



## MENDOCINO COUNTY PLANNING COMMISSION

**MINUTES FOR THE MEETING HELD ON:** December 1, 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 Dunncliff, Director  
Mary Lynn Hunt, Senior Planner  
Robert Dostalek, Planner III  
Beth Burks, LACO Associates  
Adrienne Thompson, Commission Services Supervisor

**OTHER COUNTY DEPARTMENTS PRESENT:** Matthew Kiedrowski, Deputy County Counsel  
Chuck Morse, Agriculture Commissioner  
Geoff Brunet, Department of Transportation  
Marlayna Duley, Environmental Health

1. **Roll Call.**

The meeting was called to order at 1:00 PM.

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. Dunncliff 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#: R\_2015-0001 and U\_2015-0008**

DATE FILED: 3/20/2015

OWNER/APPLICANT: FAIZAN CORPORATION

REQUEST: Rezoning from Limited Industrial (I-1) to General Commercial (C-2) and Minor Use Permit to demolish the existing "Jensen's Truck Stop" structures and re-establish "Automotive and Equipment—Gasoline Sales" (commercial fueling station)

for large transport and passenger vehicles. The request also includes construction of two (2) new commercial office/retail buildings totaling 13,852± square feet and replacement of underground fuel tanks and distribution piping.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In Ukiah, just north of the Ukiah City limits, lying northwest of the intersection of Kuki Road (CR 250A) and Lovers Lane (CR 222) immediately west of its intersection with North State Street (CR 104). Located at 1460 Lovers Lane and 190 KUKI Lane, Ukiah; APNs 170-120-09 and 170-120-12.

STAFF PLANNER: ROBERT DOSTALEK

RECOMMENDED ACTION: Recommend approval to the Board.

Robert Dostalek, Staff Planner, reviewed the staff report and presented a power point of the project. He noted the proposed commercial, retail and office space was consistent with the Ukiah Valley Area Plan (UVAP) and General Plan and the current zoning was inconsistent and needed to be changed. He discussed the Community Design Guidelines that had been adopted for commercial uses in the Mixed Use General zoning (MU2) and noted the prominently visible parcel also provides the ability to modernize the street frontage to KUKI and Feedlot Lane. He discussed necessary traffic improvements and noted the comments received from Ukiah Valley Fire District (UVFD) to create a circulation from the project site to enter from Lovers Lane and exit from KUKI only. Mr. Dostalek commented that both UVFD and the Department of Transportation were available to comment on the conditions to change access, etc.; however no reduction in the level of service was expected. He noted a final site circulation plan would be submitted to the department for approval and the department was recommending the Board of Supervisors approve the project, as the approval of a Rezone was only a recommendation from the Planning Commission.

Commissioner Nelson noted there was logic in reversing the flow of traffic; however signage would be important to indicate the flow of traffic for vehicles not from the area or familiar with previous use of the road.

**Geoff Brunet**, Department of Transportation (DOT), stated there would be signage on site to direct vehicles and a generic gas station sign on North State to the site. He noted that DOT was supporting the UVFD on the flow of traffic.

Commissioner Ogle noted it might be easier to eliminate ingress from Lovers Lane all together and asked if the traffic issues were more DOT responsibility or the UVFD.

Mr. Brunet commented that he was not sure that changing traffic would make a difference; however DOT was working to incorporate findings from the traffic study completed by the applicant.

**Kevin Jennings**, UVFD, discussed the rate of travel on KUKI Lane and stated it would be easier to stack trucks emptying onto the roadway. He noted the concern was truck traffic impacting access to State Street in case of emergency and blocking the intersection. He also thought adding traffic signs would help manage the traffic.

Chair Warner asked if the future development had potential to include housing somewhere on the parcel.

Mr. Dostalek commented that the mixed use zoning was typically a mixture of developments, but he did not believe the applicant had envisioned residential use directly on this parcel. He noted that there was potential for contiguous parcels to provide some residential units.

Commissioner Ogle discussed a R3 zoned parcel that had been used as an auto dismantler on the corner of Lovers Lane with potential soil issues, and asked if it could be used for residences.

Ms. Hunt noted that at one time there had been an auto dismantler on the site, but she was unsure of the clean-up process. She noted the parcel was zoned for residential use.

Commissioner Ogle asked if the utilities would be required to match the existing utilities or could be put underground. She discussed Attachment O, the location of the dotted lines, and the description in the Negative Declaration, which should be changed from Vineyard View to Alexander Estates, and several other typos. She was unclear on the transportation and circulation section of the Resolution and asked for clarification.

Mr. Brunet noted the language reflected information from the traffic impact analysis, but could be cleaned up and made clearer.

Mr. Dostalek discussed the dotted line and thought it could be a private road, but was not sure.

Commissioner Nelson noted page 6 of the staff report said Loves lane instead of Lovers.

Mr. Brunet discussed Condition # 27 and suggested cleaning up the resolution by deleting the 2 lines after "truck plaza project" and beginning the next sentence with "Prior to issuance".

Commissioner Ogle asked if No Name/Millview Rd was a County road or a private road.

Mr. Brunet stated that No Name/Millview Road appeared on the County Road List; however Feedlot Lane appeared to be private. He noted that if Feedlot Lane were improved to County standards, it could be considered for inclusion into the road list by Board Resolution.

Commissioner Ogle discussed page 32 of the packet and asked what the sentence containing "but still owned by same entity" referenced.

Mr. Dostalek deferred to the applicant, and discussed Attachment N.

**Brian Momsen**, attorney for applicant, stated the entity was the Faizan Corporation, but that entity did not own the property to the north.

Commissioner Ogle commented that she was in favor of the project.

Ms. Hunt discussed the utilities from an earlier question and stated that Attachment F, item 3 noted that utilities would be underground and must meet standards. She also noted an additional memo that had been distributed.

Mr. Dostalek read Condition #24, from Environmental Health, into the record, which was discussed in the memo.

Mr. Momsen discussed the traffic flow and supported the fire departments suggestions. He noted the Faizan Corporation owned numerous establishments in the County in both Ukiah and Fort Bragg and were developing another site in Redwood Valley. He felt the project would be an integral part of the community, provide jobs and be an attractive gateway business in Mendocino County. He asked the Commission to delete Condition #13 and felt that the Community Design Guidelines should not apply to the development because the zoning was changed by the UVAP, not at the owner's request. He also felt Condition #28 should be deleted since most of the improvements would go beyond the immediate scope of work; if not deleted the condition should be modified to only include improvements to the footprint of the current project proposed.

**Larry Mitchell**, architect, discussed the transportation and circulation pattern. He stated the project was a needed improvement along the State Street corridor and was a clean project that would have solar panels on the rooftops and have tax benefit to the County.

The public hearing was declared open.

**Tim Zimmerer**, adjacent property owner, asked if the project would affect the zoning of his parcel.

Chair Warner noted the application would not affect his property.

Ms. Hunt also noted that Mr. Zimmerer had an existing legal nonconforming use that would be allowed to remain.

The public hearing was declared closed.

Commissioner Holtkamp reviewed the requested changes to the conditions and asked if Condition #32 would be deleted.

Mr. Dostalek noted he would defer to the recommendation of DOT for Condition #28; however Condition #13 related to the adopted Commercial Design Guidelines or Mixed Use development and he recommended keeping the condition to ensure that future development of the site remain consistent and compatible with the existing use. He commented that hours of operation would not apply to the gas station.

Mr. Momsen felt the Design Guidelines were confusing and commented that prior to the approval of the UVAP; the project could have been completed with a ministerial zoning review and building permit versus this new layer of regulation imposed by the rezoning.

Mr. Kiedrowski noted that regardless of the project, the General Plan and Land Use zoning were not in harmony on the parcel, and the rezone would need to be completed for compliance. He noted the goal was to utilize the attached Commercial Design Guidelines that the Commission and Board had worked to approve.

Chair Warner recalled the multiple meetings and discussion to approve the Design Guidelines and was hesitant to discard the condition.

Mr. Dostalek confirmed that hours of operation had been removed from the condition.

Commissioner Nelson was sympathetic to the property owner and asked if the condition was deleted, would any future development on the site be brought before the Commission.

Commissioner Holtkamp also asked if establishing a new use would come before the Commission.

Mr. Kiedrowski stated that if the condition was deleted, the Design Guidelines would not apply and the Commission would not see any future applications. Only the adherence of Condition #13 enforced the adopted Commercial Design Guidelines.

Commissioner Little discussed the possibility to expand a nonconforming use without using the adopted guidelines and if that would be an issue.

Mr. Dostalek noted the zoning would be I2 without the rezone.

Ms. Hunt noted the owner could expand a nonconforming use with a use permit, but the change may not be allowed. Also, if the intensity of the use was the same, no additional requirements may exist.

Mr. Dunncliff noted that the issue was the inconsistent zoning of the land use and General Plan, which had not been an oversight by the Board of Supervisors. He stated that, ultimately, the parcel was inconsistent and could be blocked from permitted development.

Commissioner Nelson asked DOT to comment on Condition #28.

Mr. Brunet noted that the owner could not place a specialty sign in the County right-of-way, but a generic gas station sign would be allowed. He suggested rewording Condition #28 to add "adjacent to future project phases" in the first line after "approaches"; this would allow the applicant to complete improvements as the parcel was developed, versus completing all road improvements ahead of the future use.

Ms. Hunt asked if the Commission would like to take a short break while staff prepared new language.

[Break 2:17 PM – 2:27 PM]

Mr. Kiedrowski read Condition #28 into the record: "Require planters, curb/gutter sidewalk and commercial road approaches onto the County Roads adjoining the project's frontage onto KUKI Lane

(CR 250A) and Lover's Lane (CR 222), designed to Mendocino County Road and Development Standards at the time of development. Require future planters, curb/gutter sidewalk and commercial road approaches onto KUKI Lane (CR 250A) and No-Name-Mill View Lane (CR 106) adjoining the parcel, designed to Mendocino County Road and Development Standards at the time of development, based on future specific site improvements and location of any connection to the County Road."

Chair Warner reviewed the edits for discussion amongst the Commissions related to Condition #13, if it should remain, Condition #21 needed the date corrected to October 15<sup>th</sup>, Condition #24, #27 and #28 to be revised and Condition #32 to be deleted.

The Commission supported staff in keeping Condition #13. They discussed adding "project frontage" to Condition #28 and agreed to all other proposed staff changes.

Upon motion by Commissioner Ogle, seconded by Commissioner Hall and carried by the following roll call vote (7-0), IT IS ORDERED that the Planning Commission adopt a Revised Resolution to recommend the Board of Supervisors certify the Mitigated Negative Declaration and grant a rezone from I-1, Limited Industrial, to C-2, General Commercial, and a minor use permit for automotive and equipment-gasoline sales, per the conditions in Exhibit A and as modified by the Planning Commission.

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

#### 9. Approval of the October 6, 2016 Planning Commission Minutes.

Chair Warner noted corrections to the October 6, 2016 Minutes; page 2, second paragraph clarifications of conditions, page 4, third line Ed Berry, extensive negations with Buddhist "members", page 6, second paragraph from the bottom, comment by Mr. Huang burning "possibly" increasing, wetlands, page 8 matters from Commission, should access to coves be lost.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and carried by a voice vote of (6-0) with Commissioner Ogle abstaining, the October 6, 2016 Planning Commission minutes are approved as corrected.

[Break 2:45 PM – 3:00 PM]

Chair Warner noted that no action would be taken on the next item and asked that individuals fill out speaker cards. She noted public comments would be timed to allow everyone to speak and hoped the meeting would end by 6pm.

#### **\*\*6b. Timed Item at 3:00 PM - CASE#: OA\_2016-0003**

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: NO ACTION WILL BE TAKEN

Mary Lynn Hunt, Senior Planner, reviewed the request to add medical cannabis cultivation to the Inland Zoning Code. She commented that the changes to the zoning code coincide with changes in the Mendocino County Code Chapter 10A for the Agriculture Commissioner and noted that the proposed regulations would not include the coastal zone area. She reviewed the Initial Study/Mitigated Negative Declaration (MND) that had been prepared by LACO and they would be

providing a presentation of the MND. She noted that no action would be taken on the item and a second meeting had been scheduled for December 15<sup>th</sup> to allow for further comments in hopes of taking formal action on the item at the January 19, 2017 Planning Commission meeting.

Chair Warner and staff discussed Proposition 64.

Chuck Morse, Agriculture Commissioner, provided a summary of his report addressing code changes to Chapter 10A.17. He discussed general limitations, permit types, size of cultivation, the application process, performance standards, inspectors and third party inspectors, and stated the goal of the meeting was to receive comments.

Ms. Hunt noted that part of the permit process with the Ag Department would consist of referrals to PBS to make sure the property was in compliance with the zoning regulations outlined in the ordinance. She commented that there was potential to require an Administrative Permit or Use Permit for a property that would be cleared by PBS.

Mr. Kiedrowski discussed Prop 64 and the current cultivation ordinance. He noted that the County was continuing with the medical cannabis cultivation ordinance and would create a secondary ordinance for recreational use at a later date. He also noted that while agricultural ordinances might not normally come before the Planning Commission, the ordinance in this case is linked to the overall approval of the complete cultivation regulation.

Ms. Hunt discussed the comment letters that had been received and introduced Beth Burks with LACO.

**Beth Burks**, Senior Planner with LACO, stated they were the consultants that reviewed and provided the CEQA analysis for the Ordinance. She discussed the original comment period and the need to recirculate the MND. She stated that the baseline for analysis was August 26, 2016 and presented a power point of the process. She reviewed the three phases of the project, noting that the ordinance would follow Regional Water Quality Control Board regulations, and noted that a watershed study would be required for new sites to implement phase 3 of the ordinance. She discussed potential impacts that would require mitigation and went through each item listed on the Mitigation Monitoring and Reporting Program (MMRP) with the Commission.

The public hearing was declared open.

**Chris Brennan**, a cattle rancher in Laytonville, was opposed to allowing cultivation in any resource zonings, such as rangeland, timber production, forestland or upland residential and felt the hillsides, wildlife fisheries, etc. would be destroyed by cannabis. He also felt valuable ranch land would be leased to cannabis cultivators versus legitimate ag uses such as cattle ranching or farming and disagreed with any cultivation sites being grandfathered in. He thought major fines and penalties should be enforced on illegal operations.

**Jeri Harris** was opposed to allowing cultivation in any residential zonings and felt the voters had spoken with Measure AF. She stated it was scary to have growers nearby in homes, bringing the criminal element into quiet neighborhoods.

**Barbara McLean** was opposed to cultivation in all residential zonings and submitted petitions from local neighborhoods against growing in residential areas. She stated that the locations of growers in her neighborhood impact her daily life and asked if odors could be controlled.

Commissioner Nelson asked the distance from her house to the growers.

Ms. McLean noted the grow was set 50 feet back into the property from the fence line and was 150 feet from her house, so it conformed to the code, but the odor was still terrible. She was also concerned with the excessive traffic at all hours of the day and night.

**Susan Tibbon** asked the Commission to ensure that small farmers could survive with the cannabis ordinance and requested reasonable fees. She stated that if the ordinance was overly strict and farmers couldn't afford to participate, there would be increased poverty and continued black market sales.

**Paul Hansbury** discussed a letter submitted by Hannah Nelson and agreed with all her points. He stated the recurring theme in letters and speakers was to make the regulations inclusive.

**Michael Thomas** was concerned that the ordinance did not discuss dispensaries.

**Stewart Bewely** discussed mitigation measure AG2 from the MND and stated it was inappropriate. He disagreed that large ranches would be broken up by permits for cannabis and noted that Rangeland soils were perfect for cultivation and ponds. He distributed a packet to the Commission.

Commissioner Holtkamp discussed the use of water and stated it should not be taken from streams for cultivation.

Mr. Bewely provided another handout regarding "pit ponds" and stated every parcel could have its own pond for water, just like every site should have a fence, and it would not cause a problem.

**Joan Levin** was opposed to any cultivation in residential areas and stated it brought nothing but crime.

**Misty Allenbaugh** agreed that no cultivation should be allowed in residential areas and stated in her neighborhood it was a huge problem. There had been taskforce raids, home invasions, excess traffic, etc. She stated the growers have security cameras and she is afraid for her children. She further stated that if they are "farmers" they should move out of neighborhoods.

**Vince Lechowick** provided handouts to the Commission and stated residential areas needed protection. He stated that the artificially high price of marijuana attracted bad people into neighborhoods and could tear the community apart. He thought an EIR was required versus a MND for review.

**Sally Palmer** stated there was an overwhelming smell of pot in her neighborhood, which diminished her quality of life. She was opposed to grandfathering in residential sites or allowing cultivation in residential areas.

Chair Warner asked the parcel size around Ms. Palmer.

Ms. Palmer stated her parcel and most surrounding parcels were 2 acres.

Commissioner Nelson asked if the distance from her door to the grow was around 1000 feet.

Ms. Palmer stated her property was separated from the grow by an acre, but the smell crossed over and was terrible.

**Cynthia Coale** asked the Commission to approve the medical cannabis portion quickly and not wait for the recreational use matter to be added.

**Julie Bawcom** was opposed to cultivation in residential neighborhoods and stated her area was mostly 1 acre parcels. She suggested cannabis cultivators be required to create plans for production, like a timber harvest plan, that is prepared by a licensed professional that could evaluate a site to see if it was acceptable.

**Hal Wagenet** discussed the enforcement mechanism to the ordinance and thought the County could be sued for noncompliance with CEQA. He felt environmental protection was dependent on the initial inspection review. He also felt the fees had to be reasonable, inspections timely, and swift enforcement actions with short timelines for completing corrections.

**Ellen Drell** stated that she “broadly supports” the ordinance, LACO’s analysis and mitigation, and submitted a handout to the Commission with additional mitigation measures (AG5) to consider. She discussed AG2, and strongly supported the removal of rangeland from the ordinance.

**David Drell** further emphasized the need to remove rangeland from the ordinance and supported adding more mitigation. He disagreed with the baseline date for the ordinance and did not want any sites grandfathered into existence.

**Casey O’Neill** stated the County needed to help people engage in the process and felt provisional licenses were necessary. He also thought third party inspectors, single sites versus separate sites, and the removal of the housing requirement on proposed parcels were important facts to consider.

**Dennis Slota** thought more mitigation was needed as well as comments from other agencies. He felt a discussion related to “guard dogs” was missing from the MND.

**Swami Chaitanga** disagreed with mitigation measure AG2 because it would restrict all the available area to grow cannabis. He agreed that small residential grows should be removed and felt having rangeland as an option was the only viable way to remove cannabis from residential areas.

**Ben Blake** thought it was illogical to require prior cultivation to move to a new site. He also disagreed with the watershed assessment and discussed page 23 of the MND. He felt an applicant should be able to waive the watershed assessment if they could provide evidence of prior cultivation.

**Harry Marchant** asked if the requirement for a dwelling unit could be removed from the Upland Residential (UR) zoning and asked that the setback not be increased more than the current 50 feet.

**Priscilla Hunter**, Coyote Valley Band of Pomo Indians, asked that the ordinance include greater protection of cultural sites. She also supported an Oak Woodlands protection ordinance.

**Cathy Monroe** supported Ellen Drell’s comments and request for further mitigation; especially the removal of rangeland from the cultivation sites and also felt that a prohibition for hauling water should be added.

**Johanna Mortz** thought residential districts should be grandfathered in and stated that the individuals in the room were not the ones causing problems.

[Break 4:42 PM – 5:05 PM]

**Corinne Powell** disagreed with the single site requirement and stated that 10,000 square feet was only a 100x100 square and not large enough to cultivate. She agreed with a previous speaker on removing the dwelling requirements in the UR zoning.

**James Smalley** felt there must be a reasonable time to gain compliance and supported AG1 as well as removing the dwelling requirement for all zonings; he disagreed with AG2 and felt there was no evidence that allowing cannabis in rangeland would increase subdivisions. He noticed that the ordinance did not include anything for “transportation” and agreed that hauling water should be prohibited.

**Ashley Oldham** felt setbacks should be grandfathered in and asked for reasonable fees. She also agreed with previous speakers about allowing time to gain compliance, removing the housing requirements in all zonings, and allowing cultivation in rangeland.

**Blair Phillips** was concerned with the short timelines to gain compliance and discussed how taxes could be figured. She asked for a deduction based on the actual harvest and losses.

**Justin Calvino** stated that if a person was responsible and adhered to the setbacks and regulations, zoning wouldn’t be an issue. He hoped the regulations wouldn’t “push good people away” and asked the County to honor best practices and work with farmers.



**Devon Jones**, Mendocino County Farm Bureau, discussed AG3 and the Williamson act, noting her support for ag production. She also discussed AG4, and its status with the Board of Supervisors, and AIR2, prohibition of burning excess cannabis materials, which should be covered by Air Quality permits.

**Jane Futzher** thought rangeland should not be prohibited if the desire was to remove sites from residential areas.

**William Porter** commented that there were bad people growing in the County, but noted some good people were trying to make a future and supported small farms.

**Marc Gloub** read his letter to the Commission asking for reasonable restrictions, and that cultivation be allowed in rangeland zonings. He asked if the maximum development site could be expanded to 40,000 square feet on larger parcels, if setbacks and water could be maintained.

Chair Warner noted that the public hearing would remain open and another meeting had been scheduled for December 15<sup>th</sup>, with a future meeting in January to make recommendations to the Board. She summarized comments pertaining to rangeland zoning, parcel size, residential use, provisions for the transition period, subdividing sites, guard dogs, watershed assessment, required dwelling units on parcels, protection for Archeological resources, a grading ordinance and prohibition of water hauling.

Commissioner Holtkamp added a potential Oak Woodlands and Manzanita protection ordinance, aggregate transportation permits, burn permits, grandfathered established sites vs. move and create second disturbance, following State regulations, and commented that she felt the cost for enforcement should be collected up front.

Commissioner Nelson noted the odor complaints and and proximity to residential areas, and asked how fees were covered.

Ms. Burks noted she had heard comments about AG2, neighborhood compatibility, single site versus multisite requirements, grandfather timing issue, expanding mitigation, eliminate dwelling requirement, and would provide feedback at the next meeting.

Commissioner Nelson commented that it might be reasonable to require only indoor grows with an air purifier near residential areas.

Ms. Burks discussed the MMRP and thought the Air Quality conditions might mitigate the issue.

**Jennifer Peters** stated that sulfur and manure both stink and are used on multiple ag parcels.

Commissioner Little discussed the baseline date and felt it was "glossed over". He noted page 16 referenced fire and emergency services, but there was no discussion of impacts; page 22 discussed phase 1 may require physical changes and felt a discussion of the Federal regulations might be needed. He discussed Proposition 64 and stated the ordinances should be kept separate and felt the costs and profits needed an analysis so that the regulations were not overly oppressive.

Commissioner Nelson commented on the tax assessment based per plant rather than by square footage.

Commissioner Little agreed a yield tax would be more appropriate.

James Smalley thought taxes should be calculated on gross receipts.

Chair Warner discussed page 28, regulations for lighting, A4 in any location in the public right of way, and page 30 although cultivation may not be visible... and thought it was the plants that should not be visible.

Susan Tibbon commented that if indoor cultivation was the only type allowed there would be an "increased carbon footprint" from new structures. She asked the Commission to read a study prepared by Professor Fred Krissman at Humboldt State.

**Dia Damon** commented that farmers could be taxed on spoilage, which was unfair.

Chair Warner stated the next meeting would be December 15, 2016.

7. **Matters from Staff.**

None.

8. **Matters from Commission.**

None.

10. **Adjournment.**

Upon motion by Commissioner Holtkamp, seconded by Commissioner Hall, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 6:09 p.m.