thanked her, and stated that they want to comply with anything the Tribe recommends going forward with this project. She apologized for not contacting the Tribe during Early Activation; she stated that during their Less Than Three Year Conversion, they did contact the Tribe and worked with members to bury dead trees and compost, and going forward she wants to do everything she can to respect and pay honor to the Tribe.

Comm. Suenram asked if there were any other public comments.

#### **10:04 a.m. Closed Public Comment**

Comm. Hess said that in reference to what Nicole Johnson said about staying solely within the realm of planning, he feels that one of the things the Planning Commission has to find before agreeing on a proposal, is that it enhances the health and welfare of Lake County and the employees who are working within the county.

Kristen Callahan thanked Victor Fernandez and Mark Roberts for their help with the project and said they went through a lot with it but did a great job.

Comm. Malley said that he wanted to check on the situation with the elevation between the St. Helena Creek and the property in question. He said that the creek is well known for over taking its boundaries and gets very large through that section very easily and quite often. He asked staff for a report about how much of the property will be underwater, or if the elevation was high enough to be outside the bounds of the St. Helena creek flooding.

Victor Fernandez said the entire parcel is not located inside the flood zone (per County Resources). He said the site itself is less than ten percent (10%) slope, so it's relatively flat where they are actually cultivating, which is in the center of the site, and it is surrounded by mountainous terrain. Mountain terrain on the western side does reach the creek but the cultivation site is not near it.

Comm. Malley asked if the site would be getting a lot of runoff from the mountain and if it would be running into the creek.

Victor Fernandez responded that there would be runoff from the mountain itself but from the site itself, it is relatively flat and with that being said, the applicant has implemented best management practices (BMP) for runoff in their property management plan.

Comm. Malley said that he would like assurance that whatever amount of runoff that goes through the section doesn't pick up fertilizer and carry it to the creek. Storage sheds, etc. will need to allow for runoff to go around them without taking chemicals with it.

Tocarra Nicole Thomas said that staff agrees, and that between the BMP and the fact that the applicant is using raised beds – she then asked for confirmation from the applicant as to whether she was using raised beds.

Kristen Callahan responded that yes, they are using raised beds. She said she would like to add that their farming practices are all organic and natural and that over time, because they have composted the dead trees, it will slow down water use over five years. She said that all of the areas around the raised beds will get erosion rock to catch any particulates that could enter the waterway. She stated that the area in question does not have a lot of water ways around it but instead it has a lot of vegetation between and around those areas. Every practice that this farm does is about catching waste and minimizing waste and water and to create sustainable agriculture; she wants to be respectful of natural resources in the County. She cited all of the natural rock and native seed and native soil the farm is using to ensure they catch anything if it is spilled, as well as to respect the natural resources and history of the land. She stated that she would like to grow her farm in the soil as the raised beds, overtime, will fade away and she would like her cultivation area to be more like a farm and less like being trapped in a box. She stated that they will be growing in soil but that they intend to use soil scientist reports and that everything they use will be of a minimum, to lessen waste and that nothing they are using is going to affect the watershed.

Toccarra Nicole Thomas asked the Commissioner if that was helpful.

Comm. Malley stated that it was helpful information, and then noted that the property had taxes that were in arrears on the property and asked if that had been dealt with and paid up to date.

Kristen Callahan said yes, everything was paid and showed the receipt.

Victor Fernandez stated that the applicant had proven that all taxes have been paid, and that a copy would be added to their file.

Comm. Malley noted that on one of the green sheets there was mention of complaints of people using firearms to chase people away from the property.

Kristen Callahan said she is not a gun person, and that they don't own firearms. She said that if she had knowledge of that happening, that they would definitely report it to Lake County Sheriff immediately.

Comm. Malley asked about security measures to keep people out and asked if there was a fencing system or what she had in place.

Kristen Callahan said that she has spent more in security than anything else. They spent seventeen thousand dollars (\$17,000) on a security system that has facial recognition as well as software that has a CalFire override in the system in case of an emergency. Key pads and cameras are at every entrance, infrared vision at night, security gate, and motion activity. She stated that the security system is very thorough and the cameras are clear enough to where she could see the hairs on a mountain lion that tripped the motion sensor. She said that her camera recordings have a ninety (90) day backup in order to comply with state security measures.

Comm. Malley thanked Ms. Callahan and said he had nothing further.

Comm. Suenram asked if anyone else had any comments or questions.

Comm. Brown said that he did not have any questions.

Comm. Malley asked about the roadway, and said that a twenty foot (20ft) wide road is not in excess and that most roads now are 30ft wide; if the county deems that 20ft is to be the correct width, he would like to know how long the section is from the county maintained roadway into the facility.

Kristen Callahan said that it is probably about one thousand feet (1,000ft) from the gate of their property. She said that she paid to have the entire road rocked to help maintain it.

Toccarra Nicole Thomas said that it was confirmed by GIS that the distance is a little over two thousand feet (2,000ft) for the section in question.

Comm. Malley said that he wants to make sure that the applicant knows that they need to keep the dust down for neighbors during the summer by limiting traffic and trucks in and out and noted that speed will be a factor, in order to not have complaints from neighbors. He said to make sure it is addressed, and he is sure she knows all of that information, based on the amount of time and money she has spent on these things. He said his concern is from the aspect of safety for police and fire so they can get in there safely.

Kristen Callahan said that Code Enforcement (Fernand Gandolfo) and the Lake County Sheriff came through her property at the request of her neighbor, and they were shocked at how compliant her site was. Jack Smalley came out for their 42-90 inspection, and he liked the turnaround, parking signs, slow down signs, reflected signs, as well as the address sign at the intersection that she added.

Comm. Malley said he had nothing further.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Initial Study (IS 18-74) applied for by MAGIC MEADOWS FARMS' owner CHRISTOPHER KELLY, located at 21650 St. Helena Creek Road, Middletown, and further described as APN 014-460-05, 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 April 23, 2020.

**Mitigated Negative Declaration 4 Ayes 1 No (Comm. Suenram)**  
**Approved by Roll Call Vote**

Comm. Hess moved, 2<sup>nd</sup> by Malley that the Planning Commission find that the Major Use Permit (UP 18-50) applied for by MAGIC MEADOWS FARMS' owner CHRISTOPHER KELLY, located at 21650 St. Helena Creek Road, Middletown, and further described as APN 014-460-05, does meet the requirements of Section 51.4 and Article 27, Section 1.i., ii(g) and ii(i), of the Lake County Zoning Ordinance, and that the Major Use Permit be granted subject to the conditions and the findings listed in the staff report dated April 23, 2020.

**Major Use Permit (UP 18-50) 4 Ayes 1 No (Comm. Suenram)**  
**Approved by Roll Call Vote**

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

**3. 10:23a.m. Public Hearing on discussion of a Zoning Text Amendment (AM 20-02).  
The project applicant is the COUNTY OF LAKE proposing an amendment to Article 27 of the Lake County Zoning Ordinance pertaining to the Cultivation of Commercial Cannabis. (Mark Roberts & Toccarra Thomas)**

Toccarra Nicole Thomas, Deputy Director, began by reminding the Planning Commission that this was a discussion only and that no motions were required for today. She then presented a power point presentation on the general discussion for the proposed text amendments to Article 27 of the Lake County Zoning Ordinance. The proposed changes include: increasing economic development opportunities by reducing lot sizes, which makes

more parcels eligible for cultivation; to require applicants to demonstrate that they have already applied for a state license or obtained a state license prior to Early Activation for cultivation; prohibit Use Permit holders from holding Cannabis and Hemp Permits concurrently for the same premises; to increase administrative fines for violations of conditions of Early Activation/Use Permit; add language to streamline the permit process. She noted that Green Sheet #8 includes the proper language, to include “same premises”, and explained that premises and parcel are two different things; that permits are not tied to an applicant; that the same premises cannot have hemp and cannabis; that they want to include language in Article 27 that prohibits both licenses for the same premises, and that this language will bring the Zoning Code into compliance with State regulations.

Comm. Suenram said that he had comments about the summary slide. He feels that it is a sad state of affairs when the County is trying to completely alienate many residents of this county, many of whom have been here for generations, by saying this is a good economic opportunity for the County to increase their tax base, and that it is absolutely the wrong reason to go about this. He said that he agrees with idea of prohibiting dual permits for hemp and cannabis, as there can be a lot of confusion when one crop is regulated by the Agriculture Department, and the other is not. He said that he thinks obtaining a state license prior to an Early Activation permit is a great thing to put in place. He said as far as streamlining the process, anything we can do to streamline any permit process should be done, including building permits, vineyard permits, and basically any type of permit. He asked if any other Commissioners had anything else they wanted to add.

Comm. Malley said he was in favor of the proposed changes in #2 (Early Activation language), #3 (dual permits for cannabis and hemp), #4 (Administrative Fines) and #5 (Streamlining Permit Process), but in respect to #1 (Reducing Lot Sizes) he does not agree, and said that we are way too early in this process to lower the size of the parcels we allow to grow, because we do not know yet the number of good actors versus the number of bad actors we have out there. He said that we have only been doing this for eighteen (18) months, but that maybe after five (5) years of it being legal to grow, then changes can be made, but for now he is not in favor of changes listed in #1.

Comm. Suenram agreed. He feels some of these changes are like putting the cart before the horse, and we need to try and regulate what is out there currently before adding new pieces to it.

Comm. Price said that the amount of business that can be generated by changing the parcel sizes is something she feels the Planning Commission should consider.

Comm. Hess said that he considers this a process, and part of the process is annual reviews and relevant updates to the ordinance. This is the process working, and it may be going too quickly for some, but he supports this review process. He understands the concerns about changing lot sizes, but said he is personally comfortable with it. He said that if we do this we have to demonstrate that we can oversee it properly as it progresses. He noted the Green Sheet about converting existing processing and packaging plants (pear processing) to be used for cannabis processing. He stated that he is not sure how you could convert one to the other but that it would be a good idea to look into it to discuss at a later date.

Tocarra Nicole Thomas said that she was making notes, and asked for clarification that the notes on conversion of packaging/processing plants to cannabis would definitely be included in discussion at a later date.

Comm. Hess said yes, and stated that it is relevant and important for our agricultural industry and that it should be noted.

Comm. Price suggested that they meet in the middle about parcel size.



Comm. Brown stated that his concern would be for staff capacity, and while this would provide opportunity for small farmers, it would be important for staff to be able to handle the influx.

### **10:51 a.m. Opened Public Hearing**

Sally Peterson said that streamlining the process as much as possible and listening to the planners is a good idea, because they are the ones going through the applications and the planning department works really hard. She said she noticed the influx in the number of applicants that the department had to process because of the Tribe's involvement. She encouraged the Commissioners to listen to the planners and try to streamline as much as possible. She said she did want to comment on Early Activation: it needs to have a good process, so that they are still complying with CEQA and AB 52 (Tribal Consultation). She said that the pre application meeting is fine but if there's a request from the Tribe to have a pre application meeting, then she hopes that the county would make that a requirement of the applicant. She asked Tocarra if she had reached out to Humboldt County to see what their experience was after updating their ordinances several times, and if they had any suggestions. She said that she wants Lake County to spur economic growth, but that a knee jerk reaction to changing the ordinances is something she would prefer the County avoid.

Tocarra Nicole Thomas said that they did reach out to their other county counterparts, however most are closed due to COVID, so instead they have received direct feedback from numerous applicants saying that other places were either not receiving applications, or that the process was going extremely slow. She said one applicant stated that he had ten (10) applications on his desk ready to go, and he knew for a fact that the Lake County Planning Department was going to have a major influx of applications, due to Humboldt and Mendocino's slower processes.

Sally Peterson said that she appreciated the opportunity to speak.

Comm. Price asked Tocarra for clarification that for Early Activation, if the applicant just needs to have their state permits already in action or does it have to be approved in order to be compliant with the requirements.

Tocarra Nicole Thomas responded that the applicants need to have the permits in action, which means that they have gone through the application process and paid their fees for the state.

Mark Roberts said they can also have a letter, on state letterhead, stating that they have begun the formal process, as it can take a long time for some and quick for others.

Danielle Fontenot, Public, said that she appreciates the hard work done by the Planning Department and that they are still open. She said that she thinks increasing the fine for bad actors is a great idea and that it will probably also help with the streamlining. She stated that some language has been inconsistent about requiring a state license and clarified that an applicant won't be able to obtain a state license before a county license, as they have to run congruent, and you would need County approval before State approval.

Mark Roberts read Condition of Approval #7:

*"All necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project prior to cultivation activities including but not limited to, Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs."*

He said that when one submits a request for Early Activation, we get bulk emails from the CDFA (California Department of Food and Agriculture) requesting confirmation of their application status, and we reply either compliant, pending, or non-compliant; most, 80-90% are pending.

Comm. Suenram asked if that response helped Danielle Fontenot.

Danielle Fontenot said yes it did, and she just wanted to make sure it didn't come to an impasse where nothing was happening because of the verbiage.

Tocarra Nicole Thomas said that the intent is to help the applicant be aware of the process. If an applicant plants before their permit is given, their plants are not in compliance and will not be included in the Track and Trace program. She said staff is willing to accept the proof that one started the license process. Intent is to make the language that already exists in the Conditions of Use to be part of Article 27 to make it clear to the applicants. She then reminded the Commissioners and those listening to the hearing that nothing will be voted on today, and that it is just a general discussion, in order to have the Planning Commission direct staff towards the appropriate next steps in this process.

Bobby Deutcher, Public, said that in regards to the first recommendation, he would prefer indoor cultivation on smaller parcels with buildings instead of outside where other crops can be grown. He said that he likes the acreage limits the way they are now, but for indoor he would like to see those limits reduced. For Early Activation, if you had to get your State license first, he doesn't believe you would be able to get the Early Activation permit at all because the State wants the County to go first, which he says would defeat the whole purpose. He said if you gave an applicant the Early Activation permit in order to start operating, they would be able to start with getting things ready like the soil, security systems, road work and the fencing, and the plants would come at the very end. They would have to wait for their Provisional State License and then put the plants in at the very end. He likes the separation of hemp and cannabis permits and doesn't think anyone should be able to grow both. He touched on the fines and how those would be an excellent deterrent for people who would otherwise not follow the rules. He asked what the penalties would be for those who are growing without any intention of obtaining a permit and simply want to grow and sell on the black market; if there are fines for those who are following the rules, then there should be fines for those who are not. He said that he is all for streamlining processes, and that meetings are useful. He said that every site is different, so those pre application meetings are helpful. He said that he would like to see the area next to public land removed from the buffer zone.

Comm. Hess said that when it comes to his comments on Early Activation fines for too many plants, it makes sense to him but only if each site is adequately and equally inspected every time, each round, and that depends on the number of CDD staff to be able to do that.

Comm. Suenram stated that Bobby Deutcher had good points.

Comm. Price said she wanted to chime in on the buffer on public lands, she said she is ok with two hundred feet (200ft.). She said she wanted to know about streamlining the application process, and wondered if staff could separate big acre applications from small acre applications, if that would make it easier to process applications; if they were divided into Major Use Permits (commercial) and Minor Use Permits (smaller grow), dependent upon the size of the proposal, would that help the overall application process.

Tocarra Nicole Thomas said that she was currently taking notes and asked if Comm. Price wanted staff to respond presently or if it was something to look into going forward.

Comm. Price said that she was just wondering if separating the larger grows from the smaller would be beneficial to staff and the application process.

Comm. Suenram asked for clarification that Minor Use Permits do not come before the Planning Commission for approval, only Major Use Permits.

Toccarra Nicole Thomas said that was correct.

Comm. Suenram said he believes that the intent for keeping Major Use Permits as part of the Planning Commission, is to give the public, and potentially neighbors, the opportunity and the time to be able to comment.

Comm. Malley said he does not have an answer as to why the Planning Commission picks the large parcel size.

Comm. Suenram clarified that he meant why the Planning Commission puts every cannabis cultivation as a Major Use Permit, regardless of size.

Comm. Malley said he does not think that the suggestion before the Commission is that the large grows not stay as a Major Use Permit, the suggestion was that on a smaller parcel, if you went down to the different, smaller lot size, that perhaps it might all of a sudden be a Minor Use Permit if it's not a large commercial production. He said it's not relevant for what the thought was about the larger parcels, and that it would be a discussion for the Commission now if the decision is to allow smaller parcels, does the Commission want to remain in control so that the public is allowed input on the smaller parcels as well, or does the Commission allow the Minor Use Permits for the smaller grows.

Scott DeLeon, Interim Director of Community Development, stated that there are a number of permits allowed with a Minor Use Permit, which are all defined within the Ordinance; it depends on type of permit, it depends on the size, but the Minor Use Permit is available depending on the type of permit requested. He said there has been some talk about staff capacity and streamlining the permit process, and he is not going to say things are moving smoothly, and agrees that some things are taking an inordinate amount of time, and part of the streamlining of this process needs to be put back on the applicant. He said that staff is spending so much time on projects that are not ready, mostly due to the applicant. He said that he agrees the pre application process is essential, as it answers a lot of questions and solves a lot of problems before a lot of money is spent on a consultant and getting an application together. He said that the exception is to add language to the Ordinance that would add the exception to the pre application meeting. Only when an applicant has already gone through the pre application process, and had success, will they be allowed to skip that step for future applications. He referenced Comm. Suenram's earlier concerns about cannabis cultivation in places where they should not be, and said that as of the previous week, Code Enforcement has looked at over sixty (60) cases of properties with complaints about cannabis. He believes it's time to develop a Cannabis Division as part of the Community Development Department, which will be made up of topic experts and people that are familiar with the State and County rules, the process as well as knowledge from the grower's perspective. He said that there is a huge demand for it, and he thinks it can be funded by taxes and permit fees. He said he knows for a fact that Humboldt County has developed a Cannabis Division within county government in order to process and manage the cannabis cultivation applications; he will be proposing this to the Board of Supervisors.

Sufyan Hamouda, Public, said that he agrees that the Early Activation should have wording that says that the state license is underway and that it does not require the full completion of the state license because that process takes a lot of time. He said he had a couple questions about streamlining the process: will it be applied to consultants as well, or just the listed applicants and/or owner; will any incomplete item automatically cause a significant delay or require the pre application meeting and pay an additional fee, or is it just if major items are missing from the project application.

Toccarra Nicole Thomas, asked if he was making general comments, or if he wanted staff to respond to them presently.

Sufyan Hamouda, said that they were just general comments.

Comm. Suenram asked if Mr. Hamouda was looking for a clearer definition on the potential for someone to bypass the pre application meeting, and to have it specified whether it is the applicant or the consultant.

Sufyan Hamouda said yes, and to have clearer definitions for the exemptions and the incomplete items.

Comm. Suenram said that it is always better to have things be as clear as possible.

Sean McConnell, Public, thanked the Commissioners and staff; he noted his support for parcel size changes. He thinks there should be more focus on the indoor aspect of growing cannabis rather than of outdoor cultivation. He understands about providing proof for the Early Activation process, however when he applies at the local level he immediately applies at the state level, and the state then reaches out to the county for approval. He said the county then has sixty (60) days to respond to the state. If the county responds as soon as the state reaches out, it lessens the amount of time of turnaround. He said by opening up these parcels and allowing businesses to come into Lake County, indoor cultivation is taxed at three dollars (\$3) per square foot, if you take half of the parcels that are open and put that tax revenue into the County's coffers, he does not think there would be any more staff problems, and that there would be enough staff to process these permits faster, which would reflect the diverse growing industry here in Lake County. He feels that this is a big part of how we can allow Lake County to grow without having to deal with the personal opinions and feelings of those who oppose the cultivation of cannabis, as it is a legal business.

Comm. Suenram said that Mr. McConnell's comments support what Scott DeLeon was saying about starting a Cannabis Division.

Mark McDonald, Public, stated that he works for Inland Properties, who has sold a lot of land in Lake County for thirty (30) years. He said his comment is about the public lands buffer; he sells a lot of land that is next to BLM (Bureau of Land Management). He said that a lot of these properties are not available for permitting because they are within one thousand feet (1,000ft) of BLM, despite being very remote in places where he would think Lake County would want to keep the cultivation. He said he is in favor of reducing the buffer zone to two hundred (200ft) which would stimulate business for Lake County.

Kristen Callahan, Magic Meadows Applicant, she said she feels it is really important for applicants to understand process. She talked to Victor Fernandez (Assistant Planner) about creating a Word document for growers in Early Activation where they can see what they are allowed to buy or own under their Early Activation permit. She cited the importance of educating first time growers on what is appropriate and legal so they are not getting cited. She said she is in favor of creating the Cannabis Division for CDD in order to bridge the gap between the Planning Department and Applicants. She commented that in regards to the buffer zone, there has to be defensible space for fire maintenance and protection. She cited Colorado statistics for legalization and revenues, stating that the state collected over seventy million dollars (\$70,000,000) in cannabis tax revenue during the first part of their legalization. She feels Lake County needs more of a co-op mentality including standards for growers, such as the Lake County Growers Association; she would want to keep things wild but still maintain and protect the health and safety of Lake County; she said Lake County can be a trailblazer for improving standards that are put in place for cannabis cultivation.

### 11:33 a.m. Closed Public Comment

Comm. Suenram asked if the Planning Commission had any other comments or direction towards staff.

Comm. Malley said that in regards to #1(Parcel Sizes), thinks we need to leave things the way they are right now, and that we are not far enough along in order to make an educated change; he said nothing has changed his mind today to be open to it. He said the idea of an unlimited canopy instead of set maxes on smaller parcel doesn't sit right with him after all the discussions of odor and other situations does not make him feel that there is a need to change what is in place; he said we are not ready for that because we don't know for certain if it's too much or too little in the current requirement. He stated that it was not set up for Mendocino County or Humboldt County, and that it was set up for Lake County, and that it is about the way we want it to work here, and not be concerned with other counties. He said that it would be easier further down the road when there is more data to justify the change, and not just the personal opinions about grows and money, as those are not the appropriate reasons to make those major changes. He stated that he has no issues with #2 (Language regarding proof of state license) or #3 (Prohibiting Use Permits for both hemp and cannabis); he said he agrees with imposing fines in #4 (Increased Administrative Fines) for bad actors. He cited page 2 of the staff report, and said that he agrees with all three bullet points.

Comm. Hess said that he appreciates Scott Deleon's comments; that it has come up in the past about a Cannabis Division and would want it to be a Cannabis and Hemp Team.

Comm. Suenram stated that combining cannabis and hemp would not be prudent, as hemp is regulated by the Department of Agriculture, and they would want to keep that regulation with them, and that cannabis is in the gray area where it is dealt with by the Planning Department.

Comm. Hess stated that his point was well taken and that at some point he feels the state will rename cannabis an Agricultural crop.

Comm. Suenram said he agrees with creating a Cannabis Division, and that it is best to leave hemp with the Department of Agriculture.

Comm. Malley stated that this all got dumped on CDD, so a team would be good because cannabis will be a much bigger deal going forward.

Comm. Suenram stated that cannabis is not technically legal in California, but on the books it's decriminalized, so state doesn't do anything to enforce federal laws. He said the state has left it to local jurisdictions to deal with it through zoning ordinances, which is why it falls to the Planning Department. He said as far as staff direction, he thinks all five of the Commissioners need to state how they feel about each of the proposed changes.

Comm. Hess said that for Section 1 he approves, and he agrees with Comm. Malley on the rest of the points (agrees with all proposed changes). He embraces the recommendations and input of the staff.

(Comm. Brown was disconnected from the meeting)

Comm. Price said that for Item 1: she wants to expand parcels for revenue; Item 2: her fear is if we don't streamline there will be more issues happening with big grows who will want to go elsewhere due to the confusion and length of time it is taking to process applications. For Item 3 she agrees, for Item 4 she agrees, and for Item 5 she agrees. She commented that we need to tighten things up so that Lake County doesn't lose out on revenue and jobs.

Comm. Suenram said that for Item 1 things need to play out longer and not be so eager to open up everything. For Item 2, Early Activation, there needs to be clear writing going forward; there needs to be something more clear

about what applicants can and cannot do during their EA permit. If staff could coordinate with the state on proof and what applicants can and cannot do, it would be great. He agrees with no dual permits for cannabis and hemp. He wants to implement more stringent fines for non-compliant growers who don't have EA permits. He said as far as doing away with the pre planning meetings, he wants to keep those in order to have provision for those who have gone through the process before and know how the process works, whether they are a grower or a consulting firm.

Comm. Price wants staff to possibly reconsider Item 4.

Comm. Suenram said he is not comfortable with reducing buffer to two hundred feet (200ft), but can be lower than one thousand feet (1,000ft.) Stated that BLM is federal land, and we can't mess with it.

Tocarra Nicole Thomas said that she was taking copious notes, they will review direction and will bring it back to the Planning Commission for a more formal process at a later date. She said she felt this was a very good first step, a great and robust general conversation, and thanked the Commissioners for letting staff bring this before them for consideration.

Comm. Suenram thanked the public for their comments.

Comm. Hess said he appreciated the conversation, and said that this conversation was an important part of the process.

Comm. Suenram stated that there was nothing to vote on.

#### **11:53 a.m. - Untimed staff updates**

- Tocarra Nicole Thomas introduced Tracy Cline as a new Assistant Planner; she will make a roster of all employees for the Commissioners once the new member joins on June 1.
- Continue Item 1 for June 11, 2020.
- Planning Commissioner training will be after COVID.
- Refresher course for the Brown Act in the near future.
- Scott DeLeon introduced Kate Lewis as the new OAI/PC Assistant. Kate will get personal emails for Commissioners to establish protocol.
- Comm. Malley said he couldn't open some things in Granicus. Scott DeLeon said he will make sure things are fixed.
- MAHA Project, Guenoc Valley – Special Meetings 6/18 and 6/19:  
Thursday 18<sup>th</sup> – Presentation of EIR  
Friday 19<sup>th</sup> – Decision Day (action on the EIR)

**Office News - None**

**12:06 p.m. - Adjourned**

**UNTIMED STAFF UPDATE**  
**OFFICE NEWS**