

# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

---

## **Meeting of March 16, 2017**

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1<sup>st</sup> floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Karen Avery, Senior Planner; Davina Smith, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Chairperson Cayler welcomed Paula Bauer to the commission as its newest member. Commissioner Bauer is representing District 2.

### Approval of the Agenda

The Agenda was approved with no additions or deletions.

### Approval of the Minutes

The minutes of the regular meetings of January 5, January 19, and February 16, 2017 were approved as prepared.

### Items from the Public

There was no one from the public wishing to speak.

### Regular Calendar

Item No 1-

**PUBLIC HEARING** to consider a proposed ordinance to amend Chapter 28 (Zoning Regulations) to regulate non-commercial cultivation of marijuana and cannabis for personal and caregiver use in all zones that allow a residence as a primary use and determine whether to recommend that the Board of Supervisors adopt such an ordinance. The purpose of the proposed ordinance is to bring the County's zoning regulations for personal cultivation in conformance with the Medical Cannabis Regulation and Safety Act (MCRSA), and the Adult Use of Marijuana Act (AUMA).

The Planning Commission will also consider whether to recommend to the Board of Supervisors that the project (zoning ordinance) is exempt from further environmental review under the General Rule Exemption of Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment.

Karen Avery gave a brief summary of staff's written report. She indicated that based on input from the public and discussion by the Planning Commission during the hearings held November 17, 2016, January 19, 2017, and a Community meeting held February 8, 2017, staff has prepared a draft ordinance addressing indoor and outdoor cultivation of cannabis for personal and caregiver cultivation.

Ms. Avery continued by stating that the purpose of regulating personal cultivation and medical cannabis cultivation is to alleviate or minimize possible negative impacts that arise from this activity. Staff presented a list of possible regulatory options to the Commission on January 19<sup>th</sup> for consideration. These options were discussed one-by-one by the Commission and the proposed draft regulations reflect that discussion. The draft regulations separate personal cannabis cultivation standards from caregiver cultivation standards due to the size of the grow sites. Ms. Avery briefly described the key areas addressed in the updated draft ordinance based on Commission and public input received.

The staff report also noted that the current interim urgency ordinance does address personal cultivation as defined by MCRSA and AUMA; however, staff believes separating personal cultivation from the possibly of regulating commercial cannabis businesses as the most appropriate way for the County to consider regulating cannabis under the new state laws. Staff is continuing to conduct research in regards to drafting commercial cannabis regulations for the review of the Planning Commission.

Staff asked the Planning Commission to review and recommend adoption to the Board of the Personal Cannabis Cultivation Ordinance addressing personal cultivation specific to MCRSA and AUMA.

Commissioner Rhoads-Poston spoke with regard to the requirement restricting artificial light from being visible from outside. She felt the language should be clarified since it would depend upon the window dressing as to how much light would be visible. Ms. Rhoads-Poston suggested alternate phrasing such as drapes shall remain closed.

Commissioner Bauer inquired about necessary permits and associated fees. Ms. Avery responded that a caregiver permit is an annual requisite and would cost \$589. She said there is no permit required for recreational use, only for the larger caregiver cultivation. Commissioner Bauer asked about the tours that staff had mentioned. Ms. Avery noted that the plan is to visit an indoor nursery, an edible manufacturer and a testing lab facility.

Commissioner Hollingsworth asked staff to define what the presentation on track and trace will entail. Ms. Avery explained that Track and Trace is a system that the California Department of Food and Agriculture is looking at for tracing plants from nursery stock to delivery to retail sales. She noted that each plant will have an identifier tag and that tag will follow the plant throughout the entire process.

Davina Smith elaborated further about the Track and Trace program. She said the State put this requirement into the MCRSA and the AUMA with the idea being to prevent diversion into the black market or out of state, and also to track for taxation purposes, as well as making sure that the marijuana being purchased is the exact product being paid for. Ms. Smith commented that Humboldt County is the first out of the gate with a pilot program, with Yolo County recently

starting up as well. They are looking at revenue and at trying to insure the non-diversion and the safety of the product. The hope has always been that if a city or county engages in a track and trace program that it will be fully integrated with the system the State decides to adopt.

Since there were no further questions of staff, Chairperson Cayler opened the public hearing.

William Hampton, 1702 Ventura Way, Suisun, stated that he objected to there being any setbacks from property lines because it would put severe limits on small residential lots. He commented that it is required the plants be out of sight and secured anyway. He objected to mandatory light restrictions, noting that quality lighting is needed in order to develop a healthy plant. He objected in advance to any mandatory exclusion that is imposed that prevents cannabis plants from being grown outside. Mr. Hampton did not agree with the requirement of a county issued medical card and believed a qualified medical physician should be able to issue the card. He also voiced his objection to county inspections of residences, sheds or alternate buildings for building or electrical code compliance because those requirements would have already been met. Mr. Hampton stated that he is also against any track and trace methodology or testing of personal use marijuana, saying that it is an unnecessary burden put upon the citizens of California and of Solano County.

Jerome Dawson, 8039 N. Meridian Road, Dixon, spoke with regard to the Compassionate Use Act of 1996. He stated that the Act's intent is to provide affordable medication to patients that need it. He noted that he received his county medical card 15 years ago at a price of \$200. He said he is a member of a cooperative and he is the sole provider of marijuana for that group. He stated that every plant he grows is tested and he has done testing every year for the past 10 years. Mr. Dawson explained the reason for bar coding of the plants is because in Colorado there was a significant amount of marijuana found in dispensaries that were identified as containing pesticides. He noted that the product then had to go back to the grower and the grower was responsible for destroying the product. Mr. Dawson said that the proposed restriction placed on the growing area is not an acceptable one because it is inadequate.

Mike Yankovich noted for the record that the discussion tonight with regard to personal cultivation does not include testing of the product. He said testing would be a topic of discussion under the consideration of commercial cultivation.

Toni Tucker, 742 Laurel Way, Rio Vista, stated that she is the prevention coordinator for the Rio Vista ATOD Alliance which is a group of stakeholders focused on limiting access of marijuana to youth in the community. She is concerned about the youth and wanted to talk about some of the dangers of indoor personal grows such as health issues due to mold and the use of harmful pesticides and fertilizers, potential property damage, and poor air quality. Ms. Tucker encouraged the commission to include in the ordinance the requirement for an air filtration system. She said research shows that it is difficult to control chemical contamination and urged the county to err on the side of caution and safety.

Darrell Ogden, 960 Rolling Green Drive, Rio Vista, spoke of his concern for the safety of the youth in his community and suggested that the commission put a height requirement on the fence for an outdoor grow site so that it would be screened.

Since there were no further speakers, Chairperson Cayler closed the public hearing.

Commissioner Walker referred to the regulations listed on page 5 of the ordinance. He said he felt the issue of screening was adequately addressed and did not believe there needed to be a specific height requirement for the fence.

Commissioner Bauer stated that some of what the speakers have said resonated with her such as how setbacks can be restricting; the issue of acquiring a medical card from the county vs. a primary care physician; county inspections of outdoor buildings when there is already a planning department that regulates this activity; and the cost of necessary permits. Ms. Bauer stated that given there is an upcoming tour, she voiced her desire to hold off on voting tonight to allow the commission further opportunity to gather additional information. Commissioner Bauer recognized that she has not been involved in this matter to the extent as the other commissioners, but she believed there is some value in doing a comprehensive scheme that includes both commercial and recreational as opposed to a piecemeal approach.

Mr. Yankovich explained that the Board of Supervisors had indicated that they wanted the personal cultivation piece of this matter concluded before moving on to the commercial aspect. Mr. Yankovich stated that with this direction, staff has spent a number of meetings trying to refine the standards that are before the commission tonight.

Commissioner Walker said that he wanted to acknowledge the large volume of information the commission has digested. He commented that there have been various presentations and numerous public speakers. He said that in his mind the commission has taken this in a very different direction than where it initially started, especially in the last meeting when the commission examined the standards item by item to finalize the minimum requirements. Commissioner Walker said that he was pleased with the ordinance as proposed and was ready to move it forward to the Board.

Commissioner Hollingsworth stated that the commission has had numerous versions of this ordinance to review and he believed the commission's questions and concerns have been addressed. Mr. Hollingsworth pointed out that the commission is only making recommendations and that the Board has the final approval. Commissioner Hollingsworth suggested to the audience that anyone who is interested in this subject matter should attend those Board meetings and provide input if they so desire.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Hollingsworth to recommend that the Board of Supervisors adopt the proposed amendments to the zoning code and enact the revisions to Chapter 28, and find this project is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment. The motion passed 4-1 with Commissioner Bauer dissenting. (Resolution No. 4643)

## **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.