



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON: **December 19, 2019**

LOCATION: Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT: Pernell, Jacobszoon, Holtkamp, Wiedemann, Ogle

COMMISSIONERS ABSENT: Perkins, Nelson

PLANNING & BLDG SVC STAFF PRESENT: Brent Schultz, Director
James Feenan, Commission Services Supervisor
Adrienne Thompson, Administrative Services Manager
Julia Acker Krog, Chief Planner

OTHER COUNTY DEPARTMENTS PRESENT: Matthew Kiedrowski, Deputy County Counsel
Amber Munoz, Department of Transportation

1. Roll Call.

The meeting was called to order at 9:02 a.m.

2. Planning Commission Administration.

2a. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Schultz presented a verbal Director's Report and wished everyone a happy holiday.

4. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

5. Consent Calendar.

None.

6. Regular Calendar.

6a. CASE#: GP_2019-0005 / R_2019-0006 / U_2019-0009

DATE FILED: 5/23/2019

OWNER: GOLD WEST LAND COMPANY LLC

APPLICANT: TYLER PEARSON

REQUEST: The proposed project consists of three request components. 1) A general plan amendment to change a portion of the subject parcel from a Remote Residential (RMR) designation to a Rural Community (RC) designation; 2) a rezone to change a portion of the subject parcel from the Upland Residential (UR) zoning district to the Rural Community zoning district, with a contract rezone combining district to limit uses (RC:CR); and 3) a use permit to allow for retail, manufacturing (volatile and non-volatile), and distribution.

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

LOCATION: 1.5± mi. south of the Laytonville center, on the east side of US Hwy. 101 (US 101), 0.2± mi. north of its intersection with Vincent Ln. (private), located at 43045 Hwy 101, Laytonville (APN: 035-150-25).
SUPERVISORIAL DISTRICT: 3
STAFF PLANNER: SAM VANDY VANDEWATER

Mr. "Vandy" Vanderwater, staff planner, reviewed the staff report and noted that the proposed project consisted of three request components. 1) A general plan amendment to change a portion of the subject parcel from a Remote Residential (RMR) designation to a Rural Community (RC) designation; 2) a rezone to change a portion of the subject parcel from the Upland Residential (UR) zoning district to the Rural Community zoning district, with a contract rezone combining district to limit uses (RC:CR); and 3) a use permit to allow for retail, manufacturing (volatile and non-volatile), and distribution. He noted the project was located 1.5± miles south of the Laytonville center, on the east side of US Hwy 101 (US 101), 0.2± miles north of its intersection with Vincent Ln. (private), located at 43045 Hwy 101, Laytonville. He noted the project was found to be consistent with the General Plan and Mendocino County Code Section 20.196.020. Mr. Vandewater noted that comments had been received from the Department of Transportation, however staff was in support of approving a negative declaration for the project with the deletion of the requirement for a contract rezone and use limitations.

Commissioner Wiedemann discussed the letter that was submitted by the adjacent owner and asked if the building that were to be utilized met all setback requirements, etc.

Mr. Vandewater noted that the buildings met setback requirements and the site was already being used as a processing facilities at this location.

Chair Ogle noted several typos in the report and resolution; page 5 in the staff report, paragraph B "propose" should be "purposed". Item #4 stated "competed" and should be "completed". Resolution #2 on page 1, noted that "and" should be removed. Resolution on page 2, item #4 remove "have" and insert "has". Further in the same paragraph change "is in the record is in compliance" adding the word "is". On Page 4 of the Initial Study, letter A box is marked incorrectly, should be marked "Less than Significant Impact". On Page 7 a-b are marked "Less than Significant Impact" but in the body of the report listed as "no impact".

Ms. Acker Krog noted the Chair was correct on the errors.

Commissioner Wiedemann asked about #13 of Exhibit A and asked if there was an annual review of the cannabis facilities business licenses mentioned.

Mr. Vandewater responded that there was not an annual review by Planning and Building, but the applicant does need to renew the license each year with the Tax Collector.

Commissioner Wiedemann asked if this was part of the oversight by the applicant.

Mr. Vandewater stated that if there were issues, Code Enforcement would be involved with the process.

Chair Ogle asked for clarification of the process and if the Commission would review the project again at a later stage in the development.

Ms. Acker Krog noted that Planning and Building would only see the permit once, and then the applicant would work with the Tax Collector for future renewals.

Josh Keats, Henry's Original, stated they were the largest distributor of Mendocino County branded cannabis, and noted there were 250 dispensaries throughout the state with Henry's label. He stated that their product was exclusively for the Mendocino County area. Mr. Keats also noted that Henry's Original was the largest employer with over 100 filled positions, of which 60 were located at the facility that was being discussed. He noted that their goal was twofold; first to prepare oppositional buildup by allowing for extraction facilities and second to allow for retail and food service to create an "Anderson Valley like winery experience" where Highway 101 travelers can become advocates of Henry's and Mendocino County cannabis. He stated that they have invested over \$3 million in their first phase of construction and requested that the contract in the project be eliminated as staff had mentioned.

Commissioner Jacobszoon, Mr. Keats and Commissioner Wiedemann discussed the makeup of the two companies he represents.

Chair Ogle asked how much of the cannabis was indoor versus outdoor.

Mr. Keats responded that the cannabis was all outdoor, sun grown.

Mr. Schultz noted that Mr. Keats was involved with the Ad Hoc committee that the County formed on expansion.

Commissioner Jacobszoon asked for clarification on the property location and improvements, and asked if it was on the east side of Hwy 101.

Mr. Keats responded that the greenhouses on that property were nursery greenhouses, but that this was not where the cannabis was grown.

Commissioner Wiedemann asked if his company buys from a lot of other growers.

Mr. Keats responded that he buys from approximately 50 farms in Mendocino County.

Chair Ogle discussed the hoop houses and green houses with Mr. Keats.

Commissioner Holtkamp and Mr. Keats discussed issues related to organic farming.

Commissioner Pernell discussed the extraction process with Mr. Keats.

Commissioner Jacobszoon asked if the building construction was similar to a wine tasting room.

Mr. Keats responded that it was their intent to create a wine tasting like atmosphere.

Chair Ogle asked if fire sprinklers were required in the building.

Mr. Keats responded yes, they were included in the construction.

Chair Ogle, Mr. Vandewater and Mr. Keats discussed the withdrawal of the contract rezone.

Commissioner Wiedemann, asked if they were asking to waive the requirement for use permit.

Mr. Vandewater stated staff had discussed the removal of the contract rezone with the applicant and agents, and the restrictions could be removed, and the uses normally permitted within Rural Community Zoning were retained.

Ms. Acker Krog stated that the change was to limitations on what uses they could establish, so there was no request to waive the requirement to get a use permit or to get a permit that typically require a use permit. She noted the request was essentially allowing the project to the Rural Community Zoning District, subject to all the limitations already contained in that zoning district, and staff was supportive of this request and had prepared an alternate resolution for the Commission to review.

Chair Ogle asked if the contract requirement of the rezone was eliminated, would that change anything.

Ms. Acker Krog responded that it was primarily a change to the resolution that was making a recommendation to the Board of Supervisors. Staff had conducted their analysis for the project and evaluated it under CEQA with the lens of looking at the entirety of the appropriateness of the Rural Community Zoning District and how the applicant requested limitations of some of the allowable uses, however since that time, the applicant has come back and requested to allow all types of uses within the Rural Community Zoning District and staff is supportive of this project.

Commissioner Pernell wanted to know who submitted the 18 page packet regarding recommended fire protection regulations for the Commission to review this morning.

Mr. Vandewater responded the packet was submitted by Charles Sihler.

Commissioner Wiedemann, Chair Ogle, Ms. Acker Krog, Mr. Vandewater and Mr. Schultz discussed the packet which discusses the fire codes and the stringent requirements that must be followed by California Building Codes and how the building permits will be issued.

Commissioner Pernell wanted to know where the standard came from.

Mr. Vandewater responded that the packet contains standards from Los Angeles County.

Commissioner Wiedemann asked if the packet would be reviewed by the Building Department for Code compliance.

Ms. Acker Krog commented that the packet contained Los Angeles codes and noted that every county would have their own set of building code regulations.

Mr. Schultz suggested the Commissioners not review the standards in the packet since they were from Los Angeles County and they may not be similar to Mendocino County codes.

The public hearing was declared open.

Charles Sihler had some concerns after reading the report. Mr. Sihler stated he was not opposed to this project, but wanted to ensure compliance with fire regulations, and public safety. He had contacted CalFire and Laytonville Fire Department and noted a concern with heavy well pumping related to his property.

Chair Ogle asked how deep Mr. Sihler's well was.

Mr. Sihler stated he believed it is 85 feet deep, and pumps water at 15 gallons per minute.

Ms. Acker Krog advised Mr. Sihler to contact the Division of Environmental Health and see if they have records of the well on his property.

Mr. Vandewater stated they could add a condition that Laytonville Fire review the project before the use permit is issued.

Commissioner Pernell agreed with Mr. Vandewater regarding a new condition.

Mr. Schultz noted that all fire districts were contacted on every project and extensive research by all the fire districts is done before a permit is issued.

Commissioner Pernell stated she has full confidence in the Building Department.

Ms. Acker Krog stated that this was just a recommendation to the Board of Supervisors and if the fire districts had questions; there was time for the planning department to address any issues.

Commissioner Holtkamp asked about the cannabis processing.

Ms. Acker Krog stated that the cannabis processing was not before the Commission.

Commissioner Pernell noted that she had toured the facility with Mr. Keats.

Mr. Keats discussed how water was captured from rain runoff and he stated they did not use the wells.

Commissioner Jacobszoon stated that he was aware of the fire codes for Mendocino County and that he had complete confidence in the Planning & Building Department for permit issuance.

Commissioner Wiedemann was concerned that many public agencies did not respond to the referrals and request for comment.

Ms. Acker Krog quoted the condition. She acknowledged the Commissions concern regarding the lack of comment from public agencies and noted that staffing and workload could be one issue; also some fire departments were only staffed by volunteers.

Chair Ogle stated that Fish and Wildlife still charges the applicant the fee even though they provide no responses in the referral process. She stated this is ridiculous.

The public hearing was declared closed.

Chair Ogle stated she was against adding any new conditions, and felt the applicant had already been through the process.

Ms. Acker Krog stated that if Commissioner Pernell was satisfied with staff reaching out to the fire agencies, they could work to incorporate any conditions related to fire safety prior to the Board of Supervisors hearing.

Commissioner Pernell stated she was comfortable with staff discussing the project with the fire department and felt this was a good location.

Ms. Acker Krog reviewed the revised resolution with the Planning Commission.

Upon motion by Commissioner Pernell, seconded by Commissioner Holtkamp and carried by the following roll call vote (5-0), it is ordered: by resolution that the Planning Commission, recommends the Board of Supervisors adopt a Negative Declaration and grant a General Plan Amendment from Remote Residential (RMR) to Rural Community (RC), a rezone from Upland Residential (UR) to Rural Community (RC), to a portion of the subject parcel, and a minor use permit for cannabis retail, volatile and non-volatile manufacturing and distribution within said portion.

AYES: Pernell, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Nelson, Perkins

7. Matters from Staff.

Ms. Acker Krog noted staff priorities would be presented during the first meeting in 2020.

Commissioner Wiedemann wanted to know if the Commissioners had questions regarding board directives, who they could contact.

Mr. Acker Krog stated they could approach Ms. Acker Krog or Mr. Schultz. She also stated that in March or April of 2020, staff would discuss any board directives that have been given by the Board of Supervisors.

Chair Ogle asked when the next meeting was scheduled.

Ms. Acker Krog stated that there was no meeting for January 2, 2020, but a possible meeting on January 16, 2020.

8. Matters from Commission.

The Commission discussed changing the meeting start time to 10:00 AM during the January and February to allow for safer travel.

Ms. Acker Krog stated that the next meeting will start at 10 AM.

9. Approval of Minutes

9a. Approval of the September 19, 2019 Planning Commission Minutes.

Upon motion by Commissioner Holtkamp, seconded by Commissioner Wiedemann and carried by the following roll call vote (5-0), IT IS ORDERED: That the September 19, 2019 Planning Commission minutes have been approved as corrected.

AYES: Pernell, Holtkamp, Jacobszoon, Wiedemann, Ogle
NOES: None
ABSENT: Perkins, Nelson

10. Adjournment.

Upon motion by Commissioner Holtkamp seconded by Commissioner Wiedemann, and carried by a voice vote of (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 10:15 a.m.