

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

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## **Meeting of July 6, 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; Matt Walsh, Principal Planner; Karen Avery, Senior Planner; Davina Smith, Deputy County Counsel; and Diane Gilliland, Acting 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.

### **Approval of the Agenda**

The Agenda was approved with no additions or deletions.

### **Approval of the Minutes**

The minutes of the regular meeting of June 1, 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 recommendation to the Board of Supervisors on the following items: 1) Adoption of minor revisions to the Middle Green Valley Specific Plan; and 2) Approval of revisions to the Mitigation, Monitoring, and Reporting Program (MMRP) for the Middle Green Valley Specific Plan project. (Project Planner: Matt Walsh)

Matt Walsh briefly reviewed staff's written report. The Middle Green Valley Specific Plan and related approval documents allow for the development of up to 400 residential units and some neighborhood commercial uses in the area north of the Fairfield city limits near Green Valley and Mason Roads. The Plan has been the subject of two rounds of litigation between the County and the Upper Green Valley Homeowners (UGH) over the course of the last seven years. To expedite the completion of the litigation process, the parties entered into a Settlement Agreement.

The Green Valley Agricultural Conservancy (GVAC) and the Middle Green Valley Landowners are also parties to the Settlement Agreement. The Agreement was provided to the court at its April 12, 2017 hearing, and the court discharged its Writ of Mandate. While there are certain obligations of all parties involved, the County is required to revise its Mitigation, Monitoring, and Reporting Program, consistent with provisions of Attachment B to the Agreement.

Certain aspects of the MMRP revisions are appropriate to be incorporated into the Specific Plan itself, as described in the report. Additionally, since the Specific Plan is about seven years old since its original drafting, the County is proposing minor revisions to the text and land use table which provide greater clarity to the document and will assist the visions of the Plan to be realized. These proposed changes are considered non-substantive in nature and an addendum to the previously certified EIR is recommended.

Mr. Walsh noted that there were additional updates to the Specific Plan that were provided under separate cover to the commission prior to the hearing. Those updates included a minor revision to Land Use Table 3-4; Section d(2) and a clarification to Footnote #6 following Table 3-4. Staff recommended in favor of the proposed amendments.

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

Anthony Russo, 4125 Green Valley Road, Fairfield, spoke on behalf of several Green Valley landowners who voiced support for the proposed revisions. He thanked staff for working with the landowners over the years noting that this has not been an easy project to get accomplished. Mr. Russo talked about the context of the plan mentioning that this has become a model plan in showing how to address the urban edge of a community. He said the plan creates an agricultural community with the intent of the homes in that community to support and help continue indefinitely the agricultural viability of the project. He likened the community to that of St. Helena in the Napa Valley because it is structured and compact. Mr. Russo stated that the community is looking very forward to getting this project underway.

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

A motion was made by Commissioner Walker and seconded by Commissioner Bauer to recommend that the Board of Supervisors adopt minor revisions to the Middle Green Valley Specific Plan and approve a revised Mitigation Monitoring and Reporting Program for the Middle Green Valley Specific Plan, including the additional changes recommended by staff. The motion passed unanimously. (Resolution No. 4647)

#### Item No. 2

**STUDY SESSION HEARING** on commercial cannabis and medical cannabis laws and regulations. No formal action or recommendation will be made. (Project Planner: Karen Avery)

Karen Avery provided an update on the status of the staff research being conducted on the commercial aspects of the cannabis industry. Davina Smith provided an update on the state laws regulating recreational and medical cannabis. The update included a summary of the Trailer Bill which was recently signed into law.

Commissioner Walker referred to staff's part of the presentation that spoke to emergency rule making. He wanted to know who creates these emergency rules.

Ms. Smith explained that the individual agency charged with their area will invoke the emergency rule making procedures. She said there is a State of California Office of Administrative Law that would review the packet of information. The agency would have to provide justification for why it has to be emergency rule making as opposed to regular rule making. The emergency rules would cover in the short term but eventually full regulations would need to be provided.

Commissioner Walker asked if there is anything that specifies the timeframe for accomplishing the fully vetted regulations. Ms. Smith said she believed the time limit on the emergency regulations was a maximum of 180 days. She said the idea is the agency would obtain the emergency regulations to perform day-to-day operations, but would also be working on the regular rule making.

Ms. Avery informed the commission that the next step is to return to the Board of Supervisors with a report and to possibly receive direction regarding commercial cannabis regulations. She said staff expects to return back before the Planning Commission in August with a preliminary draft of commercial cannabis regulations with hopes in finalizing the regulations with the Commission in September then following up with the Board in October.

Commissioner Bauer referred to the issuance of temporary licenses and the need for permits. She wanted to know if a limited immunity constitutes a permit. Ms. Bauer noted that the City of Vallejo have given limited immunity. Davina Smith said that from her interpretation of what she has read is that it will come down to what the local jurisdictions say. If they are communicating to the State that this is the equivalent of their local approval, then an operator would probably be able to apply for a temporary license. She believed that the State is going to be looking to local jurisdictions and what they consider to be approved or not approved.

Chairperson Cayler opened the floor for public comment.

Dr. Marian Fry thanked the commission for moving forward and appreciated the thoughtful consideration being given to this matter. She said this is going to be a wonderful and positive achievement for medical marijuana patients. Dr. Fry stated that there is some confusion with regard to recreational vs medicinal usage and its enforcement. She said from the medical standpoint the most important thing to realize is that medicines are prescribed for patients in order to encourage their health and also to limit the amount of toxicity from pharmaceuticals. Dr. Fry stated that cannabis is a healthier alternative and needs to be available to help people.

Commissioner Hollingsworth spoke of a personal experience with a family member dealing with a medical issue and that the family member was prescribed cannabis in pill form. He wanted to know why this was not a more common practice in prescribing the medicine.

Dr. Fry spoke of her own personal experience commenting that she is a cancer survivor and when she was prescribed the medicine it was in capsule form, but she could not keep it in her stomach and that is why she needed to have smoked medicine. In addition to that, she explained that different patients require different treatments. She said the THC can elevate one's mind and mood to help with depression or chronic pain or someone facing a life threatening illness. She said that cannabis is an herbal medicine and is safer than pharmaceutical drugs. She said the method of cannabis in a pharmaceutical form is not as

effective if it is needed as an antidepressant or for rapid action or anti-nausea and that is why there is a need for the availability in all the aspects of the medicine.

Deanna Garcia, 2920 Marysville Blvd., Sacramento, stated that she is a cannabis farmer in the City of Sacramento. She said she is registered and provides tours to city, county and state officials, as well as neighborhood and community associations who are interested in learning about organic cannabis farming and how it is produced and where it comes from before it goes to the testing labs and then to the dispensaries. Ms. Garcia said that she is interested in opening a medical dispensary in Solano County. She invited the commissioners to come and tour the Sacramento facility.

Kimberly Cargile, director at A Therapeutic Alternative, Sacramento, stated that her medical cannabis dispensary is licensed by the City of Sacramento. She said they have been in operation since 2009 and are located near McKinley Park and across the street from a Montessori school. She commented that there has never been a single incident of a child who has knocked on their door trying to obtain marijuana. She noted that marijuana use in the park or at McKinley Elementary School has not risen, which she confirmed by obtaining statistics from the City of Sacramento. Ms. Cargile commented that they also have not had problems with crime in the many years they have been located there. She encouraged the commission to come and tour the facility to view what she called a well-run dispensary. Ms. Cargile said that they are a positive impact on the community and have acquired many letters of recommendation from their neighbors. She spoke briefly with regard to how the cannabis is made, tested and treated. Ms. Cargile commented that many Solano County residents use their facility. She said the reason why this industry exists is because there are patients that need safer medicine and safe access to that medicine.

Commissioner Bauer wanted to know the percentage of customers coming from Solano County. Ms. Cargile said that she would have to analyze their database but estimated that it is in the thousands.

Haley Andrew appeared before the commission and stated that she works at A Therapeutic Alternative and is also interested in opening a medical cannabis dispensary in Solano County. She said medical cannabis users should have the ability to get properly tested medicine and not have to go someplace where the facility would be considered to be less than the standard in the industry.

Commissioner Bauer asked Ms. Andrew if she considered the Vallejo dispensaries to be less than standard. Ms. Andrew responded by saying that it is important for a facility to test their medicine properly and to educate their patients. She said in taking tours of other dispensaries, the education is not always there. She commented that many of their patients are 45 years and older and the reason being is that they have gained the respect of the community because they provide a good education about the medicine and how to properly use it. In response to Commissioner Bauer's second inquiry, Ms. Andrew responded that she has not toured any of the dispensaries located within the City of Vallejo.

Chairperson Cayler commented on how helpful all of the correspondence has been that the commission has received and that the commission has learned a lot in these study sessions. Commissioner Rhoads-Poston thanked staff for a very informative presentation.

Commissioner Walker echoed the sentiments that staff provided a very informative presentation. He commented that he was able to attend one of the road tours offered by the County in which they visited two facilities in the City of Oakland and a testing facility in the City of Berkeley; all three being very different and very serious enterprises. He commented that the edible manufacturer is not what he would have expected noting how they used hair nets and gloves and worked in very clean areas and with protective clothing. Mr. Walker said he saw a lot of pride in workmanship and that was very impressive to him. He spoke about the indoor nursery and how impressed he was because the facilitator was a true botanist and it was amazing the special care they took of the plants. He stated that the testing lab was interesting and he could tell that it was a complete testing room with secure rooms and expensive machinery. Commissioner Walker said that what he took away the most from his experience was how professional it all was.

Commissioner Walker made personal reference to a recent trip he took to Colorado and how in downtown Denver cannabis is available in retail facilities. He noted that they did not necessarily make the distinction between medical and recreational use. He said while visiting in Aspen, he noticed cannabis offered in a retail outlet, equating it to something like being on Rodeo Drive in Beverly Hills with a public promenade and all kinds of eateries and expensive retail outlets. He said it was very interesting to see how they have incorporated every aspect of cannabis into their retail sight lines. Mr. Walker said for him he would be interested in hearing more on this subject or perhaps attending the Sonoma County Dirt to Dispensary Workshop event that staff had mentioned. He said he looked forward to the continuing conversation on this subject matter.

Chairperson Cayler thanked everyone for their time and participation.

#### **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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