

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

June 25, 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 Tocarra Nicole Thomas, Dep. Director
P Mark Roberts, Principal Planner
P Nicole Johnson, Deputy Cty. Counsel
P Kate Lewis, Office Assistant III**

REGULAR MEETING

June 25, 2020

9:00 a.m. CALL TO ORDER

Pledge of Allegiance was led by Daniel Suenram.

ACTION ON MINUTES

Comm. Hess moved, 2nd by Comm. Price to approve the minutes from the June 11, 2020 Planning Commission meeting.

**4 Ayes 0 No - Motion Carried, Approved by roll call vote.
(Comm. Malley was not present at the time of roll call)**

9: 01 a.m. CITIZEN'S INPUT – None

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.

9:05 a.m. (Continued from June 18, 2020) Public Hearing on consideration of a Mixed Use Planned Development Project (AM 18-04; DA 18-01, GPAP 18-01; RZ 18-01 & RZ 20-01; GPD 18-01; SD 18-01, SD 20-01, UP 18-49 and UP 20-02). The

project applicant is LOTUSLAND LAND INVESTMENT HOLIDS, INC., proposing a General Plan Amendment to designate the Guenoc Valley Site as Resort Commercial and rezone it to Guenoc Valley District (GVD). The Guenoc Valley Project site is located at 22000 Butts Canyon Road, Middletown, CA 95461. The Middletown Housing site is located at 21000 Santa Clara Road, Middletown, and further described as APN 014-380-09. The offsite well property is located at the southeast corner of the intersection of Butts Canyon Road and HWY 29, and further described as APNs 014-430-13;-12.

Scott DeLeon, Interim Director of CDD, did a recap of last week's presentations and discussion. He mentioned the additions the Planning Commission wanted including the Staff Report addendums and the findings and facts. He started with issue one which was the consistency of the Guenoc Valley District plan with the Lake County General Plan; he mentioned the comparison to Crystal Lago by the Sierra Club. He stated that staff is recommending a modification to the County General Plan; and that this plan is consistent with the Middletown Area Plan and that the policy LU-6.12 be revised to include 6.12.1 and 6.12.2. He said that this addition of a will bring everything into compliance.

Comm. Suenram thanked Scott and asked if any Commissioners had any questions. None had questions.

Scott DeLeon addressed the letter from CalTrans and turned it over to Ryan Sawyer from AES.

Ryan Sawyer, Environmental Consultant, AES, provided a summary of the responses to the concerns CalTrans raised, as well as responses to other concerns brought the week prior.

Comm. Hess said he wanted to talk today about the traffic on Butts Canyon Road and how life will be impacted in that area. He said he just wanted to put a marker on that topic ahead of time.

Ryan Sawyer continued her presentation and said she will be prepared to address Comm. Hess's concerns later in her presentation.

Comm. Suenram asked Comm. Hess if he wanted to address his questions now or wait until later.

Comm. Hess deferred to Comm. Malley first while he was on the line, as his connection was not entirely stable.

Comm. Malley said he had nothing to add at the moment.

Comm. Hess thanked Staff on all sides for the additions to this project in the course of one week. He said he has been thinking about traffic and how much traffic and noise will be added over the years with the buildout. He said there's already a traffic issue with Butts Canyon Road and HWY 29 normally, and it would be a lot to add to the amount of traffic and noise. He said he wants them to talk about how they are going to make life as bearable as possible for those on Butts Canyon Road, especially during this first phase of the initial buildout.

Ryan Sawyer said she wanted to bring attention to Mitigation Measure 3.13-1 which essentially requires the applicant to pay for an intersection improvement at Butts Canyon Road and HWY 29.

Prior to determining whether a roundabout or a stop light will be the best improvement, there will be an Intersection Control Evaluation (ICE) to identify the appropriate improvement. Additionally, a Construction Management Plan will be conducted to include measures that won't result in too much congestion. There will be on site camps for construction workers in order to reduce the amount of trips going on and off the site, as well as large staging areas to reduce daily traffic on and off the site.

Comm. Hess said they should let people know there will be a lane shut down or whatever is going to happen.

Scott DeLeon mentioned the requirements for notifying the public during buildouts and traffic control plans, including road closures, which may be temporary or daily closures, short or long term.

Comm. Hess expressed his concern about how this will all play out with the traffic and intersections. He said that his goal is to minimize disruptions as much as possible. He proceeded to ask about the offsite well and if it will be annexed by CCWD. He asked if it is separate from the water provided by CCWD to the Middletown housing area.

Ryan Sawyer responded that the proposed offsite well is only proposed to provide non potable water to the Guenoc Valley site, it is not proposed to provide water to the Middletown housing area. She stated that in the EIR it states that CCWD would provide water to the offsite housing area in Middletown.

Comm. Hess asked if that is the well that is close to the Middletown Mansion. He asked about the water rights for the offsite well.

Ryan Sawyer said that the applicant owns the property around the Middletown Mansion, which is directly northeast of the intersection of SR 29 and Butts Canyon Road, which is about thirty seven (37) acres. She said that the existing well is not within the property boundaries but as part of the purchase they have exclusive rights to use the well. She said they will either improve the existing well or abandon the current well and establish a new one to provide potable water to the Guenoc Valley site.

Comm. Hess asked if the construction on the Guenoc site and the Santa Clara housing site would be happening at the same time.

Ryan Sawyer said that she believes the applicant's plan is to have the workforce housing done and ready to go by the time the resort begins to open, she is not sure if the start of the housing construction would coincide exactly with the start of the Guenoc Valley construction. She believes that the construction on the Guenoc Valley site would begin first and the housing area construction would begin somewhere in the middle of the Guenoc Valley construction (Phase 1A).

Comm. Hess thanked her for that information. He asked about primary access road options 1 and 2, and if it will be spelled out when asking for permits.

Ryan Sawyer said that yes, when they apply for encroachment permits to construct the road, it will be specified which primary access road option they are looking at and it will be very clear. She said she believes the applicant is leaning toward the McKay access for various reasons.

Comm. Hess thanked her for taking his questions.

Kirsty Shelton, applicant, responded to the questions about the access road and are looking at the road on McKay Canyon. She said the construction on Santa Clara, they are proposing to build it prior to 2023. She responded to comments about the density of Santa Clara workforce housing. She said the applicant has full approval from the Middletown Mansion regarding the offsite well.

Katherine Philippakis, attorney for the applicant, clarified the ownership of the offsite well and gave an explanation as to how it came to be a part of the sale of that property.

Comm. Brown said he had no questions.

Comm. Price said she had no questions.

Comm. Malley said he had no questions.

Comm. Suenram asked if he needed to open the meeting up again for public comment.

Mark Roberts, Principal Planner, said that Comm. Suenram could either open it up for public comment on the most recently submitted documents, or he could open it up for the entire project.

Comm. Suenram asked what the Commissioners would want.

Comm. Malley said as far as he is concerned, everyone that wants to talk should be able to talk.

Opened for Public Comment

Monica Rosenthal, deferred to Terry Hoberg.

Terry Hoberg, Middletown resident, said she has always considered Lake County her home, but her feeling is that Santa Clara is literally in her backyard and the concern of extremely dense housing with the rezone from R1 to R2, as well as flooding on her property. She said that even with reducing the amount of lots, but having a large amount of bedrooms, it will add a lot of people to the community which is not the country life they signed up for. She asked about the impact for parking and pedestrians, driveway space, street parking, and will cars overflow out of the neighborhood. She asked about whether there would be any street improvements. She asked who will maintain the subdivision and the community clubhouse. She asked if these housing units will be for lease, to rent or to purchase. She asked if tenants would be staff only or open to the community. She expressed her concern about her quality of life once this happens. She asked will it be fire safe, and energy efficient. She asked if it will be permeable surfaces. She feels that her nights of quiet star gazing will be in jeopardy. She asked if the housing site could be moved. She also raised concerns for the water supply.

Comm. Suenram asked if the applicant would like to address those concerns presented by Terry Hoberg.

Kirsty Shelton reiterated that their plan is within compliance with the General Plan density and that their lot size is within the same size as the previous subdivision that was there. She said it will be the

same number of lots, but within a different land use density. She said in terms of fire resiliency, they will be building to Wildland Urban Interface requirements which will require fireproofing, and it will be built to the new Title 24 energy code which requires solar panels; they will be in full compliance with the Flood Administration, and will have rain gardens and storm water detention on site. She said they will have high density internally which protects the external. She stated that it will be a typical subdivision, with all roads dedicated to the county. She said all road improvements will be installed by the developer for the access roads and internal roads to the project. She said they anticipate the housing units to be built by 2023, and for rent and potentially for purchase.

Comm. Suenram said he saw some documentation as to why they did not consider putting the housing on the site around the Middletown Mansion, and said he saw that the site is not currently being served by any of the public services, but it is still within the growth boundary of Middletown.

Kirsty Shelton said the Santa Clara Avenue property is already zoned and has the General Plan analysis for this type of development, whereas the property on Butts Canyon Road and SR 29 is within the growth boundary but it is not designated and would require further review by the board. They felt the Santa Clara project was more in line with the current housing for the General Plan and Lake County zoning as well as the Middletown area.

Monica Rosenthal, Middletown resident, said they are looking to make sure that the development is respectful to Middletown and that they will provide value to the town and the people already within the town. She mentioned the option for folks for the workforce housing how it will work, if they would be sold, rented or provided to the employees working there. She said there is also an option to add a separate dwelling (granny unit). She said while it is only 3.5 acres in the interior they would need a Major Use Permit because they are duplexes. She asked if the roads can accommodate all of this. She asked where the parking would be, if it would be on the road or off road, and if that would allow for safe travel through this small subdivision. She echoed if there would be overflow parking outside the community. She asked who will be managing the clubhouse and the workforce housing.

Dr. Mark Shapiro, area resident, says he and others regard where they live as a heaven on earth. He is concerned about noise, traffic, trash, crime, fire, diminished ground water resources and the impairment of the beautiful natural scenery. He said in the last five (5) years they have seen wildfires which have been largely caused by people. He stated that he is amazed at the amount of crime in Lake County; and the amount of trash that has increased. He said it is hard to believe that something this size is not going to increase all the bad things. He said most of his concern is ground water and how it will potentially impact his wells, especially during drought season. He said it is hard to imagine how this won't impact the quality of life; he would particularly like to hear about ground water.

Kirsty Shelton said the only new water impact that this project will be relying upon is potable which will be determined from existing and new deep water ground wells. She noted that as part of the EIR there was a water supply assessment; resulted in finding that the property's water is sustainable and enough water to sustain the need. She addressed fire prevention measures including a high resolution fire camera, irrigated fire breaks, and continual fire

breaks. She said the site relies upon existing ranch roads which will be further improved to a two lane road with fire breaks on each side. She stated that they have been working with CalFire to go above and beyond fire safety code. She stated that all buildings will have exterior and interior fire sprinklers. She stated that their mission is to make everything as safe as possible. She said they will also be building a fire station on site.

Comm. Hess asked about the relationship the project will have with South Lake County Fire, who will be present in that emergency response building on site.

Kirsty Shelton they currently have someone on their team working as a consultant on fire suppression and prevention manuals and safety trainings. Fire station will be constructed with the resort opening and they continue to work with CalFire.

Comm. Suenram would like to mention that he noticed an area where a small grass fire had been started accidentally, but he could see the improvements that were made after that accident, including measures that were taken to prevent that from happening in the future. He said from what he has seen on site, currently, is that going forward this will be a huge improvement on fire safety in that area. He asked about the housing project and what the reasoning was behind designing single family homes with five (5) bedrooms, as that seemed like a lot for a single family home.

Kirsty Shelton said that originally it was more of a density analysis. They did it that way so the EIR could address the worst case scenario. She said they wanted to adequately disclose what they could have to be totally fair and honest for the densest scenario to be in harmony with the local area plan and zoning. At this point the construction plans are being looked at now and they are considering altering the architecture to be more in harmony with local architecture, in order to provide an opportunity for housing in the area. She said that workforce housing is not a requirement, they were doing it as an offering so it didn't hinder the existing housing market in the area, but bolster it.

Comm. Suenram stated that it is important to look at which areas need more housing to be built when amending the Zoning Ordinance, and asked for clarification as to whether that is something that is mandated by the state.

Scott DeLeon agreed and said the goal of the state as well as Lake County is to increase housing where it is lacking.

Comm. Suenram said that this is something that will have to continue to have an open dialogue within the counties and local municipalities. He said he is hoping we can provide for the most housing in lots that are allowable, but still be able to respect the local communities and their wishes as well.

Dr. Mark Shapiro said that there was a recent fire started by workers on the project site, and that where you have human activity in new places, there will be issues. He said when people move in and they haven't lived here before, they aren't careful and they are unaware of the way they need to be in order to avoid potentially starting fires. He asked how they will make water on the site sustainable. He asked how he can know that all of the increased water usage isn't going to impact his water table and ground water that his family has used for more than a century on this property.

Pete Bontadelli, AES, said that he coordinated the water availability analysis for the project, and that his firm has been working on the ranch since 2001 and they have made sure there was enough surface water to accommodate all of the agricultural demands that are present on the ranch. He stated that the ranch has solid supply of surface water, and therefore there is a very reasonably strong recharge capability on the ranch; while it is not a single basin, it has been identified as being ample, plus the rainfall with lack of draw down has minimized the extent to which ground water has been used on the property in the past. He said it was determined that the potable water supply was ample. He said some ground water used in the past was from Napa County to supply a reservoir. That water is able to be somewhat offset. Overall the project itself is anticipated to have ample resources with little to no impact to offsite properties. He said that based on all the data available, it appears there are no adverse effects from the proposed use of ground water. He said they will be recycling water from its wastewater facilities and it will be used for irrigation in addition to surface water to minimize any ground water utilization for those purposes.

Comm. Suenram said it addressed all of his concerns.

Comm. Malley asked to see if anyone on the phones wanted to speak that was not able to raise their hands.

Monica Rosenthal said that the Legal Notice says that the hearing will be happening in the Board of Supervisors Chambers, and said it does not indicate anything about a Zoom meeting in light of COVID-19, and she feels it needs to reflect the virtual meeting.

Nicole Johnson said she cannot comment on what notices actually went out but as far as she is aware everything was done in accordance with the procedures that are in place for the hearing.

Comm. Suenram is there anything posted about the Zoom meeting.

Katherine Philipakkis said the hearing was posted in compliance with the county regulations, and the county did accommodate people that came in person to the courthouse, so they could participate via Zoom.

Comm. Malley said he knows it's difficult with things being virtual but believes we've followed all the requirements that the county put forth for PC Hearings and has to think that it's sufficient.

Scott DeLeon noted that the agenda has the Zoom link information.

Comm. Hess said that he is satisfied that all the good faith efforts were undertaken in regards to the notice.

Comm. Malley said he is ready to move forward.

Comm. Price said this is streamed on Facebook and thinks that by this point, people know we are on Zoom and there are plenty of options for commenting. She is ready to move forward.

Comm. Brown said he is ready to move forward.

Closed Public Hearing

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend to the Board of Supervisor certify the Final Environmental Impact Report, EIR 18-01 (FEIR) prepared for the Guenoc Valley Mixed Use Planned Development Project has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend that the Board of Supervisors make a motion of approval for the General Plan Amendment, GPAP 18-01 applied for by Lotusland Land Investments Holdings, Inc. and further direct staff to prepare a proposed resolution based on the following findings: The proposed General Plan Amendment is in the public interest as it supports implementation of the Middletown Area Plan and policies of the General Plan, especially related to economic development and support for economically diverse job base, innovative resort/residential communities, agritourism opportunities and resort-related uses while at the same time protecting significant agricultural lands, open space and natural resources of the area as discussed in the Staff Report Packet dated June 18, 2020 and the Supplemental Staff Report dated June 22, 2020. An Environmental Impact Report, pursuant to the California Environmental Quality Act, was prepared for General Plan Amendment.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors make a motion of approval for the Zoning Text Amendment, AM 18-04 applied for by Lotusland Land Investments Holdings, Inc based on the following findings: The proposed Zoning Text Amendment is found to be consistent with the Lake County General Plan, as proposed to be amended, and the Middletown Area Plan, as outlined in the Environmental Impact Report, the Staff Report Packet Dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors make a motion of approval of this rezoning (RZ 18-01) applied for by Lotusland Land Investments Holdings, Inc. based on the following findings: The proposed rezoning is found to be consistent with the Lake County General Plan, as proposed to be amended, and the Middletown Area Plan, as outlined in the Environmental Impact Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend that the Board of Supervisors make a motion to approve the General Plan of Development (GPD 18-01) applied for by Lotusland Land Investments Holdings, Inc., subject to the conditions and with the findings and reasons listed in the Environmental Impacts Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors find that Major Use Permit (UP 18-49), applied for by Lotusland Land Investments Holdings, Inc., does meet the requirements of Article 15, Section 15.7 and Article 51, Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit for the Guenoc Valley Mixed Use Planned Development Project subject to the conditions and with the findings listed in the Environmental Impacts Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors make a motion and find the Tentative Subdivision Map (SD 18-01) applied for by Lotusland Land Investments Holdings, Inc. is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and upon that basis, the Board of Supervisors approve said map subject to the terms and conditions and with the reasons and findings of approval listed in the Environmental Impacts Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend that the Board of Supervisors make a motion of approval for the Development Agreement (DA 18-01) applied for by Lotusland Land Investments Holdings, Inc. based on the reasons and findings of approval listed in the Environmental Impacts Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors make a motion of approval of this rezoning (RZ 20-011), and approve the proposed rezoning applied for by Lotusland Land Investments Holdings, Inc. based on the following findings: The proposed Zoning Text Amendment is found to be consistent with the Lake County General Plan, as proposed to be amended, and the Middletown Area Plan, as outlined in the Environmental Impact Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend that the Board of Supervisors make a motion and find the Tentative Subdivision Map (SD 20-01) applied for by Lotusland Land Investments Holdings, Inc. is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and upon that basis, the Board of Supervisors approve said map subject to the following terms and conditions and with the reasons and findings of approval listed in the Environmental Impacts Report (EIR), Staff Report Packet dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission recommend that the Board of Supervisors find that Major Use Permit (UP 20-02) for the community clubhouse applied for by Lotusland Land Investments Holdings, Inc. does meet the requirements of Article 51, Section 51.4 and Article 27, Section 27.11(f) of the Lake County Zoning Ordinance and grant the Major Use Permit, UP 20-02 subject to the conditions and with the findings listed in the Environmental Impacts Report (EIR), Staff Report Packet Dated June 18, 2020, and the Supplemental Staff Report dated June 22, 2020.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

Comm. Hess moved, 2nd by Comm. Price that the Planning Commission recommend that the Board of Supervisors make a motion to amend General Plan Policy LU 6.12 of Chapter 3, Section 3.9 (Economic Development) of the Lake Country General Plan, because it is in the public interest as it supports implementation of the Middletown Area Plan and policies of the General Plan, especially related to economic development and support for economically diverse job base, innovative resort/residential communities, agritourism opportunities and resort-related uses while at the same time protecting significant agricultural lands, open space and natural resources of the area, as further presented in the Supplemental Staff Report dated June 22, 2020, to include the following section: “6.12.3 The provisions of 6.12.1 and 6.12.2 shall not apply to the Special Study Area of the Middletown Area Plan”.

5 Ayes 0 No – Motion Carried, Approved by roll call vote.

The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

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>

Scott DeLeon acknowledged staff and all parties that have worked on this project and said it was an honor and a pleasure to be associated with it.

Comm. Suenram called for a five (5) minute break.

10:52 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-50) and a Class 1 Categorical Exemption (CE 19-96) to allow retail sales of cannabis. The applicant is RICHARD SEREGHY. The location is 8466 Lake Street, Lower Lake, CA, and further described as APNs 012-054-25. (Victoria Kim)

Victoria Kim, Assistant Planner presented a power point presentation further describing the project, including the Permit Request, Site Description, Site Pictures, Project Analysis and the Recommendations from staff.

Comm. Hess asked about the types of products that will be sold and if it's similar to the other dispensaries in the area.

Victoria Kim said all products are prepackaged after being tested and approved.

Comm. Malley said he has some concerns about parking, and asked if it will be paved, and how many spots for the employees plus the customers, and if there are handicap requirements.

Victoria Kim said there are nine (9) proposed parking spaces including one designated ADA spot; there will be one driveway on the west side, and the access will be from Lake Street.

Comm. Hess asked if the access is from Lake St. or Bryant Road.

Victoria Kim said currently there is access from Bryant Road but applicant proposed it to be Lake Street. She mentioned that the applicant plans to have a planted area.

Comm. Suenram asked what she meant by planted area.

Victoria Kim directed them to one of the power point slides showing the site plan with proposed landscaping, that was recommended by the Planning Division staff.

Comm. Malley noted that the staff report said there is a minimum of six employees and if there is only nine parking spots, how will they be able to accommodate customers, as it does not compute to him.

Tocarra Thomas, Deputy Director of CDD, stated that they would have six employees at peak shifts; also they have the applicant on the phone to address concerns.

Comm. Malley said he has an issue with the location itself as it is in a highly traveled area that brings young students past it every day, twice a day, and he feels it would much better serve the community if it was in the downtown commercial area as opposed to this residential area. The mix of more traffic and kids walking and playing throughout the day and this is very close to two different schools. He feels it's a terrible choice to put a store of this type in this position.

Comm. Suenram said he agreed with Comm. Malley, as well as he takes issue with the hours of operation which are seven (7) days a week from 9 a.m. to 9 p.m., including deliveries seven (7) days a week. He feels there should be more restrictions about the hours of operation.

Tocarra Nicole Thomas stated that the applicant has made several concessions. She said this property has been zoned commercial and that there is vacant parcels surrounding this property. She said that the applicant has plans for a significant security team and security measures, as well as landscaping and fences to shield the business from the pedestrian traffic, as well as security cameras and an outdoor lighting plan. She feels they have provided significant mitigations for this project.

Comm. Suenram said our jobs as Planning Commissioners is to regulate the best use of properties following the zoning ordinances that are in place. He said even though it is zoned as commercial, you have to look at the type of commercial businesses in regards to how close in proximity it is to schools.

Comm. Brown said he wants to echo Comm. Malley's concerns and discussed how his children once went to Lower Lake Elementary and said there are a lot of children walking this area and he wants to acknowledge the amount of foot traffic coming through this area and the age of the children. He said the area is already unsafe for them to be walking, but there's no study on how much pedestrian and vehicular traffic there is in that area and noted the dangerous curve that goes through that area. He said he has definite concerns for safety and it needs to be addressed.

Comm. Hess said that to play devil's advocate to Comm. Suenram's comment about the type of commercial business, he is wondering what kind of commercial business would be appropriate since the area is already proven to be busy with pedestrians.

Comm. Suenram said that for him, it would depend on how much traffic would be added by a specific business. If there was a commercial business that did not depend on vehicle traffic, it would be less concerning than a business that depends on vehicle traffic. He said he would want to see a study on the impact of traffic for that specific area, and take into account the pedestrian traffic.

Tocarra Nicole Thomas noted that this type of business is allowed for this type of commercial zoning; she read the other types of businesses that are allowed with a Major Use Permit.

Mark Roberts, Principal Planner, noted the Uses Permitted code.

Comm. Suenram asked Mark Roberts what the general requirements are for upgrading infrastructure along the public side of the properties, as far as sidewalks and other improvements, to meet the county's requirements.

Mark Roberts said in the past he has seen projects, when there was a brand new building, they would add road improvements, sidewalks, and driveway improvements. He said for existing buildings, it is generally about improving the site, improving entry and exit points and improving landscaping and lighting, but he doesn't recall seeing those projects adding sidewalks when the structure is existing.

Comm. Suenram he said he knows it's done in Lakeport, but was not sure if it was a city requirement versus a county requirement. He said especially with the high traffic, it might be a good idea.

Comm. Malley said his major concerns are the foot traffic as well as the close proximity to the schools. He mentioned that the types of commercial businesses that he would think go well in that area would be a service type of business, or a daycare. He does not see any reason at all to have a single store in the middle of nowhere, that has heavy school traffic back and forth all day long, and adding the possibility of people not paying attention to the speeds posted there, he does not know what else to say other than it is the wrong place for that type of business, and it does not belong in the middle of that residential area, even if it is zoned commercial, and there are other uses better served for the community than a cannabis shop.

Comm. Suenram asked if this would have been previously a non-conforming use property.

Comm. Malley he said he did not remember, other than it was a service club, that served breakfast, similar to the Lions Club and Elks. He said it was never meant to be a heavy use retail space.

Comm. Suenram said he was looking at the community comments and mentioned one about a non-exclusion zone. He said they need to closely regard this decision as it would be setting precedent.

Nicole Johnson, Deputy County Counsel, said technically speaking each analysis of each project is unique so you wouldn't necessarily be bound by a decision that was made now. She said it is important to not be wildly inconsistent and to stay within the analysis to determine whether you can make the findings presented to you and if you can't make those findings presented you, you would have to explain why.

Comm. Price said we have a general feeling of how we feel, but would like to see what the public has to say about this project.

Comm. Suenram asked if they would like to hear from the applicant before going to Public Comment.

Comm. Hess said he would like to hear from the applicant.

Richard Sereghy, Applicant, acknowledged the concerns of the children and the traffic in that area. He clarified that there will be no pictures or signs of what they are doing within the building. There will be a security force present every hour they are open, which is required by California. He and his business partner have over fifteen (15) years of experience in the California cannabis industry. They have letters of recommendation from city leaders throughout the state. He said the increased security helps everyone, including the kids that are in that area. He said they meet all requirements of the state and of Lake County concerning required setbacks for the type of business. He is willing to change the access back to Bryant Street to make it more eye pleasing and amenable to the area. He said their presence of security, cameras, and professionalism has always been taken well by residents throughout the state. He does not feel that their traffic will be an issue. He said there are other businesses that could go in that space that would produce a lot more traffic than what they are going to draw in.

Terri Larson, owner of the property, said she acquired the property a week before the Clayton fire, and they opened it up to fire victims, and provided furniture, clothes food and other resources to recover from their experience. Their tradition of helping the homeless and the community will continue with Rick and his partners. They have observed the traffic from the school every day, in the last three years they have seen children but not more than twenty to thirty spread out. Their recommendation is for the county to provide a good sidewalk on that road especially on the curve in the road to make it safer for pedestrians. She said changing the entrance to Bryant would be more secure and safe. She said the recycling center has trucks and dust constantly, they are next door and that doesn't seem to be an issue for anyone. They want to help the community by bringing organic, good quality products. She said that in the past, this property has been used for other businesses that were not appropriate or good for the community, but this business will have landscaping, security and high fencing to provide a great screen where people won't be able to see it, and its overall goal is to bring health and wellness to the community.

Richard Sereghy, addressed the delivery and said it will be maybe one or two vehicles which will be small like an Amazon cargo van. They will be taking orders live online and delivering a few at a time. They have vast training and experience to handle the drivers, they will be hiring locally for managers and employees, with room for advancement through our company. He said the cities we are in now, we are very involved in the communities. He said we bring a lot to communities and help a lot of people.

Terri Larson said the distance between the property and the schools is over the legal limit of one thousand feet (1,000ft). She said the risk of children coming to that area is very minimal.

Comm. Suenram said he was disconnected and missed some things; he missed what Richard said about the deliveries.

Richard Sereghy recapped what he had said about the delivery vans and his commitment to the community.

Comm. Suenram asked about the reasoning behind it being open for business from 9 a.m. to 9 p.m.

Richard Sereghy said that it's about providing access, and it was based off of other local dispensaries throughout the county and state. He said he has been a property owner in Lake County for over twenty (20) years.

Comm. Suenram said that from growing up here he has seen that nothing good has ever come from cannabis.

Richard Sereghy/Terri Larson are concerned that Comm. Suenram has a prejudice against cannabis. Richard said he is open to changing things for parking, including expanding the parking, and working with the Commission. He explained about how he has used cannabis to help veterans with PTSD. He helped veterans and elderly people get off of opiates using cannabis. He said there is a lot of good that can come from using cannabis.

Comm. Hess called to order that the discussion is going far beyond the scope of the project.

Comm. Brown said he is still concerned about the safety and the traffic in that area, and those concerns have not been addressed. He said the trees in front of the building do provide a barrier of sight, but his concerns is for the traffic in that area.

Comm. Hess, Comm. Malley and Comm. Price all stated that they will reserve any further comment until after the public speaks.

Opened for Public Comment

Becky Salato, Superintendent for Konocti Unified School District, said that there are two schools located very close to the property and many children live in the area of the proposed project, and that route itself is very dangerous to begin with. They have a large concern about any commercial traffic coming into that area.

Peter Schiffman, husband of Terri Larson, co-owner of property, said that when they bought the property they were told that Bryant Street was a private road, not a county road, and feels that the county and the residents of that area need to find out who owns the Bryant Street and work on a plan to improve it.

Closed Public Comment

Comm. Suenram apologized to applicant for his comment about his feelings on cannabis. He said he is keeping an open mind, and that it's the location that is the most concerning to him. He said to Comm. Brown's security issues, he agrees and wants to see those addressed; including sidewalks being required, if that's even something that can be done.

Comm. Brown said he thinks they need to look at any and all options and work with the applicant to either improve the frontage area where children will cross on the property or look at trying to have more crosswalks. He would like to hear from the applicants on what solutions they are willing to discuss.

Richard Sereghy said he appreciates the concerns and takes everyone's safety to heart. He said in order to get rid of the illegal black market of cannabis, having professional standards in place are necessary. He discussed security being there during peak times with kids, and if they need to be crossing guards during those time, then they will. They are willing to do whatever it takes to keep the children safe. Those who drive too fast coming to the place, will be warned or sent away.

Terri Larson recommended working towards having a crosswalk before the curve on the school side, then have a sidewalk that can completely bypass their property altogether. She said they cannot pay to have that done, nor is it their responsibility to do so, since it is not on their property.

Nicole Johnson said they can always continue this to a later date so that a CEQA analysis could be done to find mitigations.

Comm. Hess agreed with Nicole; he said that things need to be addressed but he feels it should be continued.

Comm. Price agreed and said she cannot make a decision on all the gray area that is happening.

Comm. Brown said he would like to hear from Comm. Malley. His only issue is safety, and said if we were to postpone it would be beneficial. He said he would like to hear from the school district again about introducing crosswalks and other mitigations for safety.

Comm. Malley said he has several issues and cannot currently support findings 1 and 3. He asked if this was going to be strictly retail or will it have consumption allowed on site.

Tocarra Nicole Thomas stated it would be strictly retail.

Comm. Malley said that he cannot support finding #1. He thinks it would be detrimental to the health, safety, morals and comfort of the people in the area. He said he is willing to postpone this discussion so staff can come up with changes.

Comm. Suenram asked if they were to postpone this, it would be determinant on suggestions they make, and asked the applicant and staff to work with the school district on this discussion on mitigation measures.

Tocarra Nicole Thomas said we can definitely do that and stated that they can work on things if they postpone this item. She noted that there was a traffic analysis on Lake Street in 2016, which lead to staff proposing the Categorical Exemption, and said that Lake Street was rated able to support this level of traffic. She said they would bring it back to the Planning Commission at a later date.

Comm. Suenram asked if the traffic study took pedestrian traffic into account or if it was solely vehicular traffic.

Tocarra Nicole Thomas said that will look into that information.

Comm. Malley said that he can't say that it will or won't help until he sees what they come up with, but he is willing to allow staff to work with the applicant so it better fits in with the community.

Comm. Brown said he would like to have access to the traffic study for review, and encourages staff to work with the applicant and school district to find solutions to these concerns.

Comm. Hess said that he supports a postponement to work with the applicant if the intent is to approve. He said that if the intent is to not approve the project, then there is no point in postponement.

Comm. Suenram asked Nicole Johnson what language he should use to postpone the meeting and directives to staff.

Nicole Johnson explained the proper language to use in terms of a motion to continue as well as if they wanted a specific date or to postpone indefinitely.

Comm. Malley said he does not want to make it date specific because he wants staff to be able to address these situations with the applicant wholly to ensure they are able to come up with the best possible remedy, if one is able to be found.

Nicole Johnson clarified that if the Planning Commission postpones indefinitely there is a new notice that will need to go out, but if it's continued to a specific date the rules change.

Comm. Suenram asked staff what they would be looking at in terms of a time frame for this item.

Tocarra Nicole Thomas asked for clarification as to specific and nonspecific dates for postponement.

Comm. Suenram gave clarification.

Nicole Johnson said that they can postpone to a nonspecific date, in which case it would come back and treated as a new item, and it will need to meet all noticing requirements.

Comm. Suenram said that they can postpone it to July 23, 2020, but was concerned it may not be enough time.

Tocarra Nicole Thomas said that August would be the earliest.

Comm. Suenram said the best bet would be to postpone it to a future, nonspecific date. He asked for a motion to continue.

Comm. Hess moved, 2nd Comm. Price to continue this item.

5 Ayes 0 No - Motion carried, Approved by a roll call vote

Comm. Suenram asked the Commissioners if they had any specific directives they wanted to communicate to staff.

Comm. Brown said he wants the traffic analysis to review and wants staff to be in contact with the school district.

Comm. Malley said that in terms of Finding #1, he believes it is detrimental to the health, safety and morals of the community. He said that this business is not a match. He said if staff can come up with ideas to change his mind about how it fits in better than what he sees, he will be more open. He mentioned the roadway, traffic, pedestrians, kids, and whether it's twenty (20) or one hundred (100) kids, it doesn't matter, he doesn't think it's a good thing to have school aged children walking past this type of business twice a day, 5 days a week, when schools are open. He said he can't be any clearer than that. He directed staff to call him at home if they have questions. He doesn't see this operation working in this location.

Comm. Price said she had nothing further.

Comm. Hess said he had nothing further.

UNTIMED STAFF UPDATES

Tocarra Nicole Thomas thanked the Commission. She noted that the Housing Element was approved and certified by the State and the county is now eligible for CDBG funds, and said hopefully by the next meeting she will have good news about some grants they had applied for. She thanked the CDD team. She noted that they are looking to update the Zoning Ordinance, and suggested the Commissioner keep that on their radar.

Jake Reinke, IT, discussed the potential reopening of Chambers.

ADJOURNED – 12:22 p.m.

Daniel Suenram, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Kate Lewis
Office Assistant III