



March 1, 2017

**MINUTE ORDER
LAKEPORT PLANNING COMMISSION
REGULAR MEETING
(February 8, 2017)**

**PUBLIC HEARING TO REVIEW PROPOSED ZONING ORDINANCE AMENDMENTS TO
CHAPTER 17.38, MEDICAL MARIJUANA CULTIVATION TO PERMIT PERSONAL
CULTIVATION OF CANNABIS.**

Community Development Director, Kevin Ingram briefed the Planning Commission on the working group which recommended amendments to the Zoning Ordinance as it relates to cultivation of marijuana for non-commercial personal use.

Associate Planner, Dan Chance presented the Planning Commission with a Power Point Presentation regarding the discussion of cultivation of marijuana for non-commercial personal use.

Commissioner Wicks advised there needs to be a process in place that can validate whatever is decided so that the General Plan's Sensitive Receptors Policy C 3.2 is adhered to.

Commissioner Green provided a handout to the Planning Commission of his comments to Chapter 17.38 of the Lakeport Municipal Code.

Commissioner Froio expressed his concerns regarding grows near schools and daycare centers. He also expressed his concern about people having landlord permission.

Public hearing opened at 5:48 p.m. Howard Hultz, Lakeport citizen spoke.

Chief Rasmussen advised there haven't been any major problems to speak of with the current Medical Marijuana Cultivation Ordinance. He stated there has been a handful of complaints, but any major issues that we've had haven't been related to medical cultivation.

Public hearing closed at 5:55 p.m.

Commissioner Russell was concerned regarding a property owner's rights to refuse a tenant to grown on their property. She asked what requirements, if any, would be needed for a building permit for lighting for indoor grows.

Commissioner Green stated the City of Sacramento's current ordinance allows up to 3800 watts, compared to 1200 in current.

Public hearing reopened at 6:18 p.m. Lakeport Citizen Howard Holtz spoke in favor of City's efforts and proposals. Public hearing closed at 6:20 p.m.

Commissioner Green asked if it is a not permitted structure and they want to run electricity for filtration, what permits would be required. He also asked if the proposed ordinance would require a special cannabis permit or would they only pull an electrical permit.

Community Development Director Ingram stated in reading Eureka's ordinance it appears they have a specific cannabis permit process. He advised this process may be the easiest way to go to ensure, through inspections, that the setup meets all the public and safety requirements.

Public hearing opened at 06:35 p.m. Citizens Howard Holts and Ken Syphax spoke. Public hearing closed at 6:50 p.m.

The Planning Commissioners decided on the following:

Number of Plants: Agreed upon by consensus (5-0)

AUMA allows six marijuana plants to be grown onsite (residential property). The City's Medical Marijuana Cultivation allows 80-square feet, the Working Group supported continuing that criteria. Example: This would allow the potential for six mature plants, six seedlings...

Outdoor Cultivation: Agreed upon by consensus (5-0)

The City's current Medical Marijuana Cultivation ordinance does not allow for outdoor cultivation; the Working Group recommends not allowing outdoor grows.

Indoor Cultivation: AUMA allows cultivation inside the primary residence as a use by right.

Commissioner Wicks suggested a possible dedicated space within a residence based on a reasonable square footage footprint of the structure. Allowing the home owner to have ability to use one room that is reasonable not to exceed the 80 square foot.

Commissioner Wicks suggested maybe allowing an as-built insert instead of altering the footprint of the structure. Commissioner Green advised there commercially available grow kits that are made to be self-contained with venting and electrical.

Commissioner Green advised he has seen ordinances which state you either have to go through the process of adding wall covering requirements that controls moisture and mold or use a commercially available kit that would mitigate a lot of impacts.

Commissioners requests the Working Group come back with some recommendations on what would be allowed inside a primary residence in regards to indoor cultivations of marijuana.

Commissioner Green advised for the attorney, request a reasonable exception would be that all marijuana plants be located within a detached and **fully** enclosed structure.

He also advised regarding the condition which reads "All structures used for marijuana cultivation shall have a ventilation and filtration systems that prevent odors." to add the allowance of the use of a commercial kit that has these self-mitigated factors included.

Commissioner Green suggested there may be consensus on the Commission that they like the current approach for the current Medical Marijuana Ordinance that allows detached structures for cultivation. He

stated he believed what the Commission was being tasked with was additional provision for indoor cultivation that is not allowed under the current ordinance which is a use by right under proposition 64. He believes that the suggestions the working group made are a good starting point.

Commissioner Green suggested the following:

- They like where there at regarding the detached structures with the additional criteria for green houses.
- They would also need criteria for Indoor cultivation that would include two types one converting a room in the residence to include wall covering requirements that controls moisture and mold. The second would be to include the use of commercial or pop up cultivation kits, however more research will be needed.

Agreed upon by consensus. (5-0)

Permitting Process:

Commissioner Wicks asked staff what the consensus of the working group was on why they felt a permit process was necessary. Ingram advised to know where these locations are as we don't have record of where they are located. Ingram stated the other aspect was, as we allow these indoor grow areas there is a greater risk.

Chief Rasmussen stated from a police standpoint, the permitting process will allow them to ensure people were following the proper regulations, the rules were being followed, and that there were no health and safety issues in the home.

Ingram stated the easiest way would be if the person would get an electrical or building permit and then an inspection would be done to ensure the safety of the operation. However, if staff has to inspect specific site plans that detail the grow operation it would have to be done through the Land Use permit process.

Chance advised that an option could be that the Commission could adopt the existing process and in two years down the road to come back and see whether we want to incorporate a permit process. Since marijuana compliance is complaint driven. If we get several complaints in that time we can reevaluate the permit process.

Commissioner Green stated he understand the goals of what we want to accomplish, however there is a disconnect between the permit process and the cost benefit analysis. He stated the City of Clearlake has a cannabis specific permit process in place and he would open to meeting with them to discuss it.

Commissioner Russell asked if the medical marijuana structure guidelines currently on the City's website could be modified to include safety information regarding electrical requirements. Commissioner Wicks suggested also adding what could happen administratively if the guidelines aren't followed.

Ingram advised he will contact both the building official to see how difficult it would be to amend our current hand out and see if we can make a best management practice sheet for cultivation within a home. He stated he will also consult with the City attorney to get some clarification on the information the Commission has provided.

Commissioner Wicks stated that the motion suggested in the staff report should be amended because there was no definitive format agreed upon.

Commissioner Green moved to initiate, through a minute order the Planning Commission, recommended amendments to Section 17.38 of the Zoning Ordinance to include possible development standards and permitting procedures for the cultivation of cannabis for non-commercial use on residential properties consistent with provisions of AUMA and MCRSA. Motion seconded by Commissioner Russell and carried by voice vote. (5-0)

Respectfully submitted,



Kevin M. Ingram
Community Development Director