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PARTIAL TRANSCRIPT OF HUMBOLDT COUNTY

PLANNING COMMISSION HEARING

(Re: Maple Creek Investments, LLC)

(August 6, 2020)

ORIGINAL

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1 (12:32)

2

3 CHAIR BONGIO: All right. So, could we have the
4 staff report on the Maple Creek Investments, LLC, please.
5 Do we have a staff report?

6 CLIFF JOHNSON: Miscal, I believe your mic is
7 muted.

8 COMMISSIONER NEWMAN: Chair --

9 CHAIR BONGIO: Yes, Mike.

10 COMMISSIONER NEWMAN: -- Bongio?

11 CHAIR BONGIO: Yes.

12 COMMISSIONER NEWMAN: I need to recuse myself on
13 this one, on this item. There's been a -- I'm trying to
14 find out from the FPPC on some conflict of interest
15 questions. I happen to carry some insurance for not the
16 applicants, but for the consultant, and I need to have
17 further review with the FPPC. I've talked to counsel and
18 been advised that I should recuse myself on this item.

19 CHAIR BONGIO: All right. Thank you. Appreciate
20 that.

21 COMMISSIONER NEWMAN: So, is somebody going to call
22 me when this is over? I'll leave the meeting.

23 CHAIR BONGIO: I don't think there's any reason
24 that --

25 DIRECTOR FORD: Yes. Yeah, we will -- can

1 (inaudible) --

2 COMMISSIONER NEWMAN: I will --

3 DIRECTOR FORD: I will email you, unless you want
4 to give me your number right now.

5 COMMISSIONER NEWMAN: I'll send it to you straight
6 on the chat, just to you.

7 DIRECTOR FORD: Perfect. Thank you.

8 CHAIR BONGIO: All right. Let's get that staff
9 report then.

10 MISEAL RAMOS: Okay. Good evening, Commissioners,
11 my name is Miseal Ramos, and I will be presenting the
12 facts regarding Maple Creek Investments, LLC.

13 This project was not heard by the zoning
14 administrator on July 16th due to public concern.

15 So, the proposed project is one 27,025 square foot
16 full sun outdoor cannabis cultivation in a consolidated
17 location seen on the site where the southern pin is on the
18 aerial -- or actually that's the next slide, excuse me,
19 which will you see on the next slide. The applicant
20 proposes to install four rainwater catchment tanks in an
21 existing flat area and to redevelop an existing wooden
22 shed into a 2,000 square foot ancillary drying and
23 processing facility.

24 COMMISSIONER LEVY: Mr. Ramos --

25 DIRECTOR FORD: Miseal?

1 MISEAL RAMOS: Yes.

2 DIRECTOR FORD: Are you intending to be screen
3 sharing right now?

4 MISEAL RAMOS: I am.

5 DIRECTOR FORD: You -- you --

6 MISEAL RAMOS: Am I not?

7 DIRECTOR FORD: You're not.

8 MISEAL RAMOS: Okay. Sorry about that.

9 DIRECTOR FORD: And could you check your
10 microphone, too, and turn it up a little bit so we can
11 hear you better?

12 MISEAL RAMOS: Perhaps. Yes. Am I -- am I being
13 heard?

14 CHAIR BONGIO: We're hearing you, just not real
15 loud.

16 MISEAL RAMOS: Okay. Well, I'll try and speak up.
17 Is my screen being shared correctly now?

18 CHAIR BONGIO: Yes.

19 COMMISSIONER PELLEGRINI: That's better.

20 MISEAL RAMOS: Good. Okay. So, I'll start over.
21 All right.

22 So, yeah, my name is Miseal Ramos, and I will be
23 presenting the facts regarding Maple Creek Investments,
24 LLC, a project not heard by the zoning administrator on
25 July 16th due to public concern.

1 The proposed project is for -- is a special permit
2 for one 27,025 square foot full sun outdoor cannabis
3 cultivation in a consolidated location. The applicant
4 proposes to install four rainwater catchment tanks in an
5 existing flat area and to redevelop an existing wooden
6 shed into a 2,000 square foot ancillary drying and
7 processing facility.

8 Annual irrigation will be approximately 200,000
9 gallons, the same capacity as the proposed rainwater
10 catchment tanks, and equals approximately 7.4 gallons per
11 square foot per year, under provisions of the CCLUO that
12 applies to parcels, tankers, or larger whereby one acre of
13 cultivation may be permitted with a special permit, and
14 the subject property is approximately 42 acres.

15 Power for the ancillary processing facility is to
16 be -- is proposed to be PG&E, a 200 amp single phase drop
17 with a backup generator in case of public service power
18 shutoff events.

19 Here is the project site seen in the pin to the
20 south. It is at the intersection of Maple Creek and
21 Butler Valley Road.

22 The pin to the north is the location of the
23 proposed drinking and sanitation water source for the
24 project, which is an off-site well on a parcel under
25 common ownership. The proposed use of the well as a

1 domestic water source for on-site personnel does not
2 represent a change in use for the well, as it is currently
3 serving a domicile.

4 The parcel is designated residential/agriculture in
5 which general agriculture is a permitted use. Cannabis is
6 considered an agricultural crop and a water storage
7 infrastructure such as is proposed on this parcel is
8 common on agricultural lands.

9 The applicant will improve the intersection of the
10 access driveways to Butler Valley Road to the same
11 pavement type as the county road, which is considered by
12 Public Works to be a category four road.

13 The proposed project neither includes nor precludes
14 residential development.

15 Here is an aerial image of the project site. The
16 proposed project does not represent incompatible land uses
17 given that it is permissible under this land use
18 designation, and the Commission has previously approved a
19 conditional use permit for an adjacent property for an
20 outdoor commercial cannabis cultivation.

21 In the environmental review, the following
22 documents were reviewed to establish compliance with the
23 CCLUO standards for cultivation activities as well as to
24 establish consistency with the county's EIR.

25 Public comments received regarding the project

1 included concerns regarding access, pollution, water
2 quality, fire risks, traffic, impact to biological
3 resources, noise and smell impacts to surrounding
4 neighbors, and noncompliance with required findings for
5 approval.

6 Here is a broader aerial of the location of the
7 project site, again, at the intersection of Butler Valley
8 and Maple Creek Road.

9 Staff recommends that the Planning Commission find
10 the project consistent with the addendum to the FEIR
11 adopted for the CCLUO per section 15164 of CEQA guidelines
12 to make required plannings for approval of the special
13 permit and to adopt a resolution approving Maple Creek
14 Investments, LLC -- special permit, sorry, subject to the
15 conditions of approval.

16 And that is all.

17 CHAIR BONGIO: Do any of the Commission have
18 questions for staff?

19 COMMISSIONER LEVY: Uh --

20 CHAIR BONGIO: Go ahead, Noah.

21 COMMISSIONER LEVY: -- I do. Well, I'm asking a
22 question that I already asked Director Ford and got a
23 short answer, but I just wanted to put it on the record.
24 I noticed that in our staff report, there was no reference
25 to any comments received from the Department of Fish and

1 Wildlife in the referral request for this one. I asked
2 Mr. Ramos and Director Ford this afternoon if there was
3 anything that we weren't hearing about. I'll let Director
4 Ford speak to that.

5 DIRECTOR FORD: *(inaudible)*, Chair?

6 CHAIR BONGIO: Please.

7 DIRECTOR FORD: Thank you, Commissioner Levy.

8 So, I -- after our conversation today, I was able
9 to talk to a representative of CDFW, and they did briefly
10 look at this project, identified that it is outdoor
11 cultivation, understood that it would not have lights or
12 generators associated with cultivation, and felt that
13 there were not the impacts to be concerned about
14 associated with this. So, they did not *(inaudible)*.

15 CHAIR BONGIO: All right.

16 COMMISSIONER LEVY: Thank you for following up on
17 that. Yeah, thanks.

18 CHAIR BONGIO: Any other questions, Noah, or I'll
19 open it up to anybody else. Thank you.

20 Melanie, I see your hand up. Go ahead, Melanie.

21 COMMISSIONER MCCALOUR: Oh, thank you. I was just
22 wondering, it's kind of along the same lines, whether
23 there was any mention by them of it being close to the so
24 called salmon super highway I think it's called. Yeah,
25 salmon super highway, four miles of habitat for threatened

1 coho salmon. It's a tributary close by, from what I
2 understand.

3 CHAIR BONGIO: I guess that's a question for you,
4 John.

5 DIRECTOR FORD: Yeah. So, through the Chair, thank
6 you. They did not provide comments on that and did not
7 express a concern with the proximity of the site to the
8 Mad River.

9 COMMISSIONER MCCALOUR: Okay. Thank you. I
10 haven't verified it myself, it was something that someone
11 mentioned to me also, and I just wanted to see if you had
12 heard of it. I haven't been able to find anything on it
13 myself. Thanks.

14 CHAIR BONGIO: Any other questions for staff?
15 Seeing none, I will open this up for public
16 comment, because I believe we will have a few people
17 tonight. So, I see that we at least have one attendee,
18 but I'm not seeing a hand up. Maybe I'm not -- Julie --
19 go ahead, Julie. Julie, are you there? Now we're
20 getting attendees. So, I guess, Julie, they will come
21 back to you.

22 Next -- I'm not showing hands by people, I'm just
23 showing that there's five hands up. I don't know -- so go
24 ahead, Alex. I don't know what order they're in. It's
25 not showing.

1 (Pause)

2 DIRECTOR FORD: So, if -- Mr. Zigler, can you
3 unmute yourself?

4 CHAIR BONGIO: Alex, can you unmute yourself? Go
5 ahead, Alex, if you're there.

6 Alex, can you unmute yourself? Go ahead, Alex, if
7 you're there.

8 Let's go on to the next person and then come back
9 around.

10 So, Ryan Shields is the next speaker. Are you
11 there?

12 BRIAN SHIELDS: Hello. Are you receiving me?

13 CHAIR BONGIO: Yes. We're receiving you now.

14 BRIAN SHIELDS: Okay. My name is Brian Shields,
15 and I'm the project manager for this particular project,
16 and I just wanted to chime in and say I'm here to answer
17 any questions after the public comment period. And I
18 wanted to thank the Planning Commission for holding this
19 forum, as well as county staff for the excellent job
20 they've done in preparing this project thus far.

21 So, I'll turn it back over for the public comment.
22 I just wanted to let everybody know I am here.

23 CHAIR BONGIO: All right. Thank you, Brian.

24 Jill is the next speaker.

25 SKYLAR GIORDANO: All right. Hello? Can you hear

1 me?

2 CHAIR BONGIO: Yes.

3 SKYLAR GIORDANO: My name is actually Skylar
4 Giordano, I am using my wife's computer, so --

5 CHAIR BONGIO: You're Jill to us.

6 SKYLAR GIORDANO: I -- I am the neighbor directly
7 to the south bordering the parcel in question. And I'm
8 not fundamentally opposed to cannabis, but I am opposed to
9 a non-lived-on site right there on the road. I feel like
10 it's going to have impacts negative to our lifestyle and
11 the community. So those are kind of just broad concerns.

12 The wetland, my well is also directly downhill from
13 this natural wetland (*inaudible*), so I am curious as to
14 what those impacts of drawing that kind of water will be
15 on my already one gallon -- one gallon a minute well.

16 But mainly, I see that the road, the driveway, the
17 proposed access to this grow site originates on my parcel.
18 And I have my title report in front of me and show no
19 easements with the Dunaways or Maple Creek, LLC. So,
20 that's -- those are my concerns.

21 CHAIR BONGIO: Okay. Thank you.

22 Next speaker is Victoria, please.

23 VICTORIA FOERSTERLING: Can you hear me?

24 CHAIR BONGIO: Yes.

25 VICTORIA FOERSTERLING: Okay. Good. That's a good

1 thing.

2 As a professional realtor in Humboldt, I am often
3 asked what the purpose of property ownership is, and by
4 definition it means to have quiet enjoyment of one's
5 property, which with the Maple Creek proposed cultivation
6 will be impossible to attain with added traffic, noxious
7 smells, fertilizer leaching into residential water
8 sources, and the matter of our watershed.

9 Surveillance cameras and the hostile environment
10 brought on by large grow operations, not limited to theft,
11 vandalism, illegal drug sales, use and illegal firearms,
12 not to mention the decline in property values of
13 neighboring properties. This was also demonstrated on the
14 show, Murder Mountain, which our county is now known for.
15 It's not what we want our county to be known for.

16 This proposal is not principally permitted, and
17 inevitably will damage and inhibit neighboring properties
18 to use their properties within their principally permitted
19 use. For example, if a neighboring property were to have
20 a day camp or a Boy Scout camp being next to a large
21 federally illegal grow operation, not principally
22 permitted, detracts from and impinges upon the rights and
23 established uses of neighboring property owners.

24 Thirdly, there is simply not enough water to go
25 around. The rivers are lower than they've ever been. The

1 proposed catchment system takes ground water away from
2 neighboring wells and the matter of our watershed and its
3 sensitive ecosystem. It is not an adequate source of
4 water for the proposed cultivation. And as you --
5 somebody had said, that it was a residential -- what's
6 this -- residential/agricultural, this does not seem like
7 a residential/agricultural type of grow, this is more
8 bordering on a commercial grow, which should not be
9 permitted in this area.

10 It's close to a school. It is in the middle of
11 everything driving. The roads simply cannot handle that.
12 As part of the plan that shows that they're going to be
13 trucking in water, and I dare any one of you to drive past
14 the bridges to get to this property on a day that people
15 are going to the river, and you can barely fit a bicycle
16 through the traffic.

17 Previous illegal grow operations owned by the same
18 members of Maple Creek, LLC has resulted in disruption to
19 Native American burial grounds. I'm wondering if there
20 has been any substantial true archaeological investment.
21 The part that I read did not seem thorough.

22 And, of course, the mapped wetlands are absolutely
23 too close to proposed cultivation. There is an issue with
24 the wetlands data in the report done by Tara and Pacific
25 Watershed. It was noted in an extremely dry time of year

1 and is completely inaccurate.

2 There are also currently property lines in dispute
3 on the subject property proposed for cultivation.

4 The culmination of these faults in Maple Creek, LLC
5 proposal is why I strongly oppose this project.

6 CHAIR BONGIO: Thank you, Victoria.

7 Next is Elizabeth Foersterling.

8 ELIZABETH FOERSTERLING: Okay, good evening to all
9 of you. I would like to ask if the board -- I mean, if
10 the Planning Commission here has had a chance to read our
11 submitted documents? And for the *(inaudible)*, I would
12 like to submit them for the minutes this evening.

13 CHAIR BONGIO: We did receive them.

14 ELIZABETH FOERSTERLING: There was the option --
15 have you seen them?

16 CHAIR BONGIO: Yes, we did receive them.

17 ELIZABETH FOERSTERLING: Okay. Super. So, I don't
18 have to read them tonight for you to understand where I'm
19 coming from and what I have to say.

20 What I would like to do is point out the
21 discrepancies in tonight's presentation by the planning --
22 the staff report by the Planning Department. So, in the
23 other staff report, it wasn't 200,000 gallons, it was 214,
24 because 14,000 gallons are already on, with six plastic
25 tanks sitting there in the intersection of Buttler Valley

1 and Maple Creek Road.

2 Another question I would like to know is how many
3 of the Planning Commission this evening have driven out
4 and seen the -- viewed the scene before this meeting.

5 So, anyway, there's a discrepancy of 14,000 gallons
6 plus the water that they said for drinking water. That's
7 not what they said in the other staff report.

8 So tonight we're getting a completely different
9 view. Fourteen thousand gallons of water is enough to
10 live on for the year, and they want to blow it away into
11 the soil with pesticides and fertilizers. So if you read
12 the staff report, or the proposal of the fertilizers and
13 the pesticides that are planned to be stored and used into
14 native soils, you will find that it reads like a horror
15 film, something out of Erin Brockovich. Some of you are
16 old enough to know what -- who that is and what Erin
17 Brockovich had to do to rid the chemicals in the water.

18 So for two years there was an unpermitted grow on
19 that parcel, the 09 parcel, and that water that they used
20 for those 14,000 gallons drew down from our well that we
21 built in 1989. It impacted us so greatly for those two
22 years that we did not have the same amount of water in
23 June. Then there was July, August, September, October,
24 and until November.

25 So your ordinances, your general plans, everything

1 that I have read supports us, the landowner. And if it is
2 not applied correctly, I only can say that it's going to
3 have to go further, because I have read the law and I've
4 read the ordinance, and I've read everything that you have
5 put before us, and it supports us, the adjacent
6 landowners.

7 Again, it says there would be six employees in the
8 staff report, now they say ten. In the report they call
9 the cabin a shed, which not only shows that they have no
10 regard for the history in this area, they have no regard
11 for what is already here.

12 They said no generator. They said yes generator.
13 They said that they could get renewable resources, now
14 they're saying PG&E. Well, clearly in my document, I
15 outlined how dangerous PG&E has been to the state of
16 California for the last how many years? Three? Why is
17 that? Because we have been in drought. There is not
18 enough water. There are enough grows right here. We're
19 surrounded by them. One, two, three, no more. It's
20 enough!

21 Sixteen miles they want to truck water. The staff
22 report that we saw tonight, they didn't talk about the
23 portable toilets they want to put on the intersection of
24 Butler Valley and Maple Creek Road. These roads that I
25 have walked and run on for 32 years. And for those two

1 years that they grew, not the amount that they are
2 proposing to grow now, but it smelled all the time. Not
3 just when I ran by that parcel and those people who have
4 been abusive, they've trespassed, they've stalked us, and
5 they have threatened to kill my dog, and they have
6 threatened me and my life because my life is with this
7 land.

8 In January of 2021, on the 26th of January, it will
9 be 33 years that we have lived here. The site plan that
10 they have used goes right through our house. It's not the
11 parcel map that we bought the land with, it's not the line
12 of the boundary that we bought the land with.
13 *(inaudible)*.

14 Yeah, I can go on, I've lived here for 33 years.
15 You're gonna cut me off? I'm sorry, I'm supposed to have
16 three minutes.

17 CHAIR BONGIO: Yeah.

18 ELIZABETH FOERSTERLING: Okay, public works. They
19 only -- they only say the road. Nothing -- nothing has
20 been checked off. Nothing. Nothing has been checked off.
21 So, I can write a book now if you guys aren't gonna listen
22 to me, that's fine, but I will tell you attachment five
23 has nothing checked off except for the Division of
24 Environmental Health for the portable toilets. Okay? The
25 Department of Fish and Wildlife has not had any comment,

1 not to me and not to you. Division of Water Rights, it
2 has not been checked off. The district attorney, not
3 checked off. Agricultural Commission, not checked off.
4 Maple Creek School, not checked off. Niland Volunteer
5 Fire Department, not checked off. For a plethora, a
6 multitude.

7 I haven't even begun to write. I only had a month,
8 and you have my two documents to go by. But I haven't
9 stopped yet. This is beyond feasible, it's beyond
10 sustainable --

11 CHAIR BONGIO: Okay, you're going to have to wrap
12 it up.

13 ELIZABETH FOERSTERLING: Okay. And I -- I ask you
14 to deny this permit to the Maple Creek Investments, LLC.
15 Their apparatus of surveillance and their mentality and
16 what they do and the pollution, it's too much.

17 CHAIR BONGIO: Okay. Thank you very much. You're
18 going to have to wrap it up.

19 Next speaker, please.

20 Alex, you're next.

21 ALEX ZIGLER: All right. And thank you for the
22 opportunity to speak tonight. My apologies (*inaudible*).

23 CHAIR BONGIO: Thank you. Go ahead. We lost you.

24 ALEX ZIGLER: Hello?

25 CHAIR BONGIO: We hear you now.

1 ALEX ZIGLER: Okay. My apologies for technical
2 difficulties here, and thank you for the opportunity to
3 speak.

4 I'm going to jump right in and say that my biggest
5 concerns, and echoed by most of the folks that have spoken
6 tonight, would be water use, particularly pertaining to
7 calculations on the amount of water that will be required
8 by this project in order for cultivations to proceed
9 throughout the year. I would say that they are nebulous,
10 there are multiple mentions both in the WRPP in the actual
11 plan submitted by applicants and in staff's synopsis for
12 the Commission that seems like guesswork at best. You
13 know, it's not well defined. I would say that the number
14 that they have put down for the required water for their
15 cultivation operation is not well defined. I didn't see
16 any logs, at least in my review, that really prove that
17 that was what they would require for it.

18 And additionally to that, I don't see any
19 provisions in the plan mentioned anywhere for whether
20 there is insufficient water provided through the water
21 catchment system during a particular grow cycle. You
22 know, if there's not enough rain, they're not going to
23 have enough water cached. What's going to be their source
24 of water then? I don't see any provisions toward trucking
25 in water, which would be my guess is the next logical step

1 for them. There's no accounting for additional traffic or
2 load on the road that was going to be required by trucking
3 water, things of that nature. Would they allow plants to
4 die off should no water be available? Things that are not
5 accounted for addressed in the plan that I think are
6 critical for something of this scale that's already
7 getting this much blowback from the community already.

8 I would say additionally (*inaudible*) concerns,
9 impacts to a massive reduction in available water recharge
10 for ground water, water runoff to streams, rivers.
11 Although they may be a little bit further away, we all
12 know that those hydrology systems are extremely connected
13 on many levels, and you're talking you're only less than a
14 mile away from the river, the fact that that's not of more
15 concern raises a red flag for me.

16 Where the water will be cached, according to the
17 site map, is significantly up slope of the mapped wetlands
18 on the parcel. That's water that's being taken away from
19 those wetlands. Those are very important pieces of
20 environmental resource for (*inaudible*) area. I don't see
21 any discussion for what would happen if that water's taken
22 away, nor do I see any discussion about what would happen
23 if the catchment system fails, certainly not if there's a
24 catastrophic failure of any water storage. Anything that
25 would protect either the crop or the road or anything

1 downslope of those catchment tanks is not addressed, I
2 think that's an important security concern, not only for
3 the people around, but for the site itself.

4 The wetland delineation mapping, I would -- I think
5 is a little deficient. I think that the WRPP and the
6 wetland delineation map conflict in a lot of their ideas
7 about how much water (*inaudible*) performed at very draw
8 points of the year. It's explicitly stated, particularly
9 in wetland delineation mapping, that it was -- that their
10 initial investigation was performed at an exceptionally
11 dry time of year, I believe it was the beginning of
12 October in a historical drought year. Also something of
13 concern with what the assumptions about this project are
14 being based upon.

15 I also have concerns about the number of changes
16 over the last few, I guess, two months when this project
17 actually came into public view, about the source of water,
18 how much water would be required, and how the water would
19 be treated and applied to the crop. It doesn't seem --
20 and I understand the applicant was probably trying to
21 respond to questions from staff from public input, the
22 fact that it was not a hard number from the beginning,
23 that it has changed so much back and forth, and so many
24 unreliable numbers and conflicting numbers have been
25 provided, also raise a red flag about whether the water

1 that they're proposing for this project is going to be
2 sufficient.

3 I do think there are a lot of other very serious
4 issues. I think that a lack of input from other
5 regulatory agencies also is concerning, I would echo
6 Commissioners' comments on that. Just because they
7 declined to make a comment over the phone to John Ford,
8 with all respect, on the day of this meeting does not mean
9 that they have adequately vetted this project nor been
10 able to respond to the particulars of a report or of a
11 project that admittedly has been changing on a daily basis
12 based on the materials that we're receiving as the public.
13

14 I do think that there are threats to environmental
15 resources, protected wildlife. Much of elk -- or Maple
16 Creek in that area is an elk migration quarter, they mob
17 all over the place below the river, up above the river, on
18 both sides of the road.

19 CHAIR BONGIO: You need to wrap up, Alex.

20 ALEX ZIGLER: Oh, excuse me. Sure.

21 I would say that the cumulative effects of this
22 project taken as a whole, the cumulative effect, the
23 community concern about this project and the uncertainty
24 with the way that it's moving forward, even if taken by
25 themselves are not enough to disprove this project or at

1 the very least to push it, cumulatively would be grounds
2 for the Commission to deny, if not push the project.

3 Thank you for your time. I appreciate the
4 opportunity to speak.

5 CHAIR BONGIO: Thank you.

6 Shirley Williams -- Julie Williams. Sorry. Julie,
7 go ahead. Julie, are you there?

8 We'll go on to the next speaker and then come back.

9 Judy, are you there?

10 JUDY: Hi, can you hear us?

11 CHAIR BONGIO: Yes.

12 JUDY: Hi. We are neighbors across the river, and
13 we have been there for 30 years. Can you hear me all
14 right?

15 CHAIR BONGIO: Yes.

16 JUDY: And we have -- we have significant concerns
17 from multiple perspectives. You know, just the water is
18 the life for everybody that lives out there, and -- and,
19 but not only that, the water of the Mad River is critical
20 to the whole Humboldt County community.

21 And I feel like it's really, really important that
22 the Humboldt County Planning really look as a whole at the
23 cumulative effects of all of these different grows that
24 are happening up and down the Mad River, and really what
25 the impact of it is to our main source of water. And so I

1 think that's really important because every time you have
2 one of these come presented before you, it's just one of a
3 whole series of. And what has happened is over the 30
4 years we have been there, we have -- we purchased this
5 property in 1989, and what -- for years Humboldt County
6 has been a bastion of organic farming and very against
7 monocultural crops, you know, that was one of the big
8 mainstays of it. And now what is ultimately happening is
9 there's -- it's becoming a monocultural crop up and down
10 the river and throughout Humboldt County, and I think -- I
11 think the cumulative impacts are important, that we really
12 look at that carefully.

13 But, also, in addition to that, there are safety
14 issues. When you start having people from out of the area
15 and it become non-owner occupied and they're non-
16 residential, it's a whole different -- it's a whole
17 different impact onto the community. And then you're
18 going to have transient workers occurring up in -- that
19 are just coming at certain times of the year and
20 increasing the load on the road, which is not a safe road
21 to begin with. And it's definitely a concern.

22 And safety is a definite concern. We're out
23 there, you know, there's people that we don't know, and
24 it's just -- there's definitely safety concerns, and
25 particularly if you're going into a project to begin with

1 that's requiring video surveillance for -- and it already
2 has safety concerns about what is there.

3 Also, you know, really I think we need to look at
4 the zoning of this, and I think also the fact that there
5 is a wetlands needs to be really looked at carefully,
6 because just what you can't see from the overview of that
7 map is that -- is that it's a very steep down to the
8 river, across the road, down the river, right directly
9 into the Mad River. And it's -- it's very shallow, the
10 water -- the ground water table is very shallow there, and
11 there's quite a bit of -- it's very -- it drains right
12 into -- into the river.

13 So, there's multiple concerns that we're concerned
14 about and we -- I'm not so great at articulating here, but
15 if we could -- you know, we have presented some -- some
16 documents of concerns, but I really think we need to look
17 at what we're (inaudible) --

18 CHAIR BONGIO: You're going to have to wrap it up,
19 Judy, please.

20 JUDY: Okay, that's fine.

21 CHAIR BONGIO: All right. Thank you.

22 I'm trying to be lenient on the time, but I can't
23 let you go too long over.

24 JUDY: Fine. That's fine.

25 CHAIR BONGIO: Okay. Next caller, please. Oh, I

1 guess that's it. I apologize, but I can't see who's
2 calling in tonight, for some reason it's not showing up,
3 so they're telling me.

4 So, with no more public, I will close the public
5 comment and I will bring it back to the Commission for
6 deliberation.

7 CHAIR BONGIO: Ronnie, go ahead.

8 COMMISSIONER PELLEGRINI: Yeah. I appreciate a lot
9 of the passionate comments that we heard tonight, and I
10 super appreciate Noah's question in the beginning, and I
11 really admire Director Ford for reaching out to Fish and
12 Game to try to get an answer to the question regarding
13 their concerns.

14 Now having said all that, my bigger concern is, I
15 can't -- I can't feel good about just recommending
16 approval for this without a more thorough vetting by Fish
17 and Wildlife because of the anadromous and the water
18 issues. I do -- I'm not trying to disparage anything that
19 Director Ford has done or even their reply back, but you
20 know, a couple minute conversation really doesn't satisfy
21 that requirement in my mind. And the water use and the
22 Maple Creek drainage into the Mad River.

23 And then also, another issue was the abatement.
24 This property, it sounds like, according to Planner Ramos,
25 this property was abated a couple years ago. So these

1 neighbors have been dealing with some of these problems,
2 and you can hear it in their voices in their public
3 comment, you know, now this property owner's trying to get
4 legal, and that's the way it should go, but I would like
5 an answer, or a comment from Fish and Wildlife of a more
6 thorough degree.

7 And that's the end of my comments. Thank you.

8 CHAIR BONGIO: Thank you, Ronnie.

9 Anybody else?

10 COMMISSIONER O'NEILL: I have a question of staff.
11 There was an allegation by one of the speakers that there
12 was a disturbance of burial sites that were either on or
13 near that site, and I'm curious as to what tribe was
14 notified in the culture report for this project.

15 CHAIR BONGIO: Okay. We'll have them comment at
16 the end on -- unless you want to comment about it now.

17 DIRECTOR FORD: Misseal, do you have that record in
18 front of you?

19 MISEAL RAMOS: Yeah. Let me --

20 CHAIR BONGIO: No -- no sound.

21 MISEAL RAMOS: The jurisdictional tribes are the
22 Blue Lake Rancheria and the Bear (*inaudible*).

23 DIRECTOR FORD: You just (*inaudible*) mute again.

24 MISEAL RAMOS: I said the jurisdictional tribes are
25 the Blue Lake Rancheria and the Bear River.

1 COMMISSIONER O'NEILL: So, did you find in the
2 record any -- that there were burial sites there or is
3 that just something that's being alleged? Is there any
4 knowledge of that?

5 DIRECTOR FORD: So, let me just try to explain the
6 process that we go through a little bit here, Commissioner
7 O'Neill. Is that when we receive the application, we have
8 agreements with all the tribes, and we circulate the plan
9 to the tribes for their review. And one of the things, as
10 you're aware, is that the ordinance requires that there be
11 no cultivation within 600 feet of a tribal cultural
12 resource. So that allows the tribes to indicate whether
13 or not they're concerned with something that's on the
14 site, and if there is something on the site, there is the
15 ability to say that can't happen here. We really don't
16 provide a public report when there has been an
17 archaeological study done, because we want to respect the
18 privacy and the integrity of *(inaudible)*.

19 And so an archaeological report was done on this
20 site. I assume that it was asked for by the tribe, that's
21 very common for the Bear River *(inaudible)* Rancheria
22 tribal historic preservation officer to ask for a cultural
23 analysis. And so I did notice in the file when I was
24 looking at it that there is such a report in the file. I
25 did not read it to see whether or not there had been a

1 disturbance or not, but based upon the conditions of what
2 were presented, I would -- Mr. Ramos, is there anything to
3 indicate that there was a violation of a *(inaudible)*?

4 MISEAL RAMOS: I believe my takeaway from the
5 report is that the results of the survey for cultural
6 artifacts on-site was negative, that there were not
7 artifacts that were going to be adversely affected by the
8 proposed development.

9 CLIFF JOHNSON: And through the Chair, I'd like to
10 just add, I'm actually looking at the archaeological study
11 right now that was prepared by Jamie Roscoe, and it did
12 not identify any archaeological sites or resources on the
13 property. They -- both the Bear River band *(inaudible)*
14 and the Blue Lake Rancheria *(inaudible)* did respond that
15 they did not have any concerns and that they had read the
16 report.

17 CHAIR BONGIO: Thank you.

18 Okay. Does that answer your question, Peggy?

19 COMMISSIONER O'NEILL: *(No audible response)*

20 CHAIR BONGIO: All right. We'll move on.

21 Noah, your hand's up, go ahead.

22 COMMISSIONER LEVY: Thank you, Mr. Chairman.

23 So, yeah, I do have a couple of followup questions
24 for the staff, perhaps for the applicant. But first of
25 all, I just want to acknowledge that, you know, we heard

1 some very heartfelt testimony from some of the neighbors
2 and residents of the Maple Creek area.

3 I personally am very, very fond of the area around
4 this property. I'm not unfamiliar with it. My kids have
5 played out in the Maple Creek Elementary School playground
6 many times. I've been to the Maple Creek swimming hole at
7 the Mad River more times than I can count.

8 And to be totally honest, I would like to find some
9 objective reasons why this shouldn't go through, and I'm
10 not saying that there aren't any, but on the other hand,
11 what I see here is a few things that I would consider to
12 be a pretty good marker of a clean and low impact project
13 in that they are using on-grid PG&E power. And, I mean,
14 you can't fault them from using PG&E power. I mean, the
15 PG&E lines are already there. So, yeah, maybe there's a
16 fire risk associated with power lines, but it's a hell of
17 a lot better than generators in my book.

18 From what I understand, and I do want to confirm
19 this, they're entirely planning to use rainwater catchment
20 for their irrigation. There's a well involved. But as I
21 understand it, the well is only to be drawn upon for
22 drinking water to supply the employees.

23 You know, it's full sun, outdoor in the ground. I
24 mean, these are three or four different things that we
25 kind of want to see when we're talking about low impact

1 grows.

2 Now, the big thing that I'm concerned about here -
3 - and I don't feel like this was fully addressed in the
4 staff report, so I'd kinda like to ask specifically about
5 this. Well, first of all, am I correct that the
6 irrigation water is entirely to be used for rainwater
7 catchment? Because if that's true, you know, rainwater
8 catchment doesn't deprive Maple Creek of water. It
9 doesn't. You know, it doesn't deprive any of the
10 neighbors of water. So much more water falls in rain than
11 can be captured. The catchment is the least impactful way
12 that you can gather your water. That I know, if that's
13 true that that's what they're doing.

14 What I'm -- what I'm not so sure about is the whole
15 question of the abatement order. If -- what I don't like
16 about this project is the sense that we might be rewarding
17 past bad behavior. You know, if -- you know, there's a
18 lot of antipathy towards this project, and I -- I honestly
19 tend to see projects that have a huge amount of neighbor
20 antipathy as having something wrong with them if only in
21 that the applicants didn't bother to explain to the
22 neighbors what they were doing and why it wouldn't cause
23 these problems.

24 So, all of what I've said is sort of what I see as
25 having checked the right boxes, but I'm still not

1 convinced that this is a good project, because I'm
2 concerned about the whole history of abatements for past
3 violations. And I'm not so sure that past violators
4 should get such an easy pass to just re-apply and do it
5 better the second time.

6 So, I guess, there's a couple of questions there,
7 about the water, where it's coming from, and what is the
8 history of violations that led to the abatement order.

9 Thanks.

10 CHAIR BONGIO: Melanie, I see you have your hand
11 up.

12 Oh, yeah, why don't we go ahead and we'll answer
13 them as we go, that way it's fresh on their minds. Go
14 ahead.

15 DIRECTOR FORD: Miseal, are you going to answer the
16 water question?

17 MISEAL RAMOS: Yes. So, yeah, the proposed
18 irrigation water source is to be solely from four 50,000
19 gallon engineered rainwater catchment tanks without any
20 surface water diversions.

21 CLIFF JOHNSON: I did want to add, before Director
22 Ford speaks of abatement, I did just want to add that we
23 are proposing a condition of approval that the irrigation
24 tanks be metered so that we can ensure that they have
25 enough water for their irrigation -- sorry, for their

1 cultivation.

2 And the question did come up, what would happen if
3 they do not have enough water that they've collected. The
4 county would work with them to reduce the cultivation area
5 so that they do not have to rely on anything other than
6 that rainwater catchment.

7 COMMISSIONER LEVY: So there's no provision for
8 trucking water, just to be clear, that's not allowed.

9 MISEAL RAMOS: Not for irrigation.

10 COMMISSIONER LEVY: Right.

11 CLIFF JOHNSON: Correct. And the ordinance would
12 not allow or authorize that.

13 DIRECTOR FORD: So, relative to the abatement, I
14 actually don't remember this one, Miseal, do you recall
15 what --

16 MISEAL RAMOS: Basically, I think the only record I
17 can find regarding it is that per a settlement meeting
18 with yourself and the applicants, a fine was to be
19 assessed upon the decision being made for the project by
20 the relevant hearing body.

21 DIRECTOR FORD: That's -- that's what I wanted to
22 make sure of. Thank you. Is that this is not -- was not
23 an abatement in terms of a code enforcement action, this
24 was a situation where they were cultivating before they
25 had their permit, and it was a circumstance where there

1 was existing cultivation on the site, there was some
2 reason for some misunderstanding, and so we -- I allowed
3 them to pay their fine upon approval of the project rather
4 than normally what we do when a applicant is in violation
5 and we assess -- or I assess a penalty that needs to be
6 paid before we continue processing the permit.

7 So, let me say that, unfortunately, it is not
8 uncommon enough for there to be violations associated with
9 permits, and so I wouldn't want to single this particular
10 applicant out, because if we began to take detrimental
11 action because of a violation, that would significantly
12 change how we deal with many, many, many permits.

13 COMMISSIONER MITCHELL: I have a question -- or a
14 followup question, Director Ford.

15 CHAIR BONGIO: Go ahead.

16 COMMISSIONER MITCHELL: So, what you said just
17 there confused me, because I thought this was coming in
18 under new cultivation not existing. And the CEQA
19 exemption that we're using is not existing facilities.
20 So, can you describe a little bit more about how much of
21 this project is existing and how much of it is new, and
22 then why are there considered violations if it would be a
23 pre-existing cultivation?

24 DIRECTOR FORD: So -- sure. Thank you for the
25 clarification. There was pre-existing cultivation on

1 this. They qualified for the amount of cultivation as
2 new, and so they're just simply applying for new to make
3 it more simple. There was historic cultivation on the
4 property. The fine was related to the fact that they were
5 cultivating without having permits.

6 COMMISSIONER MITCHELL: So they didn't start
7 cultivating after the first ordinance was put in effect,
8 this is something that would have allowed them to apply
9 for existing cultivation.

10 DIRECTOR FORD: This is for new. That is correct.

11 COMMISSIONER MITCHELL: Okay. Thank you.

12 CHAIR BONGIO: Does that answer your questions?

13 We'll move on to the next (*inaudible - away from*
14 *microphone*) Are you there, Melanie?

15 COMMISSIONER MCCALOUR: Yes. Hi. Thank you.

16 I just wanted to say that I also agree that the
17 water usage seems reasonable or even beyond reasonable. I
18 would still love to see what -- I'm very happy the
19 Planning Department did move to start putting the water
20 usage in, you know, in terms of the actual values. I
21 would still love to see a reference point even in there
22 for the public just so it's really clear this is above or
23 below the average water use for this type of site. But in
24 any case, I've read through it and I'm satisfied.

25 So, I don't really see -- likewise, I don't really

1 see anything that stands out that would, you know, have us
2 not approve the project. You know, there's not going to
3 be a light pollution. And so the only possible effect
4 that I see is traffic, and so -- and I don't really think
5 it is significant, but I did have a question, because it
6 was brought up several times, that maybe would satisfy
7 some of the public, was the traffic analysis done on the
8 basis of a year or on the basis of a month? And was it an
9 average or was it a mode? What type of metric was used
10 for that? Because as we know, there is a fair bit of
11 traffic already in that area in the summer.

12 So that's the only question I had and a couple
13 comments. Thank you.

14 DIRECTOR FORD: Do you want us to respond to that?

15 CHAIR BONGIO: Go ahead.

16 DIRECTOR FORD: So in response to the traffic
17 analysis, the way traffic is evaluated, up until, as
18 you're aware, January 1st -- or July 1st of this year, is
19 through level of service standards. And when the
20 ordinances 1.0 and 2.0 were adopted, there were no
21 roadways that were identified as being within a
22 deteriorated or failing condition. So adding traffic to
23 these roadways, while it may be something that the public
24 doesn't like, it doesn't so add traffic to a road that
25 additional improvements would be needed that would require

1 additional work to widen or improve the facilities. And
2 that is what we found here is that this project is
3 consistent with previous environmental work, and doesn't
4 change any of those assumptions.

5 COMMISSIONER MCCALOUR: Thank you for that
6 clarification.

7 CHAIR BONGIO: Any other -- sorry about that, I
8 haven't spoke for so long I forgot I was muted.

9 We already dealt with the road issue, so I'm not
10 going to bring that up, but I'm going to bring up a couple
11 other issues that one of them got brought up by a couple
12 of the speakers and I think it's been discussed a little
13 bit amongst the Commission as well, and that's the
14 cumulative effects.

15 I think, you know, just tonight we have two
16 projects that are in this area. I know we've approved one
17 other at least, and I hear about others that are coming,
18 so I think we really need to think about what all these
19 add up to be, because you know, I've lived here all my
20 life and there used to be a salmon run in the Mad, in fact
21 there was a good salmon run in the Mad, and there's no
22 salmon run in the Mad anymore. You know, steelhead is
23 still pretty good, but salmon is almost gone. It's bad.

24 And the whole push for doing these -- this is the
25 second point -- the whole push for doing these cannabis

1 ordinances was to get the grows out of the hills. Well,
2 we're not doing a very good job of that, we just keep
3 allowing them out in the hills. And I think this is a
4 good place to start on looking at getting them where we
5 said we were going to get them, and that was out of out in
6 the hills and off the tributary roads and in the more
7 sensitive habitats and get them in closer where you don't
8 have the traffic issues and the water issues. And so
9 that -- that would be where I see myself heading in.

10 You know, it seems like a good -- a lot of things
11 seem good about this project. The way they're doing the
12 water catchment and all, but you know, not too long ago we
13 had a really good project before us that had a lot of good
14 things, the wind project, and we said that that was a
15 really good project, too, but it just wasn't the right
16 place to do it. And, you know, the right place to be
17 doing this is not up in the hills. So, you're going to
18 see me voting against this project because we need to get
19 them out of the hills.

20 And that's all I have to say.

21 Any other Commissioners that want to speak before I
22 bring it back for a vote?

23 Seeing none, I will close the discussion and bring
24 it back to the Commission to vote on this issue.

25 Anyone?

1 COMMISSIONER LEVY: Sorry, I -- hey, can you hear
2 me? This is Noah.

3 I'm just wanting to chime in to say that I'm -- I'm
4 persuaded by what Chair Bongio just said. You know, this
5 is being classified as a new project. I understand that
6 it was an existing project and that there's a history of
7 abatement and so forth. And as I understand it, that --
8 they were led to re-apply as a new project because of, you
9 know, certain advantages that would come from doing it
10 that way rather than doing it as existing, because I guess
11 you could expand what you had before because of the zoning
12 and what it allowed.

13 But I just want to say, and I feel extremely torn
14 on this, but I kinda feel like I want to treat this one a
15 little differently. If it was an existing project that
16 was being cleaned up and remediated and made more
17 environmentally friendly, and if that's what the purpose
18 of it was, I would be inclined to view it a little bit
19 more kindly.

20 I will totally say, and I have said, that there's a
21 lot of things about this project that are doing it the
22 right way. They're doing it the right way with water, as
23 far as I'm concerned, they're doing it the right way with
24 growing it outside. But there's something that doesn't
25 sit right with me about this, and that has something to do

1 with the fact that I see no evidence in the record that
2 they even tried to communicate with the neighbors about
3 what they were doing, about how what they are proposing to
4 do is not going to bring criminals and dogs and, you know,
5 all kinds of bad stuff. I mean, I will say, I've been out
6 there at the swimming hole, like there's no way this grow
7 is going to bring more traffic in the summer than that
8 swimming hole. It's a fucking amazing swimming hole.
9 Sorry. It's a great swimming hole. A lot of traffic. A
10 lot of people come out there. There's no way that this
11 grow is going to cause that kind of impact. But there's
12 something that doesn't sit right about it.

13 And, again, I would view it a little differently if
14 they were just taking an existing grow, cleaning it up,
15 and classifying it as existing. But it's not, it's a new
16 -- it's a new project.

17 So, despite all the things that they're doing
18 right, I don't know that I can support it. I just wanted
19 to go on the record about that.

20 CHAIR BONGIO: Melanie has her hand up.

21 COMMISSIONER MCCALOUR: Thank you, Chair.

22 I just, since we're discussing this, I'd like to
23 say that I -- I do take cumulative effects very seriously,
24 and cumulative impacts is one of the exceptions to the
25 CEQA exemption. On the other hand, the Planning

1 Department knows this and, you know, takes this into
2 consideration in their work, and so I don't see that at
3 least yet.

4 One of the callers said, oh, do we want this to be
5 what our county is known for? And, you know, for better
6 or for worse, it is what it is known for, and the pursuit
7 of, you know, the (*inaudible*) for cannabis is going to be
8 what maybe saves the economy here in this county.

9 So, I mean, there are multiple considerations. But
10 what it comes down to for me is not really what I
11 personally think, it's whether everything has been
12 satisfied, you know, if there's any gray areas even, you
13 know, that's what we look for in terms of the CEQA, in
14 terms of the ordinances. And there really isn't. I mean,
15 you know, we're not allowed to take into consideration
16 their rude behavior, if indeed it existed, or
17 communication with the neighbors or dogs or any of those
18 things really.

19 And in this particular case, I don't even see that
20 this project is at all close to not satisfying any of the
21 requirements legally. And indeed if it were to be -- if
22 we, you know, didn't approve it, I'm sure it would just be
23 a long litigation, which ultimately doesn't really improve
24 what we have going on at the county level anyway.

25 So, I'm still in favor of approving this project.

1 Thanks.

2 CHAIR BONGIO: Thank you, Melanie.

3 I see Ronnie has her hand up.

4 COMMISSIONER PELLEGRINI: Yeah, just really
5 quickly. Alan and Noah articulated I guess what I was
6 kinda trying to say earlier and not as well. But Maple
7 Creek is a very special place. I won't throw out the F
8 bomb like somebody did, but it's -- and we gotta do it
9 right. And I -- it's not sitting right with me, so I
10 can't -- I'm not supporting it.

11 CHAIR BONGIO: Thank you, Ronnie.

12 I'm not seeing -- wait, I think those are the same
13 hands. So I'm not seeing any more hands from the
14 Commission.

15 And the Director made a point to me just a second
16 ago that the applicant didn't get to speak. The
17 representative for the applicant did, but if the applicant
18 would like to speak, I will open it back up just for the
19 applicant. I just assumed that the representative was
20 speaking for the applicant, but I will give that option.

21 So, go ahead if you would like --

22 ROB DUNAWAY: Hello, can you hear me?

23 CHAIR BONGIO: Yes.

24 ROB DUNAWAY: Thank you. My name is Rob Dunaway.
25 I would like to respond to some of the comments. Thank

1 you for the opportunity and also thank you for a detailed
2 overview of this project.

3 What hasn't been talked about by the commenters is
4 the fact that our family has owned property at Maple Creek
5 since the sixties, and we've been visiting the area since
6 the fifties. So we're now in our fourth generation of
7 owning property up there, and we own roughly 1,000 acres.
8 We're not a 40 acre parcel holder, we're a good sized
9 landowner up there. We have a sustaining cut timber farm
10 plan. We're managing our land with best practices and
11 have been doing so for well over 50 years.

12 I would also note that one of the Commissioners was
13 wondering about the relationship between the families.
14 And without going into a lot of detail, I would note that
15 four or five of the commenters are all from one family,
16 they happen to be adjacent to our property, and there was
17 a parcel line dispute because they did not obtain a land
18 survey when they purchased their property. In order to
19 establish a fixed and recorded parcel line, we had to
20 enter into litigation with them, and as you probably can
21 tell from some of the passion involved, our family won
22 that parcel line dispute and I think there's a little bit
23 of emotion tied up in that, rather than focusing on the
24 merits of the project and the criteria thresholds that by
25 all accounts have been met and exceeded.

1 This has been a three-year process. You know,
2 everything that the county has asked we have done.
3 Everything that we thought was best practices for the
4 project has been implemented. We've done everything asked
5 under the ordinances and pursuant to the county. And as I
6 say, this was not a short review process, an undetailed
7 process. Director Ford's department is on this stuff.
8 They know this forwards and backwards, and that's why it
9 takes three years to put a good project together.

10 So, I just wanted to point out some of the
11 background there.

12 The last thing is that one of the first
13 commenters/speakers, I believe is the grow operation that
14 is already approved just to the south of our parcel. So,
15 you know, there are approved grows in this exact area, and
16 they went through the same difficult review process that
17 we've gone through and they were approved.

18 So, with that said, I'd -- if any of the
19 Commissioners have any questions, I would be happy to
20 answer them. Or our project manager would be happy to
21 answer them, whichever is more efficient.

22 CHAIR BONGIO: Any questions from the
23 Commissioners?

24 Seeing none, we will leave it at that. Thank you
25 for your comments.

1 I will now bring this back to the Commission for
2 deliberation. Anybody want to start it off?

3 COMMISSIONER MCCALOUR: Well, I -- I -- perhaps we
4 weren't already there, I think we were though.

5 CHAIR BONGIO: I think we were, but we need
6 somebody to make a motion.

7 COMMISSIONER MCCALOUR: Yeah.

8 CHAIR BONGIO: Don't everybody jump at once.

9 COMMISSIONER MCCALOUR: I guess I'll give it a shot
10 then. I'll motion to approve the Maple Creek Investments,
11 LLC special permit, record number PLN-2018-15197, APN 315-
12 011-009, Butler Valley Road. And, yeah, that's it.

13 CHAIR BONGIO: We have a motion. Do we have a
14 second?

15 COMMISSIONER MITCHELL: I would second the motion.

16 CHAIR BONGIO: We have a motion and a second. Any
17 discussion about the motion? If not, I will call for the
18 vote.

19 Laura, please roll call.

20 LAURA: Alan Bongio?

21 CHAIR BONGIO: No.

22 LAURA: Ronnie Pellegrini?

23 COMMISSIONER PELLEGRINI: No.

24 LAURA: Noah Levy.

25 COMMISSIONER LEVY: No.

1 LAURA: Mike L. Newman. He abstained.

2 Peggy O'Neill.

3 COMMISSIONER O'NEILL: No.

4 LAURA: Brian Mitchell.

5 COMMISSIONER MITCHELL: Yes.

6 LAURA: Melanie McCavour.

7 COMMISSIONER MCCAVOUR: Yes.

8 CHAIR BONGIO: So, the motion did not pass, so now
9 we need to have somebody make a motion that will pass. I
10 know that sounds strange, but we've did this before. So
11 would anybody like to make a motion denying the project?

12 DIRECTOR FORD: If -- if I --

13 CHAIR BONGIO: Go ahead, Director.

14 DIRECTOR FORD: One of the options could be, is to
15 continue it with the direction to staff to bring a
16 resolution finalizing the Planning Commission's reasons
17 for taking that action. I would prefer to do that rather
18 -- if that is the motion, prefer to do that rather than
19 trying to put something together here tonight.

20 CHAIR BONGIO: We can do that. It seems like it's
21 pretty straightforward, though, we just need a motion
22 denying the project. So, it's pretty straightforward if
23 somebody wants to do that, or we could do what the
24 Director said and have him bring it back. It's up to you
25 guys.

1 COMMISSIONER O'NEILL: I'll make a motion to deny
2 the project.

3 CHAIR BONGIO: We have a motion. Do we have a
4 second?

5 COMMISSIONER PELLEGRINI: I'll second.

6 CHAIR BONGIO: We have a motion and a second to
7 deny the project. Any discussion about this?

8 Seeing none, I will call for the vote. Laura.

9 LAURA: Alan Bongio.

10 CHAIR BONGIO: Yes.

11 LAURA: Ronnie Pellegrini.

12 COMMISSIONER PELLEGRINI: Yes.

13 LAURA: Noah Levy.

14 COMMISSIONER LEVY: Yes.

15 LAURA: Peggy O'Neill.

16 COMMISSIONER O'NEILL: Yes.

17 LAURA: Brian Mitchell.

18 COMMISSIONER MITCHELL: No.

19 LAURA: Melanie McCavour.

20 COMMISSIONER MCCAVOUR: No.

21 And is it just me, or is there some kind of speaker
22 on where everyone sounds like they're shouting into a
23 *(inaudible)* theater?

24 CHAIR BONGIO: Well... You're right about that
25 noise, Melanie.

1 COMMISSIONER MCCALOUR: Oh, good, it's not in my
2 head.

3 CHAIR BONGIO: Yeah. No. And with that, the
4 motion carried with a vote of four to two.

5 So, usually about 7:00 we take a break, so I'm
6 going to suggest we take a small break, about ten minutes
7 right now, and we'll come back and get the last issues
8 taken care of. Thank you.

9 **(End of Requested Portion of Meeting @ 1:31)**


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CERTIFICATE

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I, Jean Mueller, do hereby certify that I transcribed the audio of the above meeting; that I thereafter had reduced by typewriting the foregoing transcript; and that the foregoing transcript constitutes a full, true, and accurate record of the meeting.

Dated: September 21, 2020.


Jean Mueller