



**CITY OF LAKEPORT  
PLANNING COMMISSION  
SPECIAL MEETING  
October 25, 2017**

**MINUTES**

**CALL MEETING TO ORDER AND ROLL CALL:** Vice Chairman Russell called the meeting to order at 5:00 p.m. with Commissioners Wicks, and Froio present; Chairman Taylor was absent. Also present were Community Development Director, Kevin Ingram, Associate Planner, Dan Chance, Chief of Police, Brad Rasmussen and Administrative Specialist, Linda Sobieraj. Vice Chair Russell passed the responsibility of chairing the meeting to Commissioner Wicks.

**ACCEPTANCE OF AGENDA:** A motion was made by Commissioner Russell, to accept the agenda as posted; seconded by Commissioner Froio and carried by voice vote (4-0) to accept the agenda.

**COMMUNICATIONS:** Community Development Director Ingram advised there was no citizen input outside the posted agenda.

**CONSENT AGENDA:** A motion was made by Commissioner Green, to accept the minutes; seconded by Commissioner Froio, and unanimously carried by voice vote (4-0) (Minutes from the Special Meeting of Planning Commission September 20, 2017).

**REGULAR AGENDA:**

**City of Lakeport -ZC 17-01**

Community Development Director Ingram briefed the Planning Commission on the amendment to Chapter of 17.28 Performance Standards, Chapter 17.11 Service Commercial (C-3), Chapter 17.13 Industrial (I), and Chapter 17.37 Definitions of the Zoning Ordinance to address Commercial Cannabis in the City of Lakeport. Ingram stated they included input received from previous meetings, including a meeting staff had with Commissioner Green.

Ingram advised the only item that was new to the discussion was if the City will allow cannabis permits to transfer between owners if it remains in the same location but a change in ownership occurs. Ingram stated in speaking with the City's attorney and researching other agencies, there was another solution which was to remove the Performance Standards regulation from the Zoning Ordinance and place them in another area of the Municipal Code. Ingram advised the most appropriate area would be in Title 5 with Business Licenses and Regulations.

Public hearing opened at 5:14 p.m. Gerome Strach, Lakeport Residence, Stan Jones, Lakeport Resident Steve Jones, Lakeport Residence; Ruby Jones, Lakeport Residence;

Kapone Curry spoke. Items discussed were increased crime related to Cannabis, appropriate Zoning areas, impacts on Law Enforcement, the community resources.

Acting Chair Wicks called for a break at 6:40 pm. Resumed at 6:49 p.m.

Public hearing closed at 6:49 p.m.

Commissioner Wicks advised do to the many items to be discussed they would be grouped into similar areas.

Commissioner Wicks initiated discussion including buffers for daycare and potential for retail in the Central Business area.

Public hearing opened at 7:24 p.m. Stan Jones, Kim Beall and Craig Shell spoke. Public hearing closed at 7:42 p.m. Items discussed were concerns on retail placement, if allowed.

Commissioner Wicks suggested to keep the buffer zone at 600 feet for all identified sensitive uses so that it was consistent. A consensus to limit the buffer to K-12 schools and not include Mendocino College in the buffer area was agreed upon.

Commissioner Wicks initiated discussion Permit Ownership Transfer.

Commissioner Green stated he would like to see a Use Permit for cannabis operations that runs with the land. Community Development Director Ingram stated whether or not to allow the permit to run with the land had come up in the Cannabis working group's meetings. Ingram advised if regulations remained within the Zoning Ordinance, the City's legal standpoint would be first the permit would run with the land. Ingram stated if the intention was to make the permit non-transferable, they would need to look at locating it outside of the Zoning Ordinance.

Ingram stated the Use Permit for Cannabis operation would remain; however, the business owner would have to reapply for the operations permit and do the appropriate background checks with the Police Department. Ingram advised that would give more room to exercise the police powers if they do not comply and revoke a license.

Public hearing opened at 7:58 p.m. Kopone Curry spoke regarding retail sales and Use Permit. Public hearing closed at 8:00 p.m.

Commissioner Green motioned for consensus to transfer Commercial Cannabis regulations out of the Zoning Ordinance to Chapter 5 of the Lakeport Municipal Code. Consensus in favor (4-0).

Commissioner Wicks initiated discussion including Store Front Retail, Microbusinesses and Application Selection Criteria.

Public hearing opened at 8:20 p.m. Public hearing closed at 8:21 p.m. with no input.

Following general discussion, the Planning Commission made the following recommended changes to Commercial Cannabis Retailers Standards 17.28.010.FF.7:

- 1.a.iv. Storefront retail with onsite consumption – limit to C-3 and I zoning districts with City Council Approval.
- 1.a.v. Microbusinesses with retail included - limit to C-3 and I zoning districts with City Council Approval.
- 1.b.i. Change to read: “No more than two(2) cannabis retailers shall be permitted within the City **Limits** at any one time”.

Public hearing opened at 8:44 p.m. regarding application criteria. Closed no input 8:45 p.m.

Commissioner Wicks initiated discussion on Appropriate Zoning Districts.

Community Development Director Ingram stated the Commercial Cultivation on the Zoning Matrix should also include the C-3 and Industrial districts with a Use Permit.

Planning Commission made the following recommended changes to the Cannabis Regulation Matrix:

- To include C-2 Major Retail and PO Professional Office for “Testing” Permit Type.
- Separating Manufacturing Types 6 (Manufacturer 1 for products not using volatile solvents) & 7 (Manufacturer 2 for products using volatile solvents). Zoning Districts for State License Type 6 to be C-3 and Industrial and State License Type 7 to be I Industrial only.
- “Retailers” Permit Type to include C-2 Major Retail, C-3 Service Commercial and Industrial.

Acting Chair Wicks called a break at 9:02 p.m. Reopened meeting at 9:09 p.m.

Commissioner Wicks initiated discussion on Background Checks.

Community Development Director Ingram advised that staff met with Commissioner Green after the last Planning Commission meeting and incorporated changes to the Performance Standards. He stated the changes were indicated in bold lettering.

Consensus to amend the City's Performance Standards to align with the State's Business and Profession code 26057 regarding background checks.

Commissioner Wicks initiated discussion on Pesticide Regulations.

Consensus to replace the reference to the Lake County Ag Commissioner to instead read “To adhere to California Pesticide Management Regulations” under Pesticide Regulations.

Commissioner Froio advised of a change to Performance Standards 17.28.010.FF.g.iii.h Public Health and Safety Provisions to read “*The annual performance review report shall include inspection by City, if there are no violations of the permit or state license during the first two years, the inspection frequency will be annually.*” Consensus was reached to require inspections each year for all facilities.

Commissioner Wicks initiated discussion on Review of Manufacturing Facility by Engineer.

Consensus regarding Section 17.28.010FF.4.b.viii review of Manufacturing Facility by Engineer to remove it completely as it has to comply with the Building Code and if the Building Code requires it to be reviewed by an engineer the type of engineer would be specified.

Community Development Director Ingram briefed the Commission on the affect of the County Ordinance Exclusion Area.

Public hearing opened at 9:18 p.m. Closed at 9:19 p.m.

Planning Commission requested staff to prepare a revised ordinance incorporating all recommended changes by the Commission to be presented for review at the November 8, 2017, regular meeting of the Planning Commission.

**COMMENTS FROM STAFF AND COMMISSIONERS:**

Commissioner Green advised the City of Clearlake was having a meeting regarding their commercial cannabis ordinance on October 26, 2017.

**DISCUSS AND SET THE NEXT MEETING DATE:**

Next regular Planning Commission meeting November 8, 2017, at 5:00 p.m. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

KEVIN M. INGRAM  
Community Development Director

These are the summary Minutes of the Planning Commission meeting. A recorded tape of the meeting is available at the Community Development Department at Lakeport City Hall, 225 Park Street, Lakeport, California for a period of 30 days after the approval of these Minutes.