



City of Fort Bragg

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Meeting Minutes Public Safety Committee

Wednesday, June 29, 2016

3:00 PM

Police Department Conference Room
250 Cypress Street

Special Meeting

MEETING CALLED TO ORDER

Committee Member Peters called the meeting to order at 3:00p.m.

ROLL CALL

Present: 6 - Lindy Peters, Scott Deitz, Fabian Lizarraga, Marie Jones, Debbie Desmond and Lesley Bryant

Absent: 3 - Linda Ruffing, Steve Orsi and Tom Varga

APPROVAL OF MINUTES

Approve Minutes of the May 11, 2016 Meeting

A motion was made by by Committee Member Deitz, seconded by Committee Member Peters, that the Committee Minutes be approved. The motion was carried by unanimous vote.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None Received

CONDUCT OF BUSINESS

Receive Report and Provide Recommendation to City Council Regarding
Commercial Cannabis Manufacturing Ordinance.

Public Comment on this issue was received from Jon McColley, David Ayster, Terry Vaughn, Suzie Valle and Bernie Norvell.

- Scott Perkins presented his staff report to the Committee after thanking Debbie Desmond for her assistance in making the process easier for him, as this was his first staff report to the Public Safety Committee.
- Perkins began by explaining the background regarding the new Medical Marijuana Regulation and Safety Act (MMRSA). As directed by City Council, staff has been reviewing ordinances from various cities and states. He explained that there were several policy questions that need to be addressed and discussed prior to the new City ordinance being drafted, and each topic would be explained, with committee recommendation and ideas.
- Zoning and Permitting; Presently the City has two manufacturing zoning areas, light industrial (IL) and heavy industrial (IH). According to the current zoning regulations, cannabis dispensaries could be allowed in either area with a Use Permit. Precluding cannabis manufacturing to just one of these zones would greatly diminish the amount of potential sites available to businesses. The Committee could make recommendations to change the zoning, and some areas could overlap. When the Mill Site is zoned, there will be IL in specific areas.

- Committee Member Peters agreed to allow both zoned areas to be available. A Use Permit would allow the Planning Committee to have the final overview. Both zoned areas are away from schools, churches and similar structures.
- It was brought up that the old Social Services building was for sale and was being looked at as a possible future site for manufacturing. Due to its close proximity to the Police Department and the Sheriff's Office, the security aspect would be covered. The area is zoned as visitor commercial (VC) and does fall into the Coastal Zone, where usage is much more regulated. Each Use Permit request has the possibility of being denied, depending on the location and the type of building. For the Social Services building to be used for manufacturing, the zoning regulations would need to be changed. The building has been looked at for several other ventures in the past. The smells and odors from a manufacturing facility would be minimal. There would also be minimal impact on the community as it is a safe process. It would be another "medical" facility in the area, alongside the Hospital, Clinic and Pharmacy within the local area. The classification for this type of manufacturing was determined to be a new classification of manufacturing. It would also need to take into consideration that this is a pharmaceutical business.
- Committee Member Deitz agreed that any zoning changes would need to be done only after careful consideration. There are lots of empty buildings in areas already zoned for manufacturing, and the idea of cannabis manufacturing within City limits may receive some push back from the community. The City needs to start out carefully when dealing with the locations. Manufacturing could be allowed with a Use Permit and a suitable building. This would not be a blanket permit.
- The question of how much a Use Permit costs was raised. Marie Jones stated the fees are just less than \$2000 and the permit takes approximately two months to process. There is no guarantee that a permit will be approved once the application has been submitted, as it has to be approved by the Planning Commission. A start-up business has to invest the finances prior to the permit being approved.
- There are not enough commercial or manufacturing areas within the City under the current zoning. Issues arise when manufacturing areas butt up against residential areas. There will need to be deliveries to the sites which may be disruptive. When the full City Council reviews any application, there could be some objections.
- Any changes in zoning can be made when purchasing the property. The purchase of the property can be contingent on having the zoning changed. The process would still have to go through the Coastal Commission. The Coastal Commission is very protective of their areas. Variances are not allowed to rezone a property or allow a project that is not allowed in a certain area and regulations may have to be changed.
- Proximity to Sensitive Uses was discussed. Currently there are four sections that cover this topic; no restriction; adjacent restriction; buffer restriction; review of buffer. A Commercial Cannabis Manufacturing (CCM) ordinance could restrict the distance between the premises and any sensitive needs. When an applicant files a Use Permit request and the ordinance deems the buffer review option, i.e. for a cannabis dispensary, the applicant must list all sensitive needs within 500 feet of the planned premises. The fact that an existing sensitive use is within the 500 feet, does not automatically deny the application. The current Dispensary ordinances include residences as sensitive use. There can be conditions written into the Use Permit that works around sensitive use areas.
- Deitz commented that there are not many sensitive needs in areas already zoned IL or IH, other than residences. There are permitted manufacturing businesses already within the IL or IH zones.
- Peters also likes option 4, buffer review, as it allows the Planning Commission a chance to really look at the surrounding area during the review. Use permits could allow zoning with churches as the high attendance numbers are usually on Sundays. Schools would be a very different issue and there may be restrictions during school hours.
- Jones warned Dietz and Peters that any specific feedback they give to a prospective applicant at this point could jeopardize any appeal filed by the applicant if their request is denied by City Council, and would preclude both of them from the appeal process.
- The prospective business for cannabis manufacturing is looking at a 7 day a week, 24 hour operation, which would help with the security aspect of the building. Shutting down and starting up production is the biggest cost to any manufacturing business. There are very few businesses within the City limits that have operational time restrictions.
- Use Restrictions; MMRSA deems the manufacturer cannot be any other participant in the supply

chain. There must be a separate production location, retail location, delivery, and distribution contract. This cuts down on security risks, and the ordinance would not allow it. The manufacturing ordinance is looking to include a provision to prevent sales of other items, i.e. clothing, from the premises which cuts down on the amount of people going in and out of the building, therefore limiting the security risks.

- If the name of the ordinance was changed to Cannabis Manufacturing as permitted by the State, no matter the result of the initiative and its final name, the ordinance would be in line with the State. By keeping the word Commercial in it, would mean the ordinance would have to be changed each time the State changed the wording. If the Council wanted to restrict the use of the ordinance, they could include the word "medical" which would not allow "recreational" marijuana processes to be included. By having "as permitted by the State", the ordinance would reflect the current State regulations.
- Exterior Restrictions; the cultivation ordinance currently requires there to be no evidence of marijuana production on the signs. Dispensaries have to have signage stating, "Over 21". If the ordinance is passed, the signs could probably say, "Fort Bragg Extracts", or something similar. The sign could not say, "Fort Bragg Marijuana Extracts". This would reduce the chances of the premises becoming an "attractive nuisance". It also lowers the security risk. The name of the business would be allowed on any advertising, but there must not be any key words or graphics.
- Odor; the current Municipal Code has an odor clause to businesses. There have been no complaints to date about the Brewery when they are emptying the tanks. The smells that emanate from there have obviously not been deemed to be "obnoxious". The new ordinance could add extra odor controls for cannabis manufacturing. The applicant is to provide an odor control plan. The odor control will be looked at on a case by case basis, through the Use Permit. How strict the ordinance is and the possibility of increasing the buffer zone will need to be discussed.
- Dietz stated the only issues he could see would be a nuisance issue and security issue. The only time another business might be affected would be if they were using the same building. If there was an existing business in the proposed building, the restrictions may be tougher than if the business was on a currently empty lot.
- Peters stated there were complaints of the odor from the Brewery years ago, when they first started. He asked if they currently have any restrictions. Years ago the Brewery had a specific timeframe for emptying the vats, due to the odor it caused.
- Deitz stated that no one would be attempting to break into the brewery to steal their vat contents.
- Security; Other City ordinances seem to have an extensive variety of security requirements. Some have no requirements while others have pages and pages of requirements. There does seem to be a common theme, which it is currently part of the City's Dispensary Ordinance. Prior to the Use Permit application coming to the Community Development Committee, it is submitted to the Police Department. The Police Department then does background checks on employees, and confirms that the business will provide adequate security on the premises including lighting and alarms. The Chief of Police would review the security plan for the business and sign off when satisfied that all the elements are met. Each application would be taken on a case by case basis as each building is different, and so a blanket ordinance would not work. As most of the buildings available in Fort Bragg are not that big, it would allow Cannabis Manufacturing to fall under the Dispensary Ordinance verbiage.
- The Chief could require the business owner to have secure locks on doors that meet certain standards for the security of the building and the safety of employees.
- Chief Lizarraga would require surveillance cameras that will need to record in all areas of the building, and the recordings be kept for a pre-determined amount of time. He could also regulate how much outside lighting each building should have. The background checks for employees would be done through the Department of Justice with the Police Department only receiving the results.
- Peters wondered if the security issue with doors etc. would be required when the architectural draft was submitted, or when the building inspection took place, due to any additional expenses being incurred.
- Perkins stated it would depend on the building. Some buildings may need to be retrofitted. The problem is, there are no existing examples to refer to, and therefore no indication of costs. There are no standard limits on security lighting for example.
- Jones added the whole issue depends on what is placed on the ballot. If the measure/initiative is for recreational use, the value of marijuana would drop. If the value reduces greatly the chances of thefts

or break-ins would diminish. Background checks for employees have scared off some potential applicants for dispensaries, as some prospective employees may have been previously associated with illegal drug activity.

- The City has been implementing a new applicant checklist that includes a pre-application conference, which includes a person from each department in the City that would be involved. The fee for this is \$300, but it has not been charged very often. The meeting explains what is required from the applicant and what the initial costs will be for water, etc.. Once the Use Permit has been applied for, the staff time is included in the cost of any meetings, consulting etc.
- Peters suggested using Chief Lizarraga as a “consultant” for applicants prior to the actual application process so they don’t end up investing time and money into a building that then may need to have numerous changes.
- Dietz was concerned about employee safety and wondered who would test the product and how the product would be tested. It was decided that the Department of Consumer Affairs Public Health would oversee the process. Mendocino County Environmental Health would probably do an inspection prior to opening as well.
- Manufacturing Operations; The Municipal Code already has a comprehensive code regarding manufacturing. There is still the question of how any spent cannabis will be disposed of. It was asked if it would still be “chemically active” when it was disposed of and what chemicals would be used in the process. There is no solution that will work for every manufacturer.
- There is a need to comply with the hazardous material handling, as well as solid waste. The permit applicant would need to provide a business operations plan that would cover these topics to include the delivery and transportation methods that comply with the current regulations. Once submitted, the plan would be circulated to all interested agencies, i.e. Air Quality Management, Fish and Wildlife, Fort Bragg Police Department, Environmental Health, just to name a few. This would allow the agencies to review the plans and also request further information if necessary. The onus would be on the applicant to provide answers to waste disposal questions. Deitz agreed that the current plan makes sense.
- Infrastructure; Having an operations plan available should iron out any kinks. The plan could specify or over manage, but Public Works needs to review it anyway to make sure the project meets standards. Each operation is different, and so having Public Works review it eliminates any additional plans.
- Deitz stated the new Overtime Brewery didn’t know about certain things until the end, so all infrastructure related items need to be looked at ahead of time.
- Jones stated the cost of producing an operations plan can be very expensive. Items can continue to be argued over until the building permit is approved and it is interactive. Having a checklist in place, will assist the applicants as far as being aware of the possible costs to be incurred. Public Works is always the biggest hurdle as their requirements are very specific with what exits the building through the drains. The operations plan may need to be tweaked to match Public Works requirements. Permits are very business specific and so having a business plan submitted may be premature until Public Works have been consulted.
- Some cannabis manufacturing processes are water treated, which then may contain suspended solids. The results can affect the effluent discharge that may cause the City to be fined by the State.
- Peters stated there are impact fees and set up fees that need to be considered.
- Jones stated that property north of GEO Aggregate’s (formerly Baxman’s) does not have City water or sewer services. Having a pre-application conference gets everyone together to discuss issues and all questions get answered, prior to putting in an application. This then ensures that the applicant has answers to the majority of issues before submitting the application, hiring an architect, etc.
- The inland code is being updated, and the matrix format for cannabis manufacturing will be presented to City Council on July 25.
- During the first Council meeting in September the ordinance should be ready to be presented to City Council. If agreed to, an environmental document will be created and the new ordinance will hopefully be read by the Council in November and adopted by early December.
- Applications could be submitted to Public Works and the Police Department prior to the ordinance being adopted and before the use permit is obtained. The application cannot be presented to the Planning Commission until the new regulations are in effect, as per State law. Perkins requests all questions continue to be sent to him.

- There was a commendation of the presentation, deeming it to be very well done, and that it obviously took a great deal of time to produce.

The Public Safety Committee looked to allow the Cannabis Manufacturing to be in the industrial zoned areas with the current Proximity to Sensitive Uses, Use Restrictions, Exterior Restrictions, Odor control, Security and Manufacturing Operations regulations that are already in the Municipal Code. The Committee deemed there be no additional restrictions be added to an already detailed code.

MATTERS FROM COMMITTEE / STAFF

- Lizarraga stated the fireworks display scheduled for July 2nd would have plenty of police presence. There will be three electric motorcycles along with two bicycle patrol officers with two additional bicycle patrol officers from Willits Police Department. The Noyo Bridge will be patrolled and a checkpoint will be at the entry to the Noyo Beach. Viewing areas are available on the South Trail.
- National Night Out is scheduled for August 2nd at four locations around the City including Safe Passage, Bainbridge Park and the Police Department. The event is scheduled to start at 5.00p.m.
- The Cadet Program will be starting soon for youths aged 14 - 20 years old. There will be an orientation for parents. So far there has been a good response. Once trained, the Cadets will be able to provide additional help on special events, like parades.
- A request has been submitted to the Mendocino County Public Safety Foundation for two additional K-9s. To date, Takoda, the Department's first K-9, has had a very positive impact on the Department and the community.
- The Police Department is currently trying to fill the third Community Service Officer position. Interviews for the current applicants are scheduled for July.
- Chief Lizarraga has issued a mandate for officers to continue to do downtown foot patrols. So far there has been a great response from business owners.
- The Fort Bragg K-9 Foundation started by members of the community is doing well. They are visible at community events and they are looking to purchase a ballistic vest for Takoda.

ADJOURNMENT

The meeting was adjourned at 4:27p.m. by Committee Member Peters.