MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**December 6, 2018**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Pernell, Nelson, Warner, Holtkamp, Hall, Ogle
COMMISSIONERS ABSENT:	None
PLANNING & BLDG SVC STAFF PRESENT:	Brent Schultz, Director Julia Acker Krog, Chief Planner Sam 'Vandy' Vandewater, Planner II Adrienne Thompson, Administrative Services Manager Caitlin Schafer, Staff Assistant III
OTHER COUNTY DEPARTMENTS PRESENT:	Matthew Kiedrowski, Deputy County Counsel

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 greeted the Commission and stated that there were no items to report, but was available for questions.

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_2018-0002
DATE FILED: 9/14/2018
OWNER: SWIMMY MENDO OWNER LLC
APPLICANT: EVENT HORIZON TECHNOLOGIES INC
AGENT: RICHARD KNOLL CONSULTING
REQUEST: Modification of Use Permit U_2018-0004 to allow for the expansion of the existing cannabis facility into existing structures on the adjacent parcel with the same ownership. The manufacturing (Level 1 non-volatile and Level 2 volatile) of

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cannabis will be the main activity occurring on the new parcel. The former structure intended for cannabis manufacturing, as approved by Use Permit U_2018-0004, will be utilized for other commercial activities.
LOCATION: 3± mi. west of Redwood Valley center, on the north side of Bel Arbres Dr. (CR 238B), 1± mi. west of its intersection with Uva Dr. (CR 239), located at 1150 Bel Arbres Dr., Redwood Valley (APNs: 162-011-28, 162-160-08, 162-200-24, 162-221-11, 162-240-55, 162-190-06, -09, & -56).
ENVIRONMENTAL DETERMINATION: Addendum to the Mitigated Negative Declaration
STAFF PLANNER: Sam 'Vandy' Vandewater
RECOMMENDED ACTION: Approve with Conditions.

Mr. Sam 'Vandy' Vandewater, staff planner, reviewed the report and noted that this request was a modification to use permit U_2018-0004, which was adopted on August 2, 2018, and would allow for the expansion of the existing cannabis facility into an existing building on an adjacent parcel. He also stated the former structure intended for cannabis manufacturing would be utilized for other commercial activities. He discussed the allowed uses, including the testing, manufacturing and distribution of cannabis products. He noted the project was consistent with the General Plan and Zoning use. Mr. Vandewater stated public comment was received expressing concern regarding traffic involving Graziano Winery. However, the winery was not subject to the use permit being discussed and conditions of the original use permit remain in effect. He noted that staff recommends approval of the addendum to mitigated negative declaration.

Commissioner Nelson inquired about concern regarding volatile compounds, fire and potential for explosions.

Mr. Vandewater responded that the processes used in the cannabis extraction were reviewed and approved by the Building Division, Environmental Health (EH), and that a Hazardous Materials management plan was required.

Commissioner Pernell asked if Calfire or the local fire department would inspect the building.

Mr. Vandewater responded that Calfire would inspect the building, and that both Calfire and Little Lake Fire District were aware of the operation.

Commissioner Nelson inquired if the issue was addressed in the original use permit documentation.

Mr. Vandewater replied that it was.

Commissioner Warner asked what the previous use of the proposed building was.

Mr. Vandewater noted that the building had been previously used by trucks for distribution of products.

Commissioner Ogle asked where the comments were addressed in the report and inquired about whether the Redwood Valley Municipal Advisory Council (RV MAC) had or had not submitted comments.

Mr. Vandewater responded that typically if they respond with no concern it is often marked as no comment. An item is marked as having a comment when there are conditions, concerns or if more information is requested.

Commissioner Ogle asked for clarification regarding other agency comments and their location in the staff report.

Mr. Vandewater responded that Environmental Health and the Building Division provide standard comments regarding appropriate permits being in place prior to operation. Air Quality Management District (AQMD) had similar comments regarding permitting and that no outdoor cannabis growing was allowed. Calfire stated that the change of use for the structure needed the appropriate Calfire permits.

Ms. Julia Acker Krog noted that when comments were addressed under prior use permit approvals they typically would not be repeated unless they were key issues.

Commissioner Pernell asked if the conditions were the same as the original use permit.

Mr. Vandewater replied that all conditions from the original use permit carried over to the use modification with the addition for a filing fee to the Department of Fish and Wildlife.

Commissioner Holkamp asked if there were additional questions for staff, and with no other questions the applicant was invited to address the Commission.

Mr. Michael Wheeler, Vice President of Policy for Flow Kana, expressed gratitude for the time spent so soon after the original use permit was heard in August. He noted it was determined that the building that was originally intended for manufacturing was insufficient in size for the market interest being expressed and upon acquiring the adjacent parcel, the decision was made to come before the Planning Commission. He was excited to continue bringing business to the county instead of outsourcing to other areas and was pleased to be able to help small farmers get their products to the rest of the state. He introduced Ms. Karen Woodson, Director of Licensing and Permitting, to conduct the remainder of the presentation.

Ms. Woodson greeted the Commissioners and noted they had experts on hand to address any questions the Commissioners may have. She discussed the request to relocate to the proposed building for manufacturing, volatile and non-volatile extraction. She noted that additional uses include: storage, administrative offices, employee break areas, and additional parking. She noted the building included state of the art equipment for fire and safety operations And thanked Mr. Vandewater for the accurate reflection of the project in the staff report.

Commissioner Nelson requested details about the volatile compounds and extraction process.

Mr. Wheeler elaborated on the process of the extraction of active cannabinoids using different types of solvents, which are then distilled into a more concentrated product for use.

Commissioner Nelson asked about what type of solvents were used.

Mr. Wheeler responded that the volatile solvent was ethanol and is used in a closed loop.Chair Holtkamp inquired about how the solvent was removed from the final product.

Mr. Wheeler explained that there was some degree of evaporation, but most was removed in a pressure and gravity process during extraction.

Chair Holtkamp asked if there was any solvent remaining in the oil extracted in the process.

Mr. Wheeler addressed the concern stating that no solvent is left in the oil itself and that the State has strict standards for lab testing to ensure that the amount is below State thresholds.

Commissioner Ogle inquired if the distillation process was similar to that of the distillation process of alcohol.

Ms. Woodson responded that it was a similar scientific process.

Commissioner Ogle commented that it was a learning process for the Commission

The public hearing was declared open at 9:29 a.m., and seeing no one come forward the public hearing was declared closed at 9:29 a.m.

Ms. Acker Krog brought the Commission's attention to the resolution that was distributed and noted that the only new condition was the filing fee.

Commissioner Pernell inquired if that was condition #28.

Ms. Acker Krog confirmed.

Upon motion by Commissioner Hall, seconded by Commissioner Pernell and carried by the following roll call vote (6-0), IT IS ORDERED, By resolution, the Planning Commission adopt the addendum to the previously adopted mitigated negative declaration and grant UM_2018-0002 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

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

7. Matters from Staff.

Ms. Acker Krog noted that any meetings occurring in December or January would have a start time of 10 a.m., however, the deadline for item submission had passed and no items were scheduled for either month. Additionally, she informed the Commission of correspondence received that was unrelated to the item heard and spoke to Cannabis Overlay. Further, the item was already acted on by both the Planning Commission and the Board of Supervisors. However, the correspondence was passed on to the Board of Supervisors.

Commissioner Pernell discussed concerns expressed in correspondence regarding cannabis cultivation encroaching on schools and setback requirements.

Mr. Matthew Kiedrowski informed the Commission that it was not automatically permissible, but could be allowed through the Administrative Permit process to request a reduction to setbacks.

Chair Holtkamp inquired about concerns regarding tall fences.

Ms. Acker Krog responded that fences over 7 ft. tall would require a permit and that a variance may be needed for obscuring fences, which were reviewed on a site by site basis taking into consideration set back from the roadway.

Chair Holtkamp asked if the fences were inspected after being built.

Ms. Acker Krog noted that if the Department received a complaint it would be sent to Code Enforcement to determine if there was a violation.

Chair Holtkamp inquired if there was a Municipal Advisory Council (MAC) in Covelo and if someone had contacted the concerned citizen.

Ms. Acker Krog replied that there was not a MAC, but that she would be contacting individual to inform them that the Board of Supervisors had already taken action on the Cannabis Overlay.

Commissioner Ogle asked if staff could advise the individual of the process involved in creating a MAC since they are a remote area and may be interested.

Ms. Acker Krog advised that she would share the MAC process information with the individual.

8. Matters from Commission.

9. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and by a voice vote of (6-0), IT IS ORDERED that the Planning Commission hearing adjourn at 9:41 a.m.

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