

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 10, 2020

Commission Members

P John Hess, District I
P Everardo Chavez, District II
A Batsulwin Brown, District III
P Christina Price, District IV
P Daniel Suenram, District V

Staff Members

P Scott DeLeon, Interim CDD Director
P Tocarra Thomas, Deputy Director
P Nicole Johnson, Deputy City Counsel
P Trish Turner, Office Assistant

REGULAR MEETING

December 10, 2020

9:00 a.m. CALL TO ORDER

Pledge of Allegiance was led by Daniel Suenram.

9:01 a.m. ACTION ON MINUTES

Comm. Price moved, 2nd by Comm. Hess to approve the Minutes from the November 12, 2020 Planning Commission Meeting.

9:01 a.m. 4 Ayes, 0 No – Motion carried, approved by roll call vote.

9:02 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. Public Hearing on consideration of a Tentative Parcel Map (PM 18-02), Deviation (DV 18-01), Major Use Permit (UP 19-57), and a Mitigated Negative Declaration (IS 18-68). Applicant is Tegtmeier Associates, Inc. proposing to subdivide one parcel into four parcels. The proposed parcels would be +/- 3.58 to +/-

8.23 acres in size. Location 52 Soda Bay Road, Lakeport, CA, and further described as APN: 008-001-25.

Sateur Ham, Assistant Planner, presented a Power Point presentation further explaining the project. The presentation included information on the site description, project description, project analysis, staff recommendations and project conditions.

Suenram asked if any questions, none were asked

9:22 a.m. Opened Public Comment -

Steve Bellah from Consers Land Surveying, is providing the parcel map, stated he can answer any and all questions if anyone has any.

Scott Deleon wants to elaborate a on the power point, regarding the map and the parcels. They have been working with Mr. Bellah regarding parcel four. On the map you will notice, parcel four is the area where majority of the wet lands are. The owner's intention is to gift that land to the Lake County Land Trust. What we recommend is to designate parcel four as a designated remainder. So it would not be subject to developmental standards as the other parcels would have. For example sewer and water. Parcel four is not to be developed. There will be a conditional certificate of compliance that will be required.

Suenram is that property still going to have access to the property.

Scott Deleon the property on the map is not going to change, so it will have a frontage on Soda Bay Road. The certificate of compliance will ensure it is not developed.

Mustafa Owaidat, wanted to comment but it was the incorrect item number.

Suenram is asking if anyone else has any questions.

9:31 a.m. Closed Public Comment

Comm. Price moved, 2nd by Comm. Chavez that the Planning Commission find on the basis of that Initial Study (IS 18-68) prepared by the planning division in the mitigation measures have been added to the project that the Parcel Map (PM 18-02) have been applied for by the Tegtmeier Associates Inc., at the property located at 52 Soda Bay Road, Lakeport, CA, 95453 further described as APN: 008-001-25 will not have a significant effect on the environment and therefore a mitigated negative declaration and mitigation monitoring reporting program shall be approved with the finding as listed in Staff report dated October 22, 2020.

4 Ayes 0 No (Commissioner Brown Absent) Motion Carried. Approved by roll call vote.

Comm. Price moved, 2nd by Comm. Chavez that the Planning Commission find that the Major Use Permit (UP 19-57) prepared by the planning division that the Parcel Map (PM 18-02) as applied for by Tegtmeier Associates Inc., on the property located at 52 Soda Bay Road, Lakeport, CA, 95453, further described as APN: 008-001-25 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinances and he Major Use Permit be granted

subject to the conditions and with the findings listed in the staff report dated October 22, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Price moved, 2nd by Comm. Chavez that the Planning Commission to approve Tentative Parcel Map (PM 18-02) as applied for by Tegtmeier Associates Inc., on the property located at 52 Soda Bay Road, Lakeport, CA, 95453, further described as APN: 008-001-25 is in conformity with the provisions of the subdivision map act in Chapter 17 of Lake County Code in the Lake County Zoning Ordinance and upon that basis approve the map subject to the conditions and with the findings in the staff report dated October 22, 2020,

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Price moved, 2nd by Comm. Hess that the Planning Commission to approve Deviation (DV 18-01) as applied for by Tegtmeier Associates Inc., on the property located at 52 Soda Bay Road, Lakeport, CA, 95453, further described as APN: 008-001-25 does meet the requirements of Section 17-31 of Lake County Subdivision Code and grant the deviation to make an exception to the panhandle of proposed lot size to meet the develop standards of the service a commercial zone the deviation is approved with the findings in the staff report dated October 22, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

NOTE: The applicant or any interested person is reminded that the Subdivision Ordinance provides a fifteen (15) 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 fifteenth calendar day following the Commission's final determination.

9:36 a.m. Public Hearing on consideration of Rezone (RZ 17-01), General Plan Amendment (GPAP 17-01), Parcel Map (PM 17-01), and Initial Study (IS 17-31). Applicant is Richard and Whitney Brand, proposing a Rezone, General Plan Amendment, and Tentative Parcel Map to subdivide APN 013-028-81 into four parcels. Currently, the parcels are split zoned and the applicant seeks to rezone APN 013-028-81 to be completely within RR-Rural Residential zoning district and rezone APN 013-028-82 to be completely within the RL- Rural Lands zoning district. Location 23987 & 24073 State Highway 29, Middletown, CA 95461: and further described as APN: 013-028-81 and 013-028-82

Eric Porter, Associate Planner, is gave a verbal presentation about the project, including project description, site plans, analysis, findings, and recommendations. He also touched base on some concerns regarding toxicity in water and soil.

Comm. Hess – Has a question about the language regarding toxicity tests of well water and soil. These tests were not necessary prior to the development use of the land and water?

Eric Porter responded with not to my knowledge.

Comm. Hess asked are you familiar with Robert Hall's questions regarding setbacks and Caltrans comments.

Scott Deleon is replying that it is note in the conditions regarding road access and Caltrans requests and concerns. We believe Condition # 12 addresses those questions and concerns.

Nicole Johnson with County Counsel, stated CEQA requires foreseeable future projects be taken into consideration on how the cumulative impact has on this project.

Eric Porter responded with Initial Study (IS 17-31) has identified 6 different categories that have potential impacts. The authors added a number of mitigated measures to the response to the potential impact of air quality, biology, culture resources, geological & soil, hazards & hazardous materials, and hydrology (added today).

Comm. Hess asked should the toxicity the test find there is a dangerous level of mercury in the water or leaching, who has the responsibility of cleaning up.

Eric responded the burden is on the property owner to clean up and provide an alternate source of water if high levels of toxicity are found.

Comm. Hess finds Ms. Brockmeier's comments interesting from a semi-historical point of view.

Eric Porter responded with it lacks evidence.

Comm. Hess recalls another issue regarding a gate on Hoffacker Lane with the Live Oaks Subdivision a couple of years ago. It got very thorny how it works. Can you describe that issue with the gate, Gordon?

Gordon Haggitt, County Surveyor, what the applicant is proposing is what we call gated access. Which we can allow in this case. The problem with the gated access, if people outside of the adjoining properties need access. How are adjoining properties or people outside of this project going have access to the gate, is there going to be a code, a key, etc. If they are given the choice, they can do a publicly dedicated road, which they would not have a gate or the gated access. We amended Condition # 10 to address this issue. This way it releases the county from a law suit down the line.

Nicole Johnson- County Counsel she is talking about the additional set of conditions. She will say as far as easements go, the county does not enforce the easements for private property. That is up to the applicant, property owner.

Comm. Chavez has a question regarding the gate being right off the highway. He would like to know the hazards regarding fires, emergencies, and emergency vehicles. Will there be a lane on the highway for a turn out.

Gordon Haggitt replied that there would be a cul-de-sac for turn around, the gate would be set back so far off the highway. The applicant would have to coordinate with the emergency departments to arrange for their access in the event of an emergency.

Nicole Johnson, County Counsel, just to be clear this is a private road with a private easement.

Gordon Haggitt, County Surveyor, I am not seeing anything that indicates this as being a public road. The language is very vague on the easement. There is no indication that this has ever been dedicated or acknowledged as a public road.

Nicole Johnson, County Counsel, so your concern is the language isn't explicit in this circumstance?

Comm. Suenram asked is this in the conditions, under Condition # 15 are these the easements you are referring to.

Gordon Haggitt, County Surveyor, yes I had access to the title report for this property and there was one more that was listed and basically they refer to an easements over an existing road from the property to the road. If this was a public road, people wouldn't need easements over it.

Comm. Suenram I do see on the proposed map there is a gravel road that goes through parcel 1 and crosses parcel 3. I assume that road goes to the house that is on the other parcel that will remain on Rural Land. I assume the easements apply to the property and property located behind that property.

Gordon Haggitt there are 2 other properties that belong to Brockmeier and an absentee owner. These adjoin the Brand property. I can't say for sure this is the road that serves these properties.

Comm. Suenram the representative from the Brand Family is present. Does anyone have any questions for the representative?

John Webb for the Brand Family. He prepared the application for the Brand Family. The reason for splitting is for the children of the Brand family. The children all reside on the property. The proposed gate would be at least 100 feet from the highway. So there is ample room for improvements for fire requirements and public works requirements. The water has been tested there is no mercury in the water.

Comm. Suenram the water tests and results can be provided?

John Webb replied with they can provide or can retest. The old mines are not on the property being subdivided. Regarding the access and the easement, besides the subdivided parcels and the parent's parcel, there is 1 other property that uses the easement. That is the property with an absentee owner. I think there has been some issues with property owners using the road. As I understand that to be a civil issue.

Comm. Suenram is concerned with creating a problem down the road. We do not want to create a problem where the owners, future owners, or the county be in a legal battle over where this easement is. If it is a deeded easement, that easement should be honored.

John Webb stated there is one recorded easement on one other property, which is the absentee owner, we do show that on our

map. We do show where we believe the easement runs, there is an old road on our map. So again that is going to continue on the public record.

Comm. Suenram it shows there to be 5 existing easements on it. Gordon did you find another easement?

Gordon replied with the 3 foot roadway and public utility easement. That is the easement that serves the adjoining properties not the Brand Family. I do not know how Brockmeier accesses his property. There is an easement in the property that adjoins Brockmeier and Brand. That is described as an access or an existing road from their property to Highway 29. I am not sure what road it is referring to.

Comm. Suenram I would like to state that I fully understand the reasons for the rezone. It's the easements that I do not feel have been addressed.

Nicole Johnson, County Counsel, states that if it is a private easement, this commission has no authority over these easements it is private property and then becomes a civil matter. Even if the neighbors approve or disprove of these easements, there is nothing this body can do to change it. However the conditions of this project state the applicant cannot do anything that hinders or interfere with the rights of easements.

Comm. Hess asked if there were going to HOA rules with a gated access.

Nicole Johnson, County Counsel, stated that is a question for staff.

Scott Deleon, CDD Director, there is a condition regarding ongoing maintenance of the road. Ongoing maintenance is a concern that needs to have a mechanism provided for that.

10:19 a.m. Opened Public Comment

Robert Hall, I live on Roberts Road, we own 3 parcels, and I have lived on this road for 47 years. In 1973 there were 2 residences that lived here, there are now 13. Traffic on this road has increased substantially. The problem is access from the highway. The road is 10ft 6in wide with a 20% grade, in an emergency situation with emergency personnel coming in and residents evacuating, it creates a choke point and is very dangerous. Adding 2 more residents to the property will exasperate the problem. Mr. Hall spoke with Mike Wink, Middletown Battalion Fire Chief, who stated the approach must be 2 lanes, at 10 feet wide each. Caltrans recommends that the road be improved as a project condition because the driveway does not current Caltrans conditions. He also stated that road name remain Roberts Road. Roberts Road was dedicated to the county in 1973.

John Webb is responding to the Mr. Halls questions. It will be widened to standards, the name will remain Roberts road.

Glenice Dunbar would like to comment on the concern of serpentine soil, which is located on the property. Roberts road "T's" into Brand and Highway 29. It is considered a county road all the way to the highway. How the Brand family is able to do this without dedicating their access road to the county. She would like to know

how the Brand family is going to update the road to suffice for fire and evacuation requirements.

Comm. Suenram, Brand road is not being required to be offered up as a publicly dedicated road?

Gordon Haggitt, County Surveyor, Roberts Road was offered to the county as a dedicated as a public road when it was subdivided. If Brand Lane would be offered as dedication as a public road, the board would reject that offer, but the board would accept the Brand Lane for emergency vehicles, county vehicles, and public agencies access. If the gate remains open for 90 days, the board would then accept that offer of dedication as a public road. As far as the access issue of the intersection of Roberts Road, Brand Lane, and Highway 29 needs to be designed correctly, to mitigate any traffic as a result of this division.

Gordon Haggitt, County Surveyor, It needs to be very clear on the roadway. If a gate is to be put in, if a gated community is to be allowed than offered as a private road or if the gate is not there than it would be offered as a public road. The board will have to decide which one it wants to accept, and which one it wants to reject.

Gordon Haggitt, County Surveyor, it is up to the applicant if they want to have a private road or if they want to dedicate it as a public road. The way the conditions are written as either/or. It is really up to the applicant.

John Webb, the applicant does want the gated road on Brand Road.

Nicole Johnson, County Counsel, it has the option to be offered as a public road. If they offer it as a public road, and the board accepts it, then it is a public road. However if the applicant wants the gate then it remains a private road.

John Webb, the family wants it to be gated and private.

Glenice Dunbar would like to know if they will improve Roberts road, where the Brand property runs through it. If the road will be widened to 20 ft. wide.

John Webb, the Brands do not use Roberts Road. This application does not trigger them to need to upgrade the road. If they decide to build on it, put in a driveway, then the building permit would require them to upgrade the road to CDF and Public Works standards.

Comm. Suenram- I think what she is asking is if the Roberts Road, Brand Road, and Hwy 29 intersection will be widened.

Glenice Dunbar, Roberts road continues up through Hildebrand Road. So it is not a concern or issue until they apply for a building permit.

Comm. Hess that is the way it works with this works if this is a designated subdivision.

Gordon Haggitt, County Surveyor, the road has a dedicated 60 foot width to it. There is plenty of room to widen the road.

Comm. Suenram, do we know who is responsible for the Roberts Road?

Gordon Haggitt, County Surveyor, it is unknown, it is not a county maintained road. It is unknown who is responsible for maintaining Roberts Road.

Comm. Hess- If parcel 013-028-81 is developed, than CCNR's would apply to Roberts Road as well?

Gordon Haggitt, County Surveyor, which could be a part of the conditions, as part of a maintenance agreement.

Robert Hall- There are 10 houses on this property so they are required to be 20 feet wide. That is a condition of Cal fire and Caltrans. There is serpentine rock on that road, so that Roberts Road needs to be capped.

John Webb, Roberts Road is used by many people. The Brand's rarely use it. Why would the Brand's need to upgrade a road they rarely use. When everyone is not maintaining their own road.

Comm. Hess, if Vicky Brand uses it, than we would need to make sure that the Roberts Road, is maintained within their responsibility.

John Webb if parcel 4 is developed on, than at that time it would have to meet driveway requirements.

Comm. Hess out of my understanding of the Subdivision Map Act, than would apply to Roberts Road and it would need to be maintained and upgraded.

Comm. Suenram, is the vineyard on Parcel 4?

John Webb, no it's on Parcel 3.

Scott Deleon, CDD Director, at such time that parcel 4 is developed, and the access is obtained through use of Roberts Road. The driveway encroachment and the portion of Roberts road to Highway 29, be improved to Cal fire standards.

Comm. Suenram, for the people on Roberts Road, there is a 60 foot easement that has been dedicated for your use. Basically you own that 60 feet if you wish to upgrade it.

Scott Deleon, CDD Director, Roberts Road was dedicated for public use, however it is not county maintained. If they want that road to be upgraded they have the ability to do that.

Gordon Haggitt, County Surveyor, They would need very clear language on Brand Lane being a gated community. I would also put in the conditions of approval regarding the maintenance of the Roberts Road.

Comm. Hess, would that mean removing Condition # 4.

Comm. Suenram- We would remove Condition # 4, and striking portions of condition # 10 since they are going with the option of Brand Lane as a gated private road.

Gordon Haggitt, Count Surveyor, they still have to make an offer of dedication. However since they are going for the road to be gated,

they still have to offer public access for all the parcels that is in the code. You would have to tell the board that the offer of dedication for the public road is not accepted at this time. I would put in a Condition # 13, which addresses CCNR's for Brand Lane. To address that portion of Roberts Road, the portion that adjoins parcel 4.

Scott Deleon, CDD Director, the maintenance of Brand Road is addressed in a CCNR. That is condition 13. The concern raised by the neighbors is the improvement of Roberts Road to Cal fire standards for a roadway. Let's put in the conditions that at such time that parcel number 4 is developed, the portion of Roberts Road, from Highway 29 to the driveway, has to be made compliant to Cal Fire standards. The Brand's should mitigate any impacts they will have on Roberts Road, however it is unfair for them to be solely responsible for maintenance of that portion. They are going to go to the trouble of improving. The rest of the neighbors should all share in the maintenance of Roberts Road.

Eric Porter, Associate Planner, lets amend the condition # 4 to state as such time parcel 4 develops and the access is through Roberts Road., then the improvements for the Roberts Road shall be improved to be 4290 and 4291 standards, Public Work standards, and Caltrans approach standards.

Nicole Johnson, County Counsel, the condition of approval I have states that the conditional offer of dedication shall be accepted by the county at such time the street shall have ceased to remain physically closed and open to the public for travel for no less than 3 months. It is the obligation of the applicant to ensure any existing easement rights are not obstructed or otherwise interfered with, for proposed gate access.

Gordon Haggitt, County Surveyor, if you don't address that portion of Roberts road to parcel 4 at this time. Here is what's probably going to happen, 20 years down the road, someone will ask, who is responsible for fixing the road? Is it going to be the county?

Nicole Johnson, County Counsel, we cannot speculate what will happen in 20 years, however the maintenance end care of the road depends largely on its dedication or obligations. If it is a county road then the rules of county roads apply, if it is a private road then the rules of private roads apply.

Comm. Suenram – Condition # 4 is stated that they upgraded the easement from their point of usage to the intersection. Moving forward with that the maintenance should be shared.

Scott Deleon, CDD Director, whoever develops on Parcel 4 will be asked to improve Roberts Road to current fire code standards. The maintenance of the road doesn't change. We have the same issue today that Gordon is talking about. The maintenance of that road and every public road that gets dedicated to the county, where the county accepts the offer on behalf of the public there in making it a public road, but rejects the offer of maintenance. Which is current county policy and has been county policy for years. The road then becomes a county road with no mechanism for maintenance. Roberts Road is already established as such. With the Brands Road, there will be conditions of maintenance in the conditions of approval that require it in a CCNR for future maintenance. Had that been addressed when Roberts Road was dedicated we wouldn't be

having that issue today. It isn't appropriate for the Brand's to have to be responsible for the maintenance on Roberts Road.

Comm. Suenram, I feel we have addressed everyone questions on this matter.

Eric Porter, Associate Planner, I want to confirm that they will need to provide a well water quality test is in fact needed. It will help address any questions or doubts regarding the water. I also want to address Glenice Dunbar's concerns about the serpentine soil. Condition number GEO 1 addresses that. It requires an engineered soil erosion control plan. That has been provided.

11:25 a.m. Closed Public Comment

Comm. Hess moved, 2nd by Comm. Price, that the Planning Commission recommend that the Board of Supervisors find on the basis of the Initial Study (IS 17-31) and the mitigation measures identified in the mitigation monitoring reporting program, that the General Plan Amendment (GPAP 17-01), Rezone (RZ 17-01) and Tentative Parcel Map (PM 17-01) will not have a significant effect on the environment. Therefore recommend the Planning Commission recommend that the Board of Supervisors approve the proposed Mitigated Negative Declaration and its associated Mitigation Monitoring Reporting Program with the findings listed in the staff report dated November 04, 2020 and as amended today.

**4 Ayes 0 No (Commissioner Brown Absent) 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 General Plan Amendment (GPAP 17-01) applied for by Richard and Whitney Brand for the following reasons, the proposed General Plan Amendment is found to be consistent with the Lake County General Plan, The Middletown Area Plan, and the Lake County Zoning Ordinance. The proposed amendment is compatible with the existing land uses in the vicinity and is outlined in the Initial Study (IS 17-31) prepared for this application the proposed amendment will not result in any significant adverse environmental impacts and further direct staff to prepare a proposed resolution.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Hess moved motion, 2nd by Comm. Price, that the Planning Commission has reviewed and considered the environmental effects of Rezone (RZ 17-01) as set forth in the proposed Initial Study (IS 17-31) which has been prepared for this project, that the Planning Commission recommend that the Board of Supervisors approve the proposed rezoning applied for by Richard and Whitney Brand at property located at 23987 & 24073 State Highway 29, Middletown, CA 95461, APN: 013-028-81 and 013-028-82 for reasons listed in the staff report dated November 04, 2020 and as amended today.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Hess moved, 2nd by Comm. Price, that the Planning Commission find that the Tentative Parcel Map (PM 17-01) applied

for by Richard and Whitney Brand at property located at 23987 State Highway 29, Middletown, CA 95461, APN: 013-028-81 is in conformity with the provisions of the Subdivision Map Act Chapter 17 of the Lake County of Lake County Code in the Lake County Zoning Ordinance and upon that basis approve the map subject to the conditions and with the findings in the staff report dated November 04, 2020 and as amended today.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides 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.

11:37 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-01) and Mitigated Negative Declaration (IS 19-03). Applicant is Mary Draper, proposing (4) A type 3 (medium outdoor) Commercial Cannabis Cultivation licenses, and (1) A-Type 13 "self-distribution" License. Location; 7004 and 7232 E. Highway 20, Lucerne CA: APN 006-005-62, 006-005-63, 006-024-12 and 006-024-13.

Eric is giving his presentation verbally.

Comm. Suenram, is the replacement of trees consistent with other types of projects for example vineyards?

Eric Porter, Associate Planner, no, vineyards are not regulated like cannabis is. Vineyards get a grading permit. However cannabis is treated more along the lines of a shopping center.

Comm. Hess, does that mean inspections are done to verify that the replanting of trees happen?

Eric Porter, Associate Planner, which is a condition that must be done before their use permit is approved. They also have to maintain them and care for them.

Comm. Chavez, what are the 1868 water rights? What used to be there that had those water rights?

Eric Porter, Associate Planner, I just don't have the back ground on those water rights. They are not proposing that their main water source to come from the lake. They have their own well which fills up quite plentiful.

Comm. Chavez, will they document how much water they will use from lake vs the well.

Eric Porter, Associate Planner, the applicant must have a water meter that tabs the amount of water that is being used. That is part of the annual report they must provide the usage by month. The water from Clearlake is a backup source for the applicant, they do have 1868 water rights. The water rights does not specify what the water was used for nor does it give a cap.

Comm. Suenram, do you know when the dam was installed? I think it was after the 1900's.

Eric Porter, Associate Planner, no I do not know when the dam was installed.

Comm. Suenram, do we have any other questions regarding that?

Mary Draper, the applicant, the water rights from 1868 goes through the State Water Board. They do require a meter and for it to be monitored monthly. It has not been approved yet through the state water board, because I have to show proof of use for 5 years to them. Our primary source of water is through our well. We would use up to 1-2 million gallons of water per harvest. Our well provides 12,960,000 gallons of water over a 6 month period. We have more than enough water from our well. So we have not yet had to use water from our water rights, and cannot use that until the State approves it.

12:00 p.m. Open Public Comment

Mustafa Owaidat, I was not given proper notice, we just received notice yesterday. We are having trouble with our water. We are running out of water. There is no evidence that the water is supported. The water goes down the hill to her well. There will be no inspections for a year. In a year we can all run out of water. The chemicals will end up in our water. We are a small community and already are running out of water. Will she compensate us for the water? Will she have security, which will protect us from the negative people this brings?

Erin McKerrick, just wanted to state that Cannabis is tested more than any other Ag product, especially for leaching into the ground. Anything in the grocery store isn't even tested as much as cannabis.

Lance Williams, would like to address Mustafa Owaidat, the county does inform the public properly. The statements that you made were incorrect or misinformed. The project does meet all the necessary criteria. The water rights are rare and things that can be mitigated and addressed will be. I support this project going forward.

Mustafa Owaidat would like to redress the board regarding inspections. There was a man up the hill that has an approved grow, and no one has ever shown up to inspect his grow site, the water usage, etc. The chemicals leaching into the ground is vague. We need numbers scientific facts, not just someone's word. Our properties will lose value over this. Especially if the chemicals contaminate the water.

Comm. Suenram, where is your property located?

Mustafa Owaidat, it is located up in the half circle in the hill behind it. I was also told that the people across the freeway will all be using the same water. My property is on highway 20.

Comm. Hess- There is no evidence that Mary Draper is being treated any different than any other applicant. The same conditions apply to her regarding water usage, security, road maintenance, employee background checks. They are all the same. There will be

an annual inspection. I understand his concerns but there is no evidence to support his complaints.

Jennifer Smith, in favor of the project moving forward. I would like to see some data on the lack of water, not just someone's hear say.

12:18 p.m. Closed Public Comment

Scott Deleon – There is always a condition in every cannabis project that the permit can be revoked at any time if they are non-compliant.

Comm. Price made a motion, 2nd by Comm. Chavez, moved that the Planning Commission find that the Initial Study (IS 19-03) applied for by Mary Draper, located at 7004 and 7232 E. Highway 20, Lucerne CA: APN 006-005-62, 006-005-63, 006-024-12 and 006-024-13 will not have a significant effect on the environment and therefore Mitigated Negative Declaration shall be approved with the findings listed in the staff report dated September 24, 2020

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Price made a motion, 2nd by Comm. Hess, I move that the Planning Commission finds that the Major Use Permit (UP 19-01) applied for by Mary Draper, located at 7004 and 7232 E. Highway 20, Lucerne CA: APN 006-005-62, 006-005-63, 006-024-12 and 006-024-13 does meet the requirements for section 51.4 in the Lake County Zoning Ordinance and the major use permit be granted subject to the conditions and with the findings listed in the staff report dated September 24, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides 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.

12:23 p.m. Public hearing on consideration of a Major Use Permit (UP 19-34) and Categorical Exemption (CE 20-37). Applicant is Jerusalem Gold, LLC, proposing continuing and expanding an existing permitted cannabis cultivation operation. Location: 25432 Jerusalem Grade, Lower Lake, CA; APN 013-017-25, 013-017-26, 013-017-27, and 013-017-28

12:24 p.m. Sateur is giving a Power Point presentation

The Middletown Rancheria submitted an "ecomment" that was read by Tocarra Nicole Thomas.

12:38 p.m. Opened Public Comment – None

12:40 p.m. Closed Public Comment

Comm. Suenram, I did not see very much mention in the presentation regarding water usage. If there not any concerns, we can go ahead and proceed.

Comm. Hess made motion, 2nd by Comm. Chavez, moved that the Planning Commission find that the Notice of Exemption prepared for Major Use Permit (UP 19-34) applied for by Bridget King/ Jerusalem Gold, LLC. Location: 25432 Jerusalem Grade, Lower Lake, CA; APN 013-017-25, 013-017-26, 013-017-27, and 013-017-28 is exempt from CEQA because it falls within the category exemption class for 15304 based on the findings put forth in Staff Report dated November 03, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Hess made motion, 2nd by Comm. Chavez, moved that the Planning Commission find that major Use Permit (UP 19-34) prepared for the project proposed by Bridget King on property located at 25432 Jerusalem Grade, Lower Lake, CA; APN 013-017-25, 013-017-26, 013-017-27, and 013-017-28 does meet the requirements for section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit (Up 19-34) subject to the conditions and the findings listed in the staff report dated November 03, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides 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.

12:44 p.m. Public Hearing on consideration of a Major Use Permit (UP 19-10) and Mitigated Negative Declaration (IS 19-21). Applicant is Morgan Valley Ventures, LLC, Proposing (6) A-Type 3 (medium outdoor) Commercial Cannabis Cultivation licenses, and (1) A-type 13 ' self-distribution' license and (1) 5,000 sq. ft. drying building. Location: 22800 and 22520 Morgan Valley ROAD, Lower Lake, CA; APNs: 012-010-82, 012-069-59 and 012-069-60.

Eric Porter, Associate Planner, is giving his presentation verbally.

Comm. Suenram, have you addressed anything in the agency comments regarding BLM.

Eric Porter, Associate Planner, I believe so. I do not think the applicant has to travel through BLM.

Commissioners have no questions.

12:53 p.m. Open Public Comment – None

12:54 p.m. Closed Public Comment

Comm. Price made motion, 2nd by Comm. Hess, moved that the Planning Commission find that the Initial Study (IS 19-21) applied for by Morgan Valley Ventures, LLC., on property located at 22800

and 22520 Morgan Valley ROAD, Lower Lake, CA; APNs: 012-010-82, 012-069-59 and 012-069-60 will not have a significant impact on the environment and therefore Mitigated Negative Declaration shall be approved with the findings listed in the staff report dated October 01, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

Comm. Price made motion, 2nd by Comm. Chavez, moved that the Planning Commission find that major Use Permit (UP 19-10) applied for by Morgan Valley Ventures, LLC., on property located at 22800 and 22520 Morgan Valley ROAD, Lower Lake, CA; APNs: 012-010-82, 012-069-59 and 012-069-60 does meet the requirements for section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit (UP 19-10) be granted subject to the conditions and the findings listed in the staff report dated October 01, 2020.

**4 Ayes 0 No (Commissioner Brown Absent) Motion Carried.
Approved by roll call vote**

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides 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.

1:00 p.m. UNTIMED STAFF UPDATE

Scott Deleon, CDD Director, I would like to thank the Commissioners today for your patience of dealing with our shortcomings. Were working on getting better. Today certainly didn't reflect that. We are a work in progress. Our staff is growing and learning. I appreciate your patience. I hope you enjoy your holiday.

Comm. Hess makes a motion to close the final hearing of 2020.

1:03 pm. ADJOURNED –

Daniel Suenram, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Trish Turner
Planning Commission Assistant