

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 22, 2021

Commission Members

**P John Hess, District I
P Everardo Chavez, District II
P Batsulwin Brown, District III
P Christina Price, District IV
P Lance Williams, District V**

Staff Members

**P Scott DeLeon, CDD Director
A Toccarra Thomas, Deputy Director
P Eric Porter, Associate Planner
P Victor Fernandez
P Sateur Ham
P Nicole Johnson, Deputy City Counsel
P Kerrian Marriott, Office Assistant III**

REGULAR MEETING

9:00 a.m. CALL TO ORDER

Pledge of Allegiance lead by Comm. Brown

9:01 a.m. ACTION ON MINUTES

Comm. Hess motioned to approve the minutes from the April 8, 2021 PC Hearing seconded by Comm. Price.

5 Ayes, 0 Nays -- Motion Carried

9:02 a.m. Scott DeLeon made an announcement regarding item number two (UP 19-46) Applicant/Owner: Stuart Spivack. Item recommended to continue until May 13th, 2021.

Nicole Johnson stated that the item would still need to be read and a continuation suggested at the time the item is scheduled on the agenda. Which would be when a continuation date would be determined.

Comm. Hess stated that he believed that staff had added enough content and clarity and he was comfortable moving forward.

Crystal Keesey Applicant spoke on the duration of the process as she fought her own health battle. Ms. Keesey expressed her gratitude to Staff and Commissioners.

12:48 p.m. Public Comment – None

Comm. Price Moved to Motion, Seconded by Comm. Williams find that the Initial Study (IS 19-14) applied for by Golden State Herb on property located at 8550 Highway 175, Kelseyville, and further described as APN: 011-055-06 will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated April 22, 2021 and as amended here today.

5 Ayes, 0 Nays. Motion Carried

Comm. Price Moved to Motion, Seconded by Comm. Hess find that the Use Permit (UP 19-08) applied for by Golden State Herb on property located at 8550 Highway 175, Kelseyville, and further described as APN: 011-055-06 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated April 22, 2021 and as amended today.

5 Ayes, 0 Nays. Motion Carried

NOTE: 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.

1:12 p.m. Public Hearing to take place on Thursday, April 22, 2021 at 9:35 a.m. in the Lake County Courthouse. Applicant/Owner: WeGrow LLC / Zarina Otchkova. Proposed Project: Fifteen (15) A-Type 3B mixed light commercial cannabis cultivation licenses; one (1) A-Type 1C 'specialty cottage' (greenhouse) license, and one A-Type 13 'Self Distribution' license. The applicant is proposing thirty (30) 90' x 125' greenhouses; one (1) 90' x 112' greenhouse; four (4) 90' x 125'

nursery greenhouses; four (4) 50' x 100' drying buildings; one (1) 200 sq. ft. shed; four (4) 2,500 gallon water tanks; one (1) 6-foot tall galvanized woven wire fence covered with privacy mesh to screen the greenhouses from public view. Total proposed cultivation area is 400,405 sq. ft. (roughly 9 acres). Location: 16750 Herrington Road, Middletown, CA (cultivation site); 17610 Sandy Road, Middletown, and 19678 Stinson Road, Middletown consisting of 309+ acres. APNs: 013-060-40 (cultivation site); 013-014-03 and 013-014-11. Environmental Evaluation: Mitigated Negative Declaration IS 20-25.

Eric Porter gave a verbal presentation on proposed project. Cultivation would be completed inside 15 greenhouses requested. The site is heavily treed. Mr. Porter spoke on 80 opposing letters from neighbors. Mr. Porter also stated that the applicant had verbally agreed to obtain a 5000 gl. Metal water tank with fire department connection hoses.

Comm. Price stated that she completed a site visit and was pleased with spruce grove entry location and the distance from neighbors but does understand the concerns of the neighbors and the sites visual impact.

Eric Porter stated that the sites outer boundary was approximately 1000 ft. outside of the 1000 ft. setback and was approximately a half a mile from the first parcel in Hidden Valley Lake.

Comm. Hess asked Mr. Porter about the energy usage portion of the conditions of approval inquiring that if PG&E and other traditional sources were not available, solar would be considered but under no circumstances were the applicants could the applicants use generators as a substitute.

Eric Porter Stated that he wanted the cultivator to come up with an alternate energy solution and that generator was not to be used.

Comm. Hess stated that he was a resident of Hidden Valley Lake, believes that the proposed site will be visible and would request eight ft. fence elevations in some areas.

Comm. Williams stated he could support an eight ft. screening.

Zarina Otchkova applicant spoke on a letter submitted and on record, addressing neighbor concerns and plans of mitigating such concerns.

Comm. Hess asked about the water usage plan and replacement trees and why mitigation measures were not included in the report. Comm. Hess addressed the concern that the only well report provided was dated from 1997 and requested a recent report. Comm. Hess also requested that

applicant provide a more current report or he would request that it be added to the conditions of approval.

Sufyan Hamouda consultant for applicant stated that the secondary Biological report was completed in late spring, which accredited to it not being on the report. Mr. Hamouda also stated that two well reports were submitted, which shows the well recharge rate at eight with a 72 percent recharge rate and the other at 40 gall., with a 98 percent recharge rate within 30 minutes Mr. Hamouda stated that it would not be an issue if a request for more frequent well meter reads were added to the conditions.

Comm. Hess referred to a letter submitted by applicant in which she addressed road concerns from Tinilyn and Jaclyn and her proposed meditative approach. Comm. Hess also voiced his concerns regarding violations and addressed the communities concerns regarding stolen equipment from the proposed site.

Sufyan Hamouda stated they had reached out to CHP numerous times and was unable to obtain any information pertaining to the applicant or the property regarding any criminal activity. Mr. Hamouda stated that the applicant would be willing to reach out and financially assist with road repair if necessary,

Comm. Hess stated that he was able to obtain a report of the stolen items and the occurrence happened after applicant obtained property. Comm. Hess the asked why the equipment was on the property.

Sufyan Hamouda stated that the incident occurred a month after applicant had obtained the property and neither herself, nor her equipment was on the site.

Comm. Williams asked if there was a cannabis violation, were plants cultivated and was this site Early Activation.

Eric Porter stated that applicant did not qualify for an EA permit last year. Also mentioned that he was unaware of illegal activity on the site.

Sufyan Hamouda There was illegal cultivation on the property to the south of project site but it did not involve the applicant.

Comm. Williams confirmed that it was not on the applicants proposed project site.

Comm. Hess asked about current and past generator use as the community had voiced noise concerns.

Sufyan Hamouda stated that the noise concern might be from the drilling of a well being put in but no generators have been used.

Comm. Brown disclosed that he would have to leave the meeting at 2 p.m.

Comm. Price offered to proceed as acting chair.

1:27 p.m. Public Comment –

Scott Nickelson neighbor on the eastern boundary of project is opposed to the project. Mr. Nickelson expressed his concerns regarding water usage, access through a residential subdivision, Visual concerns and history of illegal activity, biological report he feels was inadequate. Mr. Nickelson stated that the proposed project was out of scale for area. Mr. Nickelson thanked staff for their responsiveness.

Thomas Lafton neighbor stated that he believed it was not the right time or right place for this proposed project. Mr. Lafton stated that although it is a rural area, it was still a residential area with a suburban feel. Mr. Lafton expressed his concern with water usage for 40 green houses as well as his concern for the increase in traffic.

Jeremy Pickens neighbor expressed his concern for water usage and for the safety of his family as it pertained to looters.

Olivia Cude neighbor stated that while she is not opposed to the legal growing of cannabis, she is opposed to grows in residential areas and had concerns regarding water usage. Ms. Cude also voiced her concern for visitors to the site and the mountainous terrain lack of sidewalks and street lights leading to Herrington would potentially place children in danger, drivers would have difficulty seeing small children. Ms. Cude also voiced her concerns of smell. Ms. Cude asked the commissioners to deny project at its proposed location.

Thomas Lafton stated that the proposed project was not the right time or the right place. Mr. Lafton voiced several concerns including water usage, an increase in traffic through a residential area and stated that he believed property values would decrease. Mr. Lafton stated he had concerns regarding noise with the drilling of the well and strongly opposes the project.

Doug Burman neighbor agreed with Ms. Cude's comment in reference to not objecting to the legal grow of Cannabis but voiced his concerns regarding the proposed site location and the affects the current year's drought would have on the surrounding properties. Mr. Burman suggested a revision to the cannabis exclusion map as the lines are drawn

very closely to population density areas. Mr. Cude stated his opposition to the project.

Dan Levine lives in shadow hills will have a clear view of the proposed grow site and compares the overall sq. ft. to that of 13 football fields asked how many generators would be needed to cover the acreage if power went out. Mr. Levine spoke of the residents that live on George road, whose lives had been negatively impacted. Referenced CEQA section 15021 and its provision for decent home and living environment for residents. Mr. Levine stated that the Initial Study was incorrect as the grow site exceeds its size limit based on the overall size of the property. Mr. Levine voice his concerns of road wear and asked who would be financially responsible for repairs.

Donna Mackiewicz opposes the project and spoke on the negative effects cutting down oak trees would have on the 100's of different types of bird species that call the Oaks home. Ms. Mackiewicz suggested a mitigation addition of nest boxes.

Misha Grothe resident opposes the project for several reasons. Ms. Grothe aquifer as well as how the drought will affect her well in the upcoming years. Ms. Grothe asked how the county could consider such a massive consumption of water at this time. Ms. Grothe stated her concerns for the usage of the road, the increase in traffic as well as air quality and odor concerns which would decrease home value.

Kelly Davis voiced her concerns for the damage and use of the road. Ms. Davis stated that she does not agree with the location of the proposed site. Ms. Davis Spoke on drought and evacuation concerns and asked about the projects security plan and stated her concern for her children's safety.

Jacob Watson stated that his property overlooks the parcel and that he had several concerns regarding access through a residential neighborhood, concerns of water usage, stated that he believes that the applicants do not care.

Ken Sherman resident stated that he agreed with all the comments made thus far, stated that the county was in a drought, stated that he had concerns with the applicant stating that he was unaware of illegal activity occurring on his land. Mr. Sherman requested commissioners to listen to community.

Mary Sullivan resident opposes project. Ms. Sullivan had several concerns including water restriction, Mr. Hamouda's unawareness of illegal activity on the proposed site and concerns of an increase in crime.

Carly Sherman lake county resident opposes the project. Ms. Sherman stated several concerns including the gallons of water needed to maintain project which did not include water needed for the screening of trees, fire concerns as it pertained to current drought, a contamination of water from chemicals used and road usage. Ms. Sherman stated that Susan Robinson the agent involved with the purchase of the proposed site is a colleague of Comm. Price and questioned the influence Comm. Price would have over the other Commissioners as it related to making a decision on the project.

Bart Robinson property owner, thanked neighbor for speaking out. Asked Commissioners to consider the community and the residents this proposed project would impact.

Dave Framer former member Board of Hidden Valley Lake Association, spoke on his concerns regarding water Well failure, stating the area is ground water based and does not have reservoir. Mr. Framer also stated that while road conditions and upkeep could be mitigated, the traffic could not.

Davis Palmer resident of Hidden Valley Road opposes the project. Mr. Palmer stated his concerns with inaccuracies on staff report as it related to distance between the proposed site and closest resident at an estimate of 600 ft. Mr. Palmer also voiced his concern for the current drought conditions and the usage of water, as well concerns for illegal activity and code violations on the part of the applicant.

Chris Taylor president of owners association of Rimrock ranch, vehemently opposes project. Would like the commissioners to consider that no one has spoken in support of the proposed project.

Wendi Campbell resident of Hidden Valley Lake stated that she was in agreeance with everyone's comments and opposes the project. Ms. Campbell stated that she created a petition "hell no we don't want to grow" which accumulated over 347 signatures.

2:22 p.m. Public Comment Closed. Break until 2:28 p.m.

Comm. Price stated that although her Next home colleague was involved with the project, she had no involvement in the transaction of the proposed project.

Comm. Hess stated that Comm. Price had made no attempts to sway the other commissioners on the proposed project.

Comm. Hess asked applicant about stolen heavy equipment on the site a month after property was acquired. Comm. Hess stated that he still had not received a clear answer on his concern.

Sufyan Hamouda stated that when prop was first purchased, applicant did not live on site and is unaware of any illegal activity.

Comm. Williams answered a comment made by the public regarding chemicals and stating that chemicals would not be utilized as the project was presented as an organic farming. Comm. Williams also addressed the perception of distance between the project site and residential lots stating that it would not sway a decision, greenhouses have to be covered, or a blackout system implemented. Mr. Williams stated that the recharge on the well did not scare him, the county has no rates on what is acceptable and is zoned correctly, outside the gates of the community with no set standard for admissible water.

Comm. Hess addressed the community's feelings, spoke on commissioners being a part of the community and nothing in proposed applications criteria to encourage opposing the project.

Eric Porter asked to clarify the amendments discussed which included an eight ft. tall fence, a monthly water usage report. Mr. Porter stated that the greenhouse condition b1 addressed the blackout screening concern and a verbal agreement from applicant that stated they would have at minimum a water storage tank of 5000 gal tank in addition to the 20000 gal. onsite storage required for fire suppression. Condition I2 would be amended to say monthly versus annually.

Comm. Hess stated that although the Commissioners could not enforce an agreement, the applicant seemed willing to financial assist with the repair cost of roads on Tinilyn and Jaclyn.

Comm. Williams voiced his concern about how to deal with water as he believes that this requirement in the conditions is the minimum amount needed and that different growth styles would determine what the minimum water usage would be. Comm. Williams asked staff if a biological study was completed in season? Comm. Williams stated that he would have liked to see a hydrologist report but understood that he could not ask for it now.

Eric Porter responded that a revision had been provided to staff, completed in season but was unable to greensheet for meeting.

Comm. Hess Moved to Motion, Seconded by Comm. Williams find that the Major Use Permit (UP 20-22) applied for by WeGrow LLC on property located at 16750 Herrington Road, Hidden Valley Lake, and further described as APNs 013-060-40, 013-014-03 and 11 will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings for approval listed in the staff report dated April 22, 2021 and as amended here today.

4 Ayes, 0 Nays

Comm. Hess Moved to Motion, Seconded by Comm. Williams find that the Major Use Permit (UP 20-22) applied for by WeGrow LLC on property located at 16750 Herrington Road, Hidden Valley Lake, and further described as APNs 013-060-40, 013-014-03 and 11 does meet the requirements of Section 51.4 and Article 27, Section 1 [i,ii(g),i(ii)] of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings for approval listed in the staff report dated April 22, 2021 and as amended here today.

4 Ayes, 0 Nays

NOTE: 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.

2:39 p.m. Continued from April 8th, 2021 PC Hearing. Public Hearing to consider a Major Use Permit (UP 19-40) to consider approval of a commercial cannabis cultivation project on a 77+ acre property, and consideration of adopting a Mitigated Negative Declaration (IS 19-59) on Thursday April 22, 2021, 9:40 a.m., in the Board of Supervisors' Chambers, 255 N. Forbes Street, Lakeport, California. Applicant / Owner: CUA Enterprises. Proposed Project: Three (3) A-Type 3 medium outdoor cannabis cultivation licenses requesting 104,800 sq. ft. of cannabis cultivation area and one (1) A-Type 13 self-distribution license. Location: 25252, 25322, 25372 & 25312 Jerusalem Grade Road, Middletown, CA; APNs: 013-017-92, 013-017-74, 013-017-36 and 013-017-31 . Environmental Evaluation: Mitigated Negative Declaration.