



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

March 15, 2018

LOCATION:

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

COMMISSIONERS PRESENT:

Krueger, Warner, Holtkamp, Hall, Pernell

COMMISSIONERS ABSENT:

Ogle, Nelson

PLANNING & BLDG SVC STAFF PRESENT:

Ignacio Gonzalez, Interim Director
Mary Lynn Hunt, Chief Planner
Bill Kinser, Senior Planner
Jesse Davis, Planner III
Keith Gronendyke, Planner III
Eduardo Hernandez, Planner II
Victoria Davis, Commission Services Supervisor

OTHER COUNTY DEPARTMENTS PRESENT:

Matthew Kiedrowski, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 9:12 a.m.

2. Planning Commission Administration.

2a. Determination of Legal Notice.

The Clerk advised the Commission that item 6d was improperly noticed and had been removed from the agenda. All other items had been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Gonzalez presented a verbal Director's Report and noted that local Fire Chief, Chris Wilkes, had prepared a presentation about volatile extraction but was not able to attend the meeting today. He also noted that staff would work to schedule Mr. Wilkes on a future date to complete the presentation to the Commission.

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#:** UM_2017-0004
DATE FILED: 6/28/2017
OWNER: CAMP NAVARRO STEWARDS LLC

APPLICANT/AGENT: DANIEL BRAUN

AGENT: Daniel Braun

REQUEST: Use Permit Modification to an existing Resort and Recreational Facility to allow up to six (6) special events per year with a maximum attendance of up to 1,500 persons per event. The length of each event would be four (4) days maximum. In addition, the applicant requests allowance for the sale of beer and wine to the event attendees and guests of the Resort and Recreational Facility.

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 23

LOCATION: 1.5± miles northwest of Navarro town center, lying on the east side of Masonite Industrial Road (private), 0.8± mile north of its intersection with Hwy. 128, located at 17525 Masonite Industrial Rd., Navarro (APNs: 026-010-23 & 24). (aka - Camp Navarro).

STAFF PLANNER: Eduardo Hernandez

Eduardo Hernandez, Staff Planner, reviewed the staff report and noted that this project would modify the approved use permit that allowed the annual event known as Redwood Ramble. He reviewed **Conditions 4, 5, and 20**, which addressed waste disposal, disruption to adjacent parcels, access to the event, and also noted that the event had received no complaints related to these Conditions.

Mr. Gonzalez, proposed an additional Condition, which stated that, all Conditions of Approval included under the prior Use Permit Renewal, UR 89-82/09, shall continue to apply, unless modified by this permit.

Daniel Braun, applicant, explained the various events hosted on-site and noted that he felt there was a lack of communication with staff. He stated he was unclear about which conditions applied to various situations, and also noted support for the use permit modification and continued contact with staff to ensure success.

Commissioner Warner asked if the applicant would have a permanent beer and alcohol license.

Mr. Braun noted that they had been granted an alcohol license from the Alcohol Beverage Control (ABC), and that they would not be selling alcohol at any scheduled event until next year. He also noted that he would not serve alcohol at an event until he was more educated about selling and serving alcohol.

Mr. Gonzalez noted that the Conditions in a previously approved resolution would provide ABC with an outline of the event and requirements of the use permit that related to the ABC license.

Commissioner Pernell asked the applicant if he understood which set of conditions he needed to comply with and when, since he had more than one approved use permit.

Mr. Braun admitted that he did not know and noted that he would continue to work with staff to get clarity and comply with all required Conditions.

Commissioner Pernell noted that it would be beneficial if the applicant had a more defined statement that explained which set of conditions applied to the various sizes of events that he hosted.

Mr. Gonzalez noted that the applicant had multiple permits issued and that each permit specified the type and size of the event is addressed. He also noted that ABC would monitor and regulate the events, when alcohol was served.

The **public hearing** was declared open, seeing no one come forward, the **public hearing** was declared closed.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Pernell** and carried by the following roll call vote (5-0), IT IS ORDERED: By resolution, accept the Categorical Exemption and grant approval of Major Use Permit Modification UM_2017-0004, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval and the addition of Special Condition 1 at the hearing.

AYES: Krueger, Warner, Holtkamp, Hall, Pernell
NOES: None

ABSENT: Ogle, Nelson

6b. CASE#: OA_2018-0002

DATE FILED: 2/12/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: A proposed amendment to the Local Coastal Program (LCP) consisting of: (1) the addition of Chapter 22.17 (Floodplain Ordinance) of the Mendocino County Code to the LCP and (2) deletions and modifications to Division II of Title 20 of the Mendocino County Code (Coastal) resulting from adoption of the Floodplain Ordinance.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: Within the unincorporated area of Mendocino County. The ordinance will be adopted for those areas within the designated Coastal Zone.

STAFF PLANNER: Bill Kinser

Bill Kinser, staff planner, reviewed the staff report and noted that this project if approved would amend the Flood Plain Ordinance and update the County Code. He also noted that if approved by the Board of Supervisor's it would need to be approved by the Coastal Commission prior to being included in the Local Coastal Program.

Mr. Gonzalez noted that the Federal Emergency Management Agency (FEMA) had requested the Building Code be referenced in the 2016 ordinance, to be in compliance with the FEMA, which was the reason for this revision.

Mr. Kiedrowski noted the proposed change to section 22.17 had not been addressed on the agenda, and suggested that the Planning Commission not take action on the proposed change. He recommended the project be sent to the Board of Supervisors for them to consider and take action.

[BREAK 9:57 AM – 10:07 AM]

Mr. Kiedrowski read the proposed language into the record.

Commissioner Warner asked if staff agreed with the proposed modifications.

Mr. Kinser noted that he agreed with **Mr. Kiedrowski**.

The **public hearing** was declared open, seeing no one come forward, the **public hearing** was declared closed.

Upon motion by **Commissioner Warner**, seconded by **Commissioner Hall** and carried by the following roll call vote (5-0), IT IS ORDERED: The Planning Commission recommends that the Board of Supervisors approve Ordinance Amendment OA_2018-0002 which modifies Title 20 – Division II (Mendocino County Coastal Zoning Code) and incorporates Chapter 22.17 Floodplain Ordinance into the Local Coastal Program.

AYES: Krueger, Warner, Holtkamp, Hall, Pernel

NOES: None

ABSENT: Ogle, Nelson

6c. CASE#: OA_2018-0004

DATE FILED: 2/20/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: The Mendocino County Board of Supervisors proposes to amend Mendocino County Code Chapter 10 A.17 Medical Cannabis Cultivation Ordinance, Chapter 20.242- Medical Cannabis Cultivation Site of the Inland Mendocino County Code. Making multiple changes to the ordinances including but not limited to both Medical and Adult Use Cannabis cultivation.

ENVIRONMENTAL DETERMINATION: Addendum to adopted MND

LOCATION: All unincorporated inland areas within Mendocino County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the

designated Coastal Zone Areas of the County.

STAFF PLANNER: Mary Lynn Hunt

Mary Lynn Hunt, Chief Planner, reviewed the staff report and noted that medical use and adult recreational use would be combined and would not be referenced individually at any point in the ordinance. She also noted the definition of expansion and disturbance, the ability to apply for multiple permits, the defined role of Code Enforcement related to Cannabis, and stated that Planning and Building Services (PBS) had extended the deadline to apply for permits inside the sunset zone.

Mrs. Hunt noted that staff had been instructed to research the Timber Production Zone (TPZ) and Forest Land (FL) expansion, and explained that the chart provided in the document was not final. She also noted that staff had recommended that the Planning Commission recommend approval of the project to the Board of Supervisors (BOS), and explained that staff would complete all work recommended by the Planning Commissioner prior to the BOS hearing which would allow the Ordinance Amendment to move forward within the projected time frame to be approved and adopted.

Commissioner Pernell asked about the 1000 ft. setback and noted that she was in support of it.

Mr. Kiedrowski noted that a reduction in required setbacks would not assist in the establishment of the inlay process and noted that the process, which provided an exception and reduce the setback, would require, as a substitute, the use of impenetrable barriers, like cement walls instead.

Commissioner Nelson asked what the State mandate was for setbacks to cannabis grows.

Mr. Kiedrowski commented that the State mandate was a 600 foot setback, and noted that each county and city had their own required setback.

The **public hearing** was declared open.

Hannah Nelson distributed a letter to the Commission and spoke in support of the ordinance amendment and possible future amendments that would be helpful.

Casey O'Neil submitted a letter to the Commission, spoke in support of **Ms. Nelson's** statements, and expressed gratitude to staff for the proposed amendments to the ordinance.

The **public hearing** was declared closed.

Commissioner Pernell asked staff to review the administrative permit process.

Mrs. Hunt reviewed the process to apply for an Administrative Permit and how a public hearing was not required. She also noted that the comments received from an agency during the referral part of the process were heavily considered, and that the applicant had to comply with all Conditions approved with the Administrative Permit.

Commissioner Warner asked what the minimum setback would be.

Mrs. Hunt noted that there was not a predetermined minimum setback, and that each application and site would be evaluated individually and a setback determined on a case by case basis.

Commissioner Krueger noted support for the Ordinance Amendment.

The Commissioners agreed and noted support of the proposed Administrative Permit process.

Commissioner Holtkamp noted the importance of the requested return receipt.

[BREAK 11:41 AM – 12:01 PM]

Mr. Kiedrowski read the Planning Commission's recommendation to the Board of Supervisor's into the record.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Warner** and carried by the following roll call vote (5-0), IT IS ORDERED: Adopt the resolution as amended by the Planning Commission and recommend that the Board of Supervisors approve Ordinance Amendment No. OA_2018-0004 which will modify the inland zoning ordinance of Chapter 20.242 of the Mendocino County Code, and Chapter 10A.17 Medical Cannabis Cultivation of the Agricultural Code finding the Addendum to the Adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no subsequent environmental review is needed.

AYES: Krueger, Warner, Holtkamp, Hall, Pernell
NOES: None
ABSENT: Ogle, Nelson

6d. CASE#: OA_2018-0005

DATE FILED: 2/26/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: The Mendocino County Board of Supervisors proposes to amend Mendocino County Code Chapter 10 A.17 Medical Cannabis Cultivation Ordinance, Chapter 20.242- Medical Cannabis Cultivation Site of the Inland Mendocino County Code. Making multiple changes to the ordinances including but not limited to both Medical and Adult Use Cannabis cultivation.

ENVIRONMENTAL DETERMINATION: Section 15061(b)(3)- General Rule Exemption

LOCATION: All unincorporated inland areas within Mendocino County. The areas not included are, the city limits of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the designated Coastal Zone Areas of the County.

STAFF PLANNER: Mary Lynn Hunt

This item was improperly noticed and was removed from the agenda.

7. Matters from Staff.

None.

8. Matters from Commission.

9. Approval of the November 16, 2017 Planning Commission Minutes.

Upon motion by **Commissioner Hall**, seconded by **Commissioner Pernell** and carried by the following voice vote (4-0-1), IT IS ORDERED: That the approval of the November 16, 2017 Planning Commission minutes as corrected.

AYES: Pernell, Krueger, Holtkamp, Hall,
NOES: None
ABSENT: Ogle, Nelson
ABSTAIN: Warner

10. Adjournment.

Upon motion by **Commissioner Pernell**, seconded by **Commissioner Hall**, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:08 p.m.