



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:**

**December 15, 2016**

**LOCATION:**

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

**COMMISSIONERS PRESENT:**

Little, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle

**COMMISSIONERS ABSENT:**

None

**PLANNING & BLDG SVC STAFF PRESENT:**

Steve Dunnicliff, Director  
Mary Lynn Hunt, Senior Planner  
Nash Gonzalez, Consultant  
Adele Phillips, Planner II  
Robert LaPorte, Planner I  
Adrienne Thompson, Commission Services Supervisor  
Danielle Fitts, Staff Assistant III  
Beth Burks, LACO Associates

**OTHER COUNTY DEPARTMENTS PRESENT:**

Matthew Kiedrowski, Deputy County Counsel  
Geoff Brunet, Department of Transportation  
Marlayna Duley, Environmental Health

**1. Roll Call.**

The meeting was called to order at 10:07 a.m.

**2. Planning Commission Administration.**

**2a. Determination of Legal Notice.**

The Clerk advised the Commission that the meeting had been properly noticed.

**3. Director's Report and Miscellaneous.**

Mr. Dunnicliff did not have anything to report at this time.

**4. Matters from Public.**

None.

**5. Consent Calendar.**

None.

**6. Regular Calendar.**

**6a. CASE#: U\_2016-0010**

DATE FILED: 9/2/2016

OWNER: RICHARD & KAREN GREEN

APPLICANT: KAREN GREEN

REQUEST: Use Permit to operate a vacation home rental in an existing 2,148 square-foot single family residence taking access from a private roadway.

ENVIRONMENTAL DETERMINATION: Categorically Exempt, 15303 Class 3(a) Conversion of a single family residence from one use to another.

LOCATION: The property is located four (4) miles east of the Town of Mendocino on the west side of Outlaw Springs Road approximately 1000 feet south of its intersection with Little Lake Road (CR 408) at 8000 Outlaw Springs Road (APN 119-490-23).

STAFF PLANNER: ROBERT LAPORTE

RECOMMENDED ACTION: Approve project as recommended.

**Mary Lynn Hunt** introduced Robert LaPorte, Project Coordinator, who reviewed the staff report and code requirements for a major use permit to maintain a transient habitat if the property is located on private road. The project is consistent with the current zoning district. CEQA or EP will determine this project is CatEx3 under CEQA.

**Commissioner Holtkamp** asked Mr. LaPorte the difference between a major use permit and a minor use permit.

**Mr. LaPorte** informed the commission that lodging up to two bedrooms on a public road requires a minor use permit; If not on public road, then it would require a major use permit.

Mr. LaPorte continued by stating the project would limit the number of occupants to 7 which is based on formula that comes from building code, and has been applied to minor use permits, single use permits, and rentals in the past.

**Commissioner Little** questioned the reason as to why the permit would expire after 2 years.

Mrs. Hunt explained to the commission that 2 years is the standard time limit for administrative permits and other use permits. She continued by stating that because this is a new process, 2 years gives Planning and Building Services time to make sure the use permit works for this particular neighborhood. Should the applicant come back in two years and everything is working, with no significant complaints from neighboring homes, a revised use permit would be issued with no time frame being established.

**Commissioner Ogle** questioned if the applicant would then need to pay a renewal fee.

Mrs. Hunt confirmed that yes, a renewal fee will be due as it is with any other standard permit.

**Karen Green**, applicant, stated there would be no major events or tented events. Mrs. Green continued by providing some information regarding the road, including that the road is partially paved with lots of pull out areas and currently 14 families use the main road. A few years ago, a Road Association began to form but has since fell thru as not all neighbors were willing to pay into the fund. At this time she has no legal obligation to pay for the road but in the past she has helped pay to maintain the road and will continue to do so as necessary. She concluded that all conditions seem reasonable, to her.

**Chair Warner** declared the public hearing open. There was no one present to speak regarding the project present. Chair Warner confirmed that legal notice was done correctly. Chair Warner closed the public hearing.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by the following roll call vote (7-0), IT IS ORDERED: The requested use permit be approved with the conditions provided in the staff report.

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

**6b. CASE#: U\_2013-0008 (Continued from 7/21/2016)**

DATE FILED: 4/17/2013

OWNER: PATHWAYS IN EDUCATION

APPLICANT: BLACKBIRD FARM

AGENT: TROY SCHLERETH

REQUEST: Major Use Permit for the expansion of a permitted transient habitation (resort and recreational) facility, previously known as Highland Ranch. The proposed expansion would increase the number of guests and employees from 36 to a maximum of 292 over a 7 year development time line.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration.

LOCATION: 2± miles southwest of Philo, lying off of Van Zandt Resort Rd (private) which is accessed off of Rays Rd (CR 131). Located at 18601 Van Zandt Resort Road, Philo; APN's 026-392-21, -22, -23, -24, -25, -29, -30, and -31.

STAFF PLANNER: ADELE PHILLIPS

RECOMMENDED ACTION: Continue Indefinitely.

Chair Warner informed the commission and public that this item is recommended to be continued in which case she would like to encourage those, from the public who want to speak, to wait until the next hearing. She understands that many have made a special trip to speak and will hear public comments, however should the commission all agree to continue this case, public comment may be better heard on a date where a decision is being made.

Project Coordinator, **Adele Phillips**, reviewed the staff memo and gave brief description of project. She informed the commission that information has trickled in from owner, including a few maps. A couple of local agencies are also reevaluating their decision on project. Thus, continuing the project will allow for adequate time for Staff to review and present information regarding project. Ms. Phillips continued by stating that the applicant is making progress and working toward providing a resolution for some of the issues that are subject of a violation and feels it is warranted to provide them additional time. Ms. Phillips concluded by stating that once the applicant has clarified the project request and adequate information is received, it would be appropriate for the Commission to take a site tour. This will insure no questions as to what is being requested of the commission for their permit.

Commissioner Little, questioned if the commission was to conduct a site visit, could the meeting take place following, in Boonville.

**Matthew Kiedrowski**, Deputy County Counsel, stated that it would be possible pending Staff notice and establish an offsite public meeting.

Chair Warner, questioned if the date would be unspecified at this time.

Ms. Phillips confirmed that at this time there is no date in certain and the project will be renoticed once a date is set.

**Commissioner Nelson** stated he is agreement to continue this item but feels the commission should hear public comment, today.

Chair Warner declared the public meeting open.

**David Severn**, resident of Rays Road, stated he is against the project but will speak at the next hearing. He also requested to be notified as a neighbor on anything pertaining to this project.

**Tom Johnson**, applicants attorney, requested that a date in certain be set if this project is be continued to avoid anything being lost in the process. He would also like a meeting to be held at the property for the public.

**Gregory Simms**, stated he met with group of residents in Anderson Valley and were treated very kindly at the property. Sims continued that the property manager indicated that the 292 person expansion came from the Planning Commission, and if this is the case he would like an apology from the Planning Commission as he was assured this number was not decided by the applicant.

Chair Warner stated that no decision was made by the Planning Commissioners regarding the number of persons for the expansion. Warner clarified that the number was presented from Planning staff in the Staff Report.

Ms. Phillips stated that the applicant proposed the number on their application that was deemed complete as of May 2014.

**Benna Kolenski**, Boonville resident, stated that many retreats are located off of the same road, however her concerns are about the number of people allowed at the property and what would happen should the property be sold after development, with an inflated selling price.

**Steve Creek** stated he was in favor of continuance and would like to see the meeting at a neutral location as the site is difficult to navigate.

**Marshall Newman**, land owner adjacent to Blackbird Farm, stated he is also in favor of continuance to date uncertain. He feels it is very hard to set a date as they didn't submit information until late in the game, and doesn't want to continue to have to wait on the applicant to provide information. He feels Blackbird Farms should provide all information and once that is done, a meeting date should then be set. He also wanted to point out two elements; there has no progress towards a road agreement and no substantial progress towards rectifying the grading without a permit violation.

**Mark Scarmella**, stated he would like all comments responded too, by the Planning Commission or Planning Staff. He feels the Mitigated Negative Declaration is incorrect and would like partial EIR done.

**Scott Ward** stated he was present on behalf of the Hales who are against project due to safety concerns such as wildfires. He would like to know why project was not submitted to Fish and Game and how conditions of approval are going to be monitored.

**Dan Reed**, Shenoa Retreat owner stated he is in support of continuance, as he feels there are many unanswered questions. He continued by stating that the Planning Commission should not set a date as there is so much unknown about this project scope.

**John Walker**, project manager for Blackbird Farm, stated he chose 292 persons as it is under 300, which he was told would be the limit. Walker continued by stating that Blackbird is not trying to sneak in something. The reason for 292 people is due to weddings holding so many people. He stated that since July, Blackbird Farms has produced many documents including a road agreement however no one signed it. Walker informed the Commission that they are having road issues now but are in the process of obtaining permits for the grading. He feels that Blackbird Farms is providing the answers and would like date set in certain for the next meeting.

Commissioner Nelson questioned Mr. Walker as to what date he was thinking.

Mr. Walker, stated he would like the end of January, or early February.

**Danielle French-Jun and Heather Clark**, from educational side of Blackbird Farms, stated that they have addressed the concerns regarding reaching out to Boonville residents and held a meeting which invited as many people as they could to the property. At the meeting they met school principals, any many other members of the community. In the past they have hosted many events inviting local residents trying to reach out to them, and it is their goal to continue to do camps with schools and retreats which include local community members. They continued by stating another concern, from Commissioner Nelson, was a safety evacuation plan; which has been redone and was submitted to the Anderson Valley Fire Department in August 2016. The safety plan includes a Shelter in Place, active shooter responses, fires, and helicopter removals. Blackbird Farms staff has also been training and working with Fire Chief Avila in approving the evacuation plan. French-Jun and Clark concluded that they also attended the last community collation meeting; at which the community members had 15 to 20 pages of questions and they were all answered to the best of their abilities. Ms. Clark feels that they got everything done in time and would like date certain set.

**Dan Reed**, stated that the road agreement came in FedEx package but it was not adequate and did not involve neighbors inputs.

**Michael Holmberg**, stated that he too received road agreement, and felt it was preposterous.

**Margaret Peterson**, stated she bought property next to Blackbird Farms, about a mile away, and in Blackbird Farms current plan, 15 of the proposed buildings edge her property, and she has many concerns regarding over-occupancy. Currently, people at Blackbird Farms travel on to her property as "free-for-all". She continued by stating that she feels weddings and family reunions are not non-profit related, in fact they create the owners a profit. She also received a copy of road agreement which, to her, felt it was self-serving of Blackbird Farms. Ms. Peterson concluded that there would be a great impact on her life due to all those buildings as they are a nuisance.

Marshall Newman, stated that considering the weather he feels everyone should be heard if they attended today.

Tom Johnson, stated that road agreements can be written, but you can't get everyone to agree. Henceforth, no one has responded or made suggestions to the proposed road agreement. He informed the Commission that Blackbird Farms cannot obtain a road agreement with no responses.

Chair Warner questioned Ms. Hunt if Planning Staff responds to each letter received.

Ms. Hunt stated that Planning Staff does not as they are addressed to the commissioners.

Matthew Kiedrowski, Deputy County Counsel, stated that a site view and meeting would be hard to set date certain as we do not know if any facilities would be open on that date. He continued by stating that the Commission could set date that information from applicant is due by to insure the project doesn't get put aside.

Mary Lynn Hunt stated that relying on other agencies to get us information by a certain date may not require enough time in between to have staff review. She would rather have target date for information in March and have the hearing and site view in April.

Chair Warner feels it would be better to have the applicant send everything as soon as possible. She is also concerned that it may not be safe to drive road up to Blackbird Farms in winter weather conditions.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by the following roll call vote (7-0), IT IS ORDERED: This project is continued to a date uncertain.

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

[Break 11:07-11:22 AM] Change in clerk.

Chair Warner noted that comments from the public would be limited to 3 minutes, and asked speakers to try not and duplicate comments so everyone had an opportunity to speak.

**6c. CASE#: OA 2016-0003 (Continued from 12/1/2016)**

APPLICANT: COUNTY OF MENDOCINO

AGENT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: The Mendocino County Board of Supervisors proposes two amendments to the Mendocino County Code to add: (1) Chapter 10A.17, Medical Cannabis Cultivation Ordinance, to the Agriculture Code (Mendocino County Code Title 10A), which will be administered by the Agricultural Commissioner's Office; and, (2) Chapter 20.242, Medical Cannabis Cultivation Site, to the Inland Zoning Ordinance (Mendocino County Code, Title 20, Division I), which will be administered by the Department of Planning and Building Services. Together, these two regulations (referred to as "Medical Cannabis Cultivation Regulation") will govern agricultural activities related to the cultivation of medical cannabis and establish limitations on the location and intensity of cannabis cultivation in the unincorporated area of Mendocino County, not including the Coastal Zone. The Medical Cannabis Cultivation Regulation is intended to complement a variety of actions by the State of California to establish a legal framework for the cultivation of medical cannabis.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration  
LOCATION: Unincorporated County, Outside the Coastal Zone, as defined by the County's Local Coastal Program.  
RECOMMENDED ACTION: Provide comments to staff and Continue Action to Date Certain.

Mary Lynn Hunt, Senior Planner, introduce the staff working on ordinance and discussed the intent of the regulations. She noted the ordinance before the Commission only dealt with medical cannabis cultivation and recreational use would be considered under a separate item later in 2017. She reviewed the previous meeting and noted the discussion that had taken place related to the rangeland zoning district, removal of the legal dwelling requirement on resource lands, and reviewed the three phases of the program. Ms. Hunt continued and discussed the need for a watershed assessment and key issues related to General Plan consistency, intensity of commercial use and exemption for personal medical use, qualified patient and caregiver. She stated that the comment period for circulation of the MND ended on January 4, 2017 and staff anticipated the Commission providing recommendations to the Board at the January 19, 2017 Planning Commission meeting.

Chuck Morse, Agriculture Commissioner, discussed the permitting process and the staff memo. He reviewed changes to Chapter 10A.17 and noted that enforcement would rely heavily on third party inspectors; however there was a civil penalty element in the process. He noted the referral process would begin with Planning & Building reviewing the zoning of the parcel.

Chair Warner asked if the third party inspectors would be employees.

Mr. Morse stated the inspectors would be contractors not employees and would perform a variety of compliance inspections. He stated that there was still a lot of training and education to complete prior to onset of the ordinance.

Commissioner Little discussed section 10A.17.090 I, and asked if the cultivation and operation plan would require professional judgment by staff as to the adequacy of the plan, which could lead to the need for a discretionary permit.

Mr. Morse stated the parameters for each element of the plan would be defined ahead of time so there would be no questions as to adequacy.

Beth Burks, LACO, discussed the response to comments in the staff memo. She noted that AIR2 could be deleted as the Air Quality Management District felt the mitigation in AIR1 covered potential issues. She discussed BIO2 and noted it was requested as part of the referral process from the Dept. of Fish and Wildlife for confirmation of sensitive resources. She requested clarification from the Commission on AG2, prohibition of cultivation in rangeland zoning; to remove the requirement for a legal dwelling unit in Upland residential and Ag zonings and reviewed the discussion of cultivation sites not precluding development.

Mr. Kiedrowski clarified that the administrative civil penalties would relate to violations of the code and would not apply to inspection of permits. He stated that penalties for inspections was not part of the program yet and discussed the current process for enforcement. He discussed the purpose of the meeting to receive public comment and asked that the Commission provide direction to staff to prepare a written report for the January 19<sup>th</sup> Planning Commission meeting.

Chair Warner commented that the Commission would hold their comments until the end of the day since they were not voting.

The public hearing was declared open.

**Marilyn Bruder** discussed Class K building permits, and asked if gardens in timber zones would be grandfathered in with the ordinance.

**Miles Gordon** was concerned that the production/import of food into the County was out of balance and felt viable farm land, with access to water, was being used for cultivation and would affect food production and ranchers.



**Don Coursey** read his letter into the record, and felt the biggest challenge was safe residential housing. He was concerned with home invasion and the criminal element related to cannabis and asked that all residential areas be kept out of the ordinance with a sunset clause of no more than 2 years.

**Candy Dickinson** noted she was originally from Humboldt County and very aware of marijuana grows and the impact of grows. She was concerned with the criminal element in residential areas, the increased traffic and the deterioration of quality of life from allowing cannabis in residential areas.

**Barbara McLean** read an excerpt from her letter and was concerned with cannabis in residential areas. She stated the growers had “no vested rights” in cultivation and was irritated by the constant noxious fumes.

**Jeri Harris** agreed that there should be no grows in residential areas and noted the areas of Rogina Heights and Deerwood were strongly against allowing cannabis in the residential zonings. She asked that residential zonings not be grandfathered into the ordinance.

**Casey O'Neill** stated that cannabis created “economic justice” in the County and thought creating an overlay zoning to allow cultivation in residential areas was necessary. Also, provisional licenses were needed to make income for regulations.

**Phil Boynton** was against allowing cannabis in residential zonings less than 5 acres, and stated it reduced the quality of life with the threat of crime and violence. He noted that Sonoma County had over 700 home invasions last year since allowing cannabis and thought Mendocino would be close behind the numbers.

**Jeanette Pederson** discussed the letter she had submitted emphasizing enforcement ideas. She agreed with the administrative civil penalties process, and stated the penalties must be significant. She also felt that prevention and education were important for cultivators and the community.

**Sean Trainor** commented that emotions make for bad policies and thought that cultivators who were noncompliant would not participate in the ordinance. He stated that the individuals trying to make things work were participating in the hearing and asked if there was an alternative to AG2 to allow cultivation in more zonings.

**Josh Keats** felt that no dwelling unit should be required for cannabis and asked that 5,000 sq. feet be considered in the RR2 zoning for an outdoor garden. He also felt that provisional license were key and that something needed to be considered for transportation to be legal business.

**Marisela de Santa Anna** was supporting of an Oak Woodlands ordinance and Grading ordinance and thought cannabis should not be allowed on rangeland parcels.

**Larry Desmond**, operator for Mendocino Waterworks, discussed water use and planning to protect rivers, fisheries, and the environment. He supported an Oak Woodlands ordinance, grading ordinance, and rangeland exclusion for cultivation.

[Lunch 12:40 PM -1:40 PM]

**David Drell**, Willits Environmental Center, supported the ordinance and felt that the Rangeland exclusion was critical mitigation that must be maintained. He thought provisional permits must be attainable and hoped the “criminal” element was not permitted.

**James Smalley** felt that a tax on production was unfair and prohibitive. He agreed with the Rangeland exclusion and thought that compliance should be allowable over time. He felt the ordinance was missing the ability to transport and carry, and was displeased with Phase 2 regarding new indoor cultivation.

**Ellen Drell**, Willits Environmental Center, reiterated that the Rangeland exclusion was necessary mitigation and supported the addition of an Oak Woodlands protection ordinance and grading ordinance.

**Susan Tibbons**, founder of the California Growers Association, stated the small farmers were trying to be compliant and it was the commercial grows that were causing the issues. She stated that there must be a form of provisional license in place prior to the next harvest season and noted that all ag operations create some sort of odor.

**Paul Hansbury** restated the need for provisional licenses and asked if there was some sort of variance to the regulations. He stated the industry did not allow for “cookie cutter rules” and hoped an appeal process could be added.

**Ben Blake**, an Anderson Valley farmer, felt that prior cultivators needed a way to transfer to new sites. He felt a watershed assessment was too difficult and that ag or industrial zonings should not need such assessments. He also transportation permits were necessary.

**Dennis Slota** Ukiah Astronomical Society, discussed the lighting regulations and recommend fully shielded lights be used; all outdoor lights be controlled by motion sensors and stated enforcement was the key to a successful ordinance. He was in favor of the Rangeland exclusion, adding an Oak Woodlands protection ordinance and a more detailed grading ordinance.

**Johanna Mortz** noted that farmers were trying to be part of the program and not the issues. She asked that the regulations not be too strict for the people trying to gain compliance and thought cultivation should be allowed in residential areas.

**Andrew Nicoll** disagreed with the requirement for a residence in the upland residential and ag zoning districts.

**Ron Edwards** was concerned that the ordinance would have no impact on illegal growers, which was the real issue in the County.

**Katrina Frey**, RVMAC, stated the MAC was in support of the mitigation and amendments submitted by Ellen Drell, of the Willits Environmental Center, and also discussed requirements for organic use and prohibition of hauling water.

**Corinne Powell** asked that the dwelling unit requirement be removed from the upland residential zoning district. She also felt there were too many layers of bureaucracy and requirements placed on cultivators.

**Hannah Nelson** discussed the letter she had submitted and felt the County and cannabis cultivators needed a common ground. She felt provisional permits were necessary and thought some sort of overlay of neighborhoods could be created to allow people to grow in some residential areas while other areas were restricted. She stated the penalties for enforcement of cannabis should be substantial and the ordinance needed to address how cultivators can move sites.

**Valerie Edwards** stated her home is located in the RR1 zoning and she and all her neighbors grow. She hoped a zoning overlay could be created to allow residential cultivation, agreed with provisional permits, and asked for reduced regulations.

**Kate Marianchild** supported the inclusion of an Oak Woodlands ordinance, having written a “best seller” on oak woodlands in Mendocino County, and supported the Rangeland exclusion. She supported the additional mitigation proposed by Ellen Drell.

**David Troxell** stated that provisional licenses were needed.

**Adam Quihuio** commented that there was a “locally thriving illicit market” for drugs and hoped a new regulated market could be created.



**Helen Magruder Menasian** read her letter in support of medical cannabis. She also supported the Rangeland exclusion and Oak Woodlands protection ordinance.

**Bill Barksdale**, former chair of the Assessment Appeals Board, felt the taxes should go “hand in hand” with revenue. He commented that a simplified process was necessary.

**Greg Bixler** supported a provision for transportation.

**Sandra Berman** supported the removal of the requirement for residential units on all parcels and stated there was a need for provisional licenses.

**Tracy Page** discussed requirements for existing fees and charges and felt the community should pay the taxes.

Chair Warner noted the discussion was back before the Commission.

Commissioner Nelson asked if the cultivation permit went with the land or owner.

Mr. Morse stated the application was applied to a person and not land. He noted that prior cultivation in a new location would have the right to apply for a new permit, when the original site was extinguished.

Chair Warner discussed the comment regarding preservation of land for food, Class K building requirements.

Ms. Hunt noted that Planning and Building was currently holding an Amnesty Program for unpermitted structures that self-reported and had not been “red-tagged”. She noted it was a requirement to have all legally permitting structures on a parcel to be able to grow.

Commissioner Little noted the regulations reminded him of the Forest Practice Act, which had over regulated the timber industry and destroyed small businesses. He hoped the regulations were workable.

Chair Warner discussed the suggestion of greenhouses on smaller RR zonings, and potential issues with the footprint of a proposed building.

Commissioner Nelson commented that having all indoor grows on small residential parcels might reduce the odor issues. He noted many speakers had also felt that crime was also an issue in residential areas.

Mr. Morse noted the idea behind the relocation element of the ordinance was to remove cultivation from residential areas and move it somewhere less populated.

Chair Warner discussed the provisional license option, and asked if relocation always required a watershed assessment and at what time in the process it was reviewed.

Ms. Burks noted that watershed assessments were not required in Ag or Industrial zonings and should be declared during the application process.

Commissioner Ogle asked why the Ag zoning did not require an assessment.

Commissioner Nelson noted the Ag zoning already had water rights with the State.

Commissioner Little asked if the provisional permits would be in place for this cultivation season, and if not, was a backup being prepared.

Mr. Kiedrowski stated the County was working on a type of provisional permit; perhaps an affidavit executed by the landowner for compliance. He stated there would be a separate process not tied to the current program, but was unclear on the nature of the future permit.

Commissioner Holtkamp commented on an article she had read about 342 disappearing workers in Humboldt and questioned enforcement possibilities.

Chair Warner discussed employment protections and workers compensation.

Mr. Morse noted the State regulations had employee protection elements in them and noted that cultivators will have labor laws to comply with.

Commissioner Nelson noted the State would be auditing the records for cultivation permits.

Commissioner Holtkamp discussed the intent of "fully shielded lighting".

Commissioner Nelson discussed the requirement for a dwelling unit in zonings other than Upland Residential (UR).

Ms. Hunt stated a dwelling was not required in Rangeland or Ag zoning, but had not been taken out of UR yet.

Ms. Burks commented that she was hoping the Commission could provide specific recommendations to the ordinance for staff and noted that the intent of requiring the dwelling unit was an effort to not preclude future development on a parcel.

Commissioner Ogle recommended removing the requirement for a dwelling unit from the UR zoning.

Commissioner Hall suggested requiring a site plan to illustrate the potential location of future development versus requiring a dwelling unit in zoning districts.

Chair Warner noted it would be nice to have some activity on a parcel more than cannabis, such as fences, accessory buildings, grading, etc. and commented that a plotting a future home site upon application could be useful and asked what level of review 2 acre parcels would receive.

Ms. Hunt noted that in the RR2 zoning; only a zoning clearance would be required.

Mr. Morse discussed the regulations that would take effect January 1, 2020, regarding zoning compliance.

Ms. Hunt further discussed the regulations found on page 6 of the ordinance, section 20.242 L.

Commissioner Nelson was concerned with odor and asked how the 50 foot setback was created. He felt the distance was too short and recommended a 100 foot setback.

Commissioner Krueger recalled that the 50 foot setback had been discussed in length during the Board meetings and felt that it was the agreed to distance. He further discussed the requirement for a dwelling unit on a parcel.

Ms. Hunt noted that the current draft document required that a dwelling unit be established prior to applying for a cannabis permit.

Chair Warner asked if having an Administrative Permit to live in a trailer would qualify.

Ms. Hunt discussed the definition of "trailer", mobile home, and manufactured home.

Ms. Burks noted the intent was to have a legal dwelling unit on the same parcel as the cultivation site.

Commissioner Holtkamp commented that the RR zonings would need a house, but she would be willing to remove the requirement from the UR zoning.

Chair Warner agreed, but was concerned with the Laytonville community.

Commissioner Little was concerned about the residential requirements and noted that housing was a critical issue in the County. He discussed the Housing Element and rezonings that had to be completed to comply with the State mandated housing numbers. He noted the potential for available parcels close to services to be used for cultivation which could reduce the potential units of housing in the County.

**The Commission agreed to remove the housing requirement in the UR zoning district only.**

[Break 3:32 PM – 3:43 PM]

Chair Warner discussed the Commission's recommendations to the Board for staff. She noted Rangeland exclusion, oak woodland ordinance, grading ordinance, and a discussion of yield tax were important.

Commissioner Holtkamp, Commissioner Krueger and Commissioner Hall supported the Rangeland exclusion for new sites.

Commissioner Nelson disagreed and felt that the ability for Rangeland zoning to have a cultivation site might be what keeps some larger parcels from being subdivided. He stated that have a cell tower on his Rangeland parcel was the only thing keeping the cattle running and paying the taxes.

Commissioner Ogle agreed with Commissioner Nelson regarding the RL exclusion and felt that a grading ordinance was needed to keep the land from being developed.

Commissioner Little suggested that the ordinance stay as was written for implementation and be changed in the future.

Chair Warner noted that it may be essential to keep the ordinance in its current form as it relates to the Environmental Study and noted the ordinance seemed to be accepted by growers.

Commissioner Holtkamp was concerned with fragmentation of the larger parcels and thought the ordinance should be implemented slowly as there was only so much Rangeland.

Commissioner Nelson felt that allowing cultivation would produce more income for Rangeland parcels and prevent unnecessary fragmentation.

Commissioner Little asked if staff knew the potential number of available parcels there could be from subdivision of existing rangeland parcels.

Ms. Hunt stated there was no way of knowing how many potential parcels could be created in the County, until an application was submitted for a particular location.

Mr. Morse commented that the draft ordinance allowed a maximum of 2 cultivation permits on separate parcels.

Commissioner Nelson asked if the permits were issued to a landowner or lease.

Mr. Morse noted the permits were given to existing applicants in the County and enhanced requirements kick in during the next phase.

Chair Warner noted the item would need to be addressed if someone was leasing multiple sites. She asked the Commission's recommendation for required dwelling units on parcels.

Ms. Burks stated that currently, Upland Residential was excluded from the requirement, so the last question was the various RR zonings.

Chair Warner commented that she felt the residential zonings should require a dwelling.

Commissioner Hall was not sure if the larger RR10 parcels should be required to have dwellings.

**The Commission agreed that RR2 and RR5 zoned parcels should require a legal dwelling unit to allow cultivation.**

Commissioner Ogle noted that the map of the County did not address RR1 parcels.

Ms. Hunt stated that RR1 was not being addressed in the ordinance, but would be retained if the site could meet current conditions.

Chari Warner asked the Commissions interest in recommending the Board consider elimination grows completely from the RR1 zoning and require the sites to be moved within 2 years.

Commissioner Nelson stated he would like all cultivation sites removed from RR1 and RR2 zonings.

Commissioner Ogle agreed that cultivation sites should be required to move from the RR1 and RR2 parcels and felt that anything smaller than 10 acres should not be allowed in the future.

Commissioner Hall was willing to allow cultivation on 5 acre parcels and larger.

Commissioner Krueger, and Commissioner Holtkamp agreed that no cultivation should be allowed on RR1 or RR2 parcels.

Commissioner Little agreed, accept Laytonville, which should allow cultivation.

Commissioner Holtkamp agreed that she was not opposed to Laytonville allowing cultivation if everyone in the neighborhood agreed and asked if there was some kind of allowance that could be made.

Chair Warner noted that the MAC areas in the community might be a way to allow cultivation. She asked the Commission's recommendation on an Oak Woodland and Grading Ordinance.

**The Commission supported creating an Oak Woodland Ordinance and expanded Grading Ordinance by 2020, except Commissioner Nelson who felt further regulations were overly burdensome.**

Commissioner Nelson stated the increased regulations would be heaping too much on top of a cultivator.

Mr. Morse noted that the RWQCB oversaw much of the regulations around growing cannabis and their mission was to minimize discharge, disturbances, etc.

Chair Warner commend that she would prefer an Oak Woodlands ordinance in the County.

Ms. Burks noted that based on comments received from the Dept. of Fish & Wildlife, they would be supportive of an Oak Woodlands ordinance. She noted that County permits were held to specific standards and applicants would be required to control runoff, and perform Best Management Practices (BMP).

Mr. Morse commented on the fully shielded lighting, under Aesthetics, AES1 and noted the intent was to increase mitigation.

**The Commission suggested deleting the word "new" on AES1, to ensure that all lighting was fully shielded.**

Upon motion by Commissioner Nelson, seconded by Commissioner Hall and carried by a voice vote of (7-0), IT IS ORDERED to continue the discussion of OA\_2016-0003 to January 19, 2017 Planning Commission Meeting.

7. Matters from Staff.

None

8. Matters from Commission.

None

9. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner Ogle, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 4:17 p.m.

DRAFT