

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of August 2, 2018

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

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

EXCUSED: Chairperson Cayler

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

Vice-Chairperson Rhoads-Poston 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

There were no minutes available for approval.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No. 1

PUBLIC HEARING to consider whether to recommend to the Board of Supervisors the adoption of an ordinance establishing a permanent prohibition of the establishment of commercial cultivation of medicinal and recreational (non-medical) cannabis; the commercial delivery, distribution, transportation, manufacturing, retail operations, microbusinesses, events, and testing facilities for medicinal cannabis and recreational (non-medicinal) cannabis within the unincorporated territory of the County of Solano.

Karen Avery provided a brief presentation of staff's written report. The report stated the Board of Supervisors adopted an interim urgency ordinance establishing a 45-day moratorium on all commercial cannabis activities on December 6, 2016. Under Government Code section 65858 (a), the Board of Supervisors extended the urgency ordinance for 10 months and 15 days on January 10, 2017. Under Government Code section 65858 (a), the Board of Supervisors approved a final one-year extension of the urgency ordinance on November 14, 2017. The

interim urgency ordinance will expire on December 6, 2018. It is important to have an ordinance in place addressing cannabis activities prior to the expiration of the interim urgency ordinance. Establishing the permanent prohibition ordinance does not limit future amendments to this ordinance as further changes to the state cannabis regulations are being contemplated, which may result in the need for the county to make changes to the county's cannabis regulations. Staff recommended that the Planning Commission consider the proposed ordinance and recommend approval to the Board of Supervisors.

Since there were no questions of staff, Vice-Chairperson Rhoads-Poston opened the public hearing.

Jeff Dittmer appeared before the commission and spoke on behalf of the Solano County Farm Bureau. He stated that the Bureau supports the proposed ordinance and he complimented staff for all their hard work. Mr. Dittmer stated that the Farm Bureau believes commercial marijuana grows are not a good fit in the agricultural area and would probably not be a good neighbor. He said this use is mostly a commercial type of endeavor and given Solano County's policies, it is better fit within the cities.

Eleanor MacMakin, Vacaville, spoke against the aspect of commercial cannabis but asked that the commission take into consideration the "mom and pop" domestic home occupation, especially within agricultural zones. She commented that one of the concerns is of fire in the watershed district and the best form of prevention would be if the county encourages the right land stewards who can sustain themselves on their parcels. Ms. MacMakin stated that recreation is the major function in the watershed area and the general plan and zoning should be used for the prevention of overdevelopment, but safety must be maintained and that cannot be done if there are barren vacant lots of land.

Commissioner Walker asked Ms. MacMakin her definition of a "mom and pop" business. Ms. MacMakin stated that she guessed she would describe it as a home occupation. She said it would include those people who have the knowledge to breed the plant varieties and produce drought tolerate yields.

Commissioner Hollingsworth commented that there would need to be some type of a defining factor between the mom and pop and a commercial operation. For example, the number of pounds that could be produced. He asked Ms. MacMakin if these mom and pop shops would sell their product or would it be for personal use.

Ms. MacMakin said she believed there is terminology specific to the industry and she did not know if the word sell is a part of that terminology. She said her reason in speaking tonight is to note that this is a topic that should not be shut down, although it does need clear and concise regulation.

Since there were no further speakers, Vice-Chairperson Rhoads-Poston closed the public hearing.

Mike Yankovich commented that the county does make allowance for personal and caregiver use. It is not a commercial venture, but it does provide for the small user. Mr. Yankovich noted that as this ordinance is currently written it would allow for the County Fairgrounds to host a cannabis event.

Davina Smith, Deputy County Counsel, explained that the definition of commercial cannabis activities that appear in this proposed ordinance does not include temporary cannabis events. She made note of a Business and Profession Code Section that provides temporary licenses which can only be issued in a local jurisdiction that authorizes such events. The ordinance would not preclude that from eventually happening if the Board chose to do that. Ms. Smith noted that this activity would not be a land use issue and so it would not come before the commission to determine whether the fairgrounds could or could not host these events.

Commissioner Walker thanked staff for their efforts. He said throughout the past year he has embarked on a great education on this subject matter. He fully appreciated the county hosted road tours of facilities in Berkeley, Oakland and in Yolo County. He said through those visits he learned a lot about cannabis as a commodity as opposed to how he grew up thinking about it. With that knowledge, Mr. Walker said he found cultivation in his mind to be an agricultural use. He said he finds that manufacturing, distribution, testing and the like to be ag processing uses of which the county does have areas zoned for. Commissioner Walker stated that in deference to the staff recommendation and certainly with all due respect to the Board of Supervisors, he would not be recommending this ordinance or any prohibition at this time.

Commissioner Bauer commented about the tour she took in Yolo County and how there were sixty-three one acre grows that resembled something much like apple orchards and vineyards. Ms. Bauer stated that she felt it to be unwise for Solano County to walk away from that potential revenue stream and the jobs it would create. She said that she also will not support the proposed ordinance.

Commissioner Hollingsworth stated that he would support the ordinance. He said the Board did not mince words when they said they wanted a prohibition. He pointed out that it appears the cities who have the police force to administer this type of use will be able to handle it, adding that there will not be a lack of suitable property to build these types of businesses. Commissioner Hollingsworth did not believe the county needs to take on the responsibility to try and police this type of activity.

Commissioners Rhoads-Poston said she agreed with Commissioners Walker and Bauer. She said that California voted to make it known that they wanted this, and it is the commission's job to help allow it. She said she would like to see this matter move forward.

A motion was made by Commissioner Hollingsworth to recommend that the Board of Supervisors approve the proposed ordinance amending Chapter 28 (Zoning Regulations) establishing a permanent prohibition on commercial cannabis activities, including commercial cultivation of medicinal and recreational cannabis; the commercial delivery, distribution, transportation, processing, collectives, cooperatives, manufacturing, retail operations, microbusinesses, and test facilities of medicinal and recreational cannabis in the unincorporated areas of Solano County. The motion died due to the lack of a second.

A motion was made by Commissioner Walker and seconded by Commissioner Bauer to recommend to the Board of Supervisors that they not adopt the staff recommended ordinance. The motion passed 3-1 with Commissioner Hollingsworth dissenting. (Resolution No. 4659)

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

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

DRAFT