

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 23, 2020

Commission Members

Staff 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**

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

REGULAR MEETING

April 23, 2020

9:00 a.m. CALL TO ORDER

Pledge of Allegiance

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

9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-05) and Initial Study (IS 19-09). The project applicant is SCOTTS VALLEY BAND OF POMO INDIANS proposing a Major Use Permit to allow for the development of a small-scale bioenergy production facility using the Artis System. This system has no open flame components and is a sealed system, which uses programmable electric heaters to achieve optimal temperatures. The project is located at 7130 Red Hills Road, Kelseyville and further described as APN 009-021-07. (Mark Roberts) (Continued from April 9, 2020)

Comm. Brown disclosed that he viewed the previous hearing video on this project application and had spoken with Thomas Jordan the applicant on Monday, April 20th. He pointed out questions on Attachment 6 of the staff report. He said he was up-to-date on the information presented so far.

Mark Roberts, Principal Planner, pointed out the green sheet submitted by the applicant in which the applicant addressed; Aesthetics, noise, and dust issues which appeared to be the main concerns that were discussed at the Planning Commission meeting on April 9, 2020.

Comm. Brown referenced a Caltrans email from the Caltrans District I Transportation Planner and the three bullet points that referenced the gathering area located on the property.

- How frequent activities could be held in that location,
- How many people would typically be in attendance,
- Times and days of the week these events would occur and is there any potential impact to anyone visiting that location for these community gatherings.

Thomas Jordan, the applicant, explained that the gathering is used one day of the year in September and historically on a Saturday or a Sunday. Attendance can be up to 200 visitors and vendors. He said the day begins at 11:00 a.m. and

ends at 7:00 p.m. and the parking lot accommodates the majority of the vehicles and with the graveled area left by PG&Es subcontractor, there was adequate room for any overflow. He said there will be no chipping proposed on weekends and the production process emits little noise. He said if requested by the Tribal Council, the production plant can be closed for maintenance for the day and this would result in even less noise. Ideally the cultural site will be used for even more frequent smaller events sponsored by the Tribe.

Comm. Brown said that was clear in terms of the events and felt it was sufficient and the distance from the site to the gathering is 1,000 feet and felt that it was sufficient.

Comm. Price said she reviewed the supplement reports and felt the information that was provided was sufficient.

Comm. Hess noted that his colleagues bought up a legitimate point at the last meeting regarding Mr. & Mrs. Barnes concerns and the noises associated with this ongoing chipping operation, which is separate from the biomass project. He said he did notice in the supplemental green sheet received this morning, that it looks like an end date has been established for the other chipping project that was so troublesome to Mr. & Mrs. Barnes and felt encouraged about that.

Comm. Malley said he wanted to make sure that the neighbors are considered in all of this and that the operations are run in a way where there is input and communication for all of the parties involved and that there was some way of resolving it with the new project.

Comm. Suenram said they do not have a storm water pollution prevention plan anywhere mentioned on their site plan and his biggest issue is he still does not feel that this type of operation is something that should be associated with any kind of residential zoned property. He thought it was too much on the industrial side and he has a concern with that type of generator noise running 24 hours a day 7 days a week in this area. He said he also has concerns that if this does get approved he would like to see some adjustments on the traffic addressed. He said Red Hill Road is a chipped sealed logging road and there is no base under that road. He said during the Valley Fire, the trucks that hauled debris off of Cobb used that road and they were not supposed to and the road is in extremely bad shape. He said if this is approved there should be some provisions that the trucks cannot come down Red Hill Road and should be limited to coming off of Highway 29, up 300 yards to the entrance of this facility.

9:20 a.m. Opened Public Hearing

Clint Nelson, Beckstoffer Vineyards, said they are a large landowner adjacent to the proposed project site. His concerns were that this project is zoned "Rural Residential" and he did not think it was anything other than an industrial complex, considering that it is generating energy and there will also be a large amount of wood chips around the complex. He said it was setting a dangerous precedent for the County, rezoning or moving from an area that was intended for homes into what can be considered an industrial area. He said another concern he has is the dust pollution that will be produced from chipping and grinding. He said Mr. Jordan said a lot of this will be done off-site, but some will be done on-site and contingent on how much of that wood is processed in the facility, he still thought there would be issues down the road concerning dust impacts and their ability as neighbors to grow wine-grapes without having increased pest pressures. He said one of the biggest concerns that they have is the continuous impacts of chipping, delivery of wood brush, and dust issues that will arise from having this complex, in the heart of what is considered one of the more premium wine grape growing regions in Northern California. He said at this point as an operation, they oppose this project.

Frank Aebly, US Forestry Upper Lake District Ranger, Mendocino National Forest, said in general the forest service is always looking for another tool to treat a biomass class size fuels problem, which we have all over Lake County and the question is how do we treat that problem. He said the only tool they have currently is by piling burning and it is a very slow process. He said resources, burn windows, and air quality concerns prevent them from getting a large scale removal of the biomass. He said we should as a County encourage any other tool that can be used to treat the small diameter biomass size class and it can only help in preventing another large scale fire. He said if this facility is successful, perhaps there will be more facilities that could handle the amount of fuel that not only comes off of the National Forest but also the public and private land.

Terre Logsdon, Environmental Director for the Scotts Valley Band of Band of Pomo Indians, said one of the reasons that this particular site is ideal is because it is zoned "Rural Residential". She said this is an agricultural product and the biochar is used in an agricultural application. She said they feel that given the smaller scaled chipping that will happen there will be minimal and there will be very few trucks and it will be controlled. She said it was an excellent use of this location.

Gabriel Ray, Scotts Valley Band of Pomo Indians, indicated this is a great opportunity for the County and that it will help to reduce the fire risk. He said he appreciated everyone's time and effort on this project.

Brenna Sullivan, of the Lake County Farm Bureau, asked for confirmation that the Planning Commission received the letter dated April 20, 2020 from the Farm Bureau. She reviewed some of their concerns from the perspective of farmers in the area. She said it is one of the Lake County's premiere wine growing areas and there is concern from the surrounding vineyard growers that dust is going to be an issue and there are noise concerns from nearby tasting rooms located within the surrounding area.

Comm. Suenram said that they did receive her letter.

9:32 a.m. Closed Public Hearing

Comm. Malley said in order to clear up the question about the zoning of this project, he would like to hear from staff on this. He said he sees two different sets of listings and the General Plan designation says it is "Rural Residential" and "Community Commercial" and the zoning designations mentions "Rural Residential", "Highway Commercial", "Scenic Combining District" and "Design Review Combining District". He said he was fairly certain that staff would not have brought this before the Planning Commission if it was not in a proper zoning area.

Mr. Roberts said the bulk of this project parcel is within the "Rural Residential" and the part that fronts Highway 29 is "Highway Commercial" and "Scenic Combining" with a "Design Review" overlay district, which goes in approximately 400' from the highway and the project is setback about 900' off of the highway and it is well within the "Rural Residential" and not within those combining districts or the commercial district that fronts the highway.

Comm. Malley said the bulk of the project itself is sitting in "Rural Residential" and asked if staff felt it was proper zoning for this kind of a project.

Mr. Roberts said yes and it is also allowed by obtaining a Major Use Permit pursuant to the zoning ordinance.

Comm. Malley said that he feels satisfied with staffs answer now, because it was not clear in the staff report which zoning designation the proposal was in.

Comm. Suenram said it looks like it qualifies under a power generation facility, which is a permitted use on "Rural Residential" upon issuance of a Major Use Permit. He said from a Planning Commissioners point-of-view a 2000' solar array is a power generation facility, but much different than two generators running 24 hours a day, 7 days a week in any type of residential setting.

Comm. Hess asked if the applicant or the Tribal Officer could speak to the specific issues about dust.

Mr. Jordon the applicant, spoke to the traffic issues and said there will not be more than one to two, 5 ton trucks a day entering and leaving the site. He said the site will not be opened up to the community at large so that residents could drop material off and with respect to the noise issues and the generators, which have been mentioned, they run at 79dba and they are in enclosed containers. He spoke to the dust issues and all of the material will be brought in chipped and because of the small size they do not believe it will generate a huge amount of dust. He said they are sensitive to the wine growers and they will determine the best time of day to operate. He said they will start chipping at 8a.m. and it lasts a maximum of four hours a day. He spoke to the storm water runoff and there was no major water usage in this process and there is a 3/4" pipe going into the facility and any runoff that they may have, will be from the roof and will be done through French drains and spreading out to the site to the existing walnut grove. He said they do not anticipate that they will be increasing that amount of water throughout the operation.

Comm. Suenram said the storm water pollution prevention plan would address runoff from piles from compost to make sure that it is captured and not allowed to run off of the property.

Ms. Logsdon said they do not anticipate any issues of any runoff and it will be easy to mitigate. She said there will be a sprinkler system to mitigate the dust issues.

Comm. Hess suggested what Calpine does and to meet on a regular basis with the community to address issues before they become festering problems.

Comm. Malley understands the concerns with the communication with community members and addressing and mitigating those issues. He believed they should try this and see how effective it is and how much it will help in the long run. He said if this one works, there may be 10 or 20 more around the County to give us a way to get rid of all of the brush that comes off of these burn areas. He said we need to let this move forward and see how it pans out.

Comm. Suenram said it is a good opportunity for the brush removal and would like to see more of these, but not set a precedent to allow them wherever, and more thought needs to go into where they should be allowed.

Comm. Malley said a lot of thought has gone into this and Ms. Logsdon pointed out it is in an area where the infrastructure is already there.

Comm. Malley moved, 2nd by Comm. Hess that the Planning Commission find on the basis of the Initial Study No. 19- 09, prepared by the Planning Division, that the Major Use Permit, UP 19-05, as applied for by Scotts Valley Band of Pomo Indians, will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the Staff Report dated February 24, 2020.

MITIGATED NEGATIVE DECLARATION 3 AYES 2 NOES (COMM. PRICE & SUENRAM) APPROVED BY ROLL CALL VOTE

Comm. Malley moved, 2nd by Comm. Hess that the Planning Commission find that the Major Use Permit, UP 19-05 applied for by Scotts Valley Band of Pomo

Indians, on property located at 7130 Red Hills Road, Kelseyville, CA 95451, APN: 009-021-07 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated February 24, 2020 and as discussed today.

**MAJOR USE PERMIT 3 AYES 2 NOES (COMM. PRICE & SUENRAM)
APPROVED BY ROLL CALL VOTE**

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

- For further details, discussion and public comments on the above items from the above Planning Commission Hearing, please go to the following link: <https://countyoflake.com/calendar.aspx>

STAFF UPDATE

Scott DeLeon, Interim Community Development Director, announced that a new Deputy Director, Toccarra Thomas has been hired and said she will be a fantastic addition to the department. He said she comes to the County from North Carolina and has a strong background in economic development, affordable housing, and community development. He said she is a team builder and we are seeing that already on day 4 of her being here.

Mr. DeLeon also announced that this hearing will be the last meeting that the Planning Commission Assistant, Danae LoDolce will be attending. He said it is bittersweet anytime you have seen an employee faithfully and professionally performed their duties for the length of time that Danae has been with the Community Development Department, the institutional knowledge is outstanding, and it is sad that we all aren't in the board chambers today to celebrate this with her. He said as soon as this shelter in place is lifted, staff will be making a special presentation to her in front of the Planning Commission and doing it the way it should be done.

Mr. DeLeon added that staff has completed interviews for four positions: Office Assistant III, Resource Planner, and two Assistant Planners. He said with those recruitments, we will be fully staffed on the Planning Department side. He said with the addition of Toccarra, all the pieces will be in place to really start making improvements and on the backlog of projects. He said the future is bright.

ADJOURNED 10:02 a.m.

Daniel Suenram, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae LoDolce
Office Assistant III