



**CITY OF LAKEPORT
PLANNING COMMISSION
November 8, 2017**

MINUTES

CALL MEETING TO ORDER AND ROLL CALL: Chairman Taylor called the meeting to order at 5:01 p.m. with Commissioners Russell, Green, Wicks, and Froio present. Also present were Community Development Director, Kevin Ingram, Associate Planner, Daniel Chance and Administrative Specialist, Linda Sobieraj.

ACCEPTANCE OF AGENDA: A motion was made by Commissioner Green, to accept the agenda as posted; seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green, and Chair Taylor (5-0)

NOES: None

ABSENT: None

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

CONSENT AGENDA: Commissioner Green advised the agenda listed review of the minutes for September 20, 2017, however the October 11, 2017 minutes were given for review. Green stated as it was posted incorrectly we would have to continue any decision on the October 11, 2017, minutes to the next regular meeting.

REGULAR AGENDA:

Lot Line Adjustment LL 17-01 / CE 17-14

Associate Planner, Daniel Chance briefed the Commission on the application for a lot line adjustment to reconfigure a common property line separating three contiguous parcels. The subject properties are located at 930, 940 and 946 24th Street, and further described as APNs 026-021-38, 026-021-31 and 026-021-46.

Public hearing open at 5:12 p.m. Steve Bela with Conser Land Surveying, spoke representing the applicant. Public hearing closed at 5:13 p.m.

Categorical Exemption Approval

Commissioner Green moved that the Planning Commission find that the Lot Line Adjustment application LL 17-01 as applied for by J. Kristine Groff and Douglas and Cindy Hooper is

categorically exempt from the California Environmental Quality Act pursuant to Section 15305(a) of the CEQA Guidelines. Seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green, and Chair Taylor (5-0)

NOES: None

ABSENT: None

Lot Line Adjustment Approval

Commissioner Green moved that the Planning Commission find that the Lot Line Adjustment application as applied for by J. Kristine Groff and Douglas and Cindy Hooper, on properties located at 930 24th Street 946 24th Street and 940 24th Street does meet the requirements of Section 16.23.040 of the Subdivision Ordinance; the requirements of Section 17.04.060 A of the Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and grant the approval of LL 17-01, subject to the project conditions of approval and with the findings listed in the November 8, 2017 staff report. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green, and Chair Taylor (5-0)

NOES: None

ABSENT: None

City of Lakeport – ZC 16-02 – Non-Commercial Cannabis Cultivation for Personal Use

Community Development Director Ingram briefed the Commission of the proposed revisions amending Chapter 17.38 of the Lakeport Zoning Ordinance to allow Non-Commercial Cannabis Cultivation for Personal Use consistent with the Adult Marijuana Use Act (Proposition 64).

Public hearing opened at 5:26 p.m. Ron Rose spoke in favor of the proposed ordinance review. Public hearing closed at 5:28 p.m.

Commissioner Green stated he asked staff to check with the City Attorney regarding the original CEQA findings proposed, as they did not fit. Green had concerns regarding the finding that a Zoning Ordinance is not a project under the CEQA guidelines because it would not cause a direct or reasonably foreseeable indirect physical environmental change. Green cited several CEQA exemptions that he believed would work better.

Upon review, Ingram recommended the Commission consider sections 15308 and 15061(b)(3) of the CEQA guidelines.

CEQA Categorical Exemption Motion:

Commissioner Green moved that the Planning Commission find that the proposed Zone Change text amendment (ZC 16-02) is categorically exempt from the California Environmental Quality Act per CEQA Guidelines Section 15061(b)(3), under the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and per CEQA under the class 8 categorical exemption section 15308 which is a regulatory activity to protect the environment. Seconded by Commissioner Wicks.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, and Chair Taylor (4-1)

NOES: Commissioner Green

ABSENT: None

Zone Change:

Commissioner Wicks moved that the Planning Commission recommend that the City Council approve a Lakeport Zoning Ordinance text amendment (ZC 16-02) consisting of the following:

- o Amending Chapter 17.38, to include regulations pertaining to Personal Cannabis Cultivation.
- o Amending Section 17.04.030 of the R-1 Zoning District permitting personal cannabis cultivation as permitted use.
- o Amending Section 17.05.030 of the R-2 Zoning District permitting personal cannabis cultivation as permitted use.
- o Amending Section 17.06.030 of the R-3 Zoning District permitting personal cannabis cultivation as permitted use.
- o Amending Section 17.07.030 of the R-5 Zoning District permitting personal cannabis cultivation as permitted use.

As applied for by the City of Lakeport, subject to the findings listed in the staff report dated November 8, 2017. Seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green, and Chair Taylor (5-0)

NOES: None

ABSENT: None

City of Lakeport – ZC 17-01 – Commercial Cannabis

Community Development Director Ingram briefed the Commission of proposed revisions adding Section 5.34 to the Lakeport Municipal Code and amending Chapters 17.08

Professional Office (PO), 17.09 Major Retail (C-2) 17.11 Service Commercial (C-3), and Chapter 17.13 Industrial (I), of the Zoning Ordinance to address Commercial Cannabis activities in the City of Lakeport.

Director Ingram explained that since the regulations outlined in the Lakeport Municipal Code Title 5 Section 34 were no longer part of the zoning Ordinance they do not fall under the purview of the Planning Commission; however, given previous review by the Planning Commission only suggested revisions would be provided to the City Council.

Commissioner Green suggested the following changes to Title 5 Chapter 34:

- 5.34.02.B.1 "Cannabis Owner" to keep in line with SB94 would discuss an aggregate ownership of 20% or more
- 5.34.02.C Regarding last sentence change to include activities done by primary care givers on behalf of another person.

Director Ingram suggested adding "or use by a primary giver". Associate Planner Chance suggested changing the last sentence to read "*Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for **an individual and or care giver** use that does not involve commercial activity or sales*". Commissioner Green suggested changing to "Commercial cannabis uses shall not include legal cannabis or cannabis activities that does not involve commercial activity or sales."

- 5.34.02.E Parenthesis added "Cannabis dispensary" or "cannabis retailer"
- 5.34.02.L Medical Cannabis Regulation and Safety Act (MCRSA) is gone and should be removed. To add "*Business and Professions Code section 26000 et seq*"
- 5.34.05.C.3 Appeal of Disapproval - City Manager shall serve as the hearing officer or shall appoint a neutral person.

Director Ingram advised the City Manager appeal will go directly to the City Council and applicants will still have the option of courts to their disposal

- 5.34.05.D.5 & 5.34.05.D.7 MCRSA should read MAUCRSA
- 5.34.05.E Will they have the option for judicial review, to be consistent with the appeal process.

Public hearing open at 6:23 p.m. Ron Rose spoke in favor of the project and the City of Lakeport over seeing this project. Steve Jones spoke regarding transportation of cannabis and the state regulations. Public hearing closed at 6:43 p.m.

Commissioner Green suggested CEQA exemptions 15061(b)(3), 15308 and add Business and Professions Code Section 26055(h) which creates a categorical exemption for an ordinance adopted before July 1, 2019 that requires discretionary review of permits to engage in personal cannabis activities.

Categorical Exemption:

Commissioner Green moved that the Planning Commission find that the proposed Zone Change text amendment (ZC 17-01) is cat exempt from California Environmental Quality Act per CEQA Guidelines Section 15061(b)(3) and there is no possibility that the activity in

question will have a significant effect on the environment. It is further Categorically Exempt from review under Class 8 exemption a regulatory activity to protect the environment as set forth in CEQA Guideline Section 15308 and additionally exempt from CEQA review under Business and Professional Code Section 26055(h) which creates a cat exempt for an ordinance that requires discretionary review of permits to engage in commercial cannabis activities. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Froio, Green, and Chair Taylor (5-0)

NOES: None

ABSENT: None

Zone Change:

Commissioner Green moved that the Planning Commission recommend that the City Council approve a Lakeport Zoning Ordinance amendments (ZC 17-01) consisting of the following:

- o Section 17.13.040: I (Industrial) permits the following: cultivation, manufacturing with and without volatile solvents, testing, distribution, retailers (general), retailers with on-site consumption, microbusiness.
- o Section 17.11.050: C-3 (Service Commercial) permits the following: cultivation, manufacturing without volatile solvents, testing, distribution, retailers (general), retailers with on-site consumption, microbusiness.
- o Section 17.10.050: C-2 (Major Retail) permits the following: retailers (general), and testing.
- o Section 17.08.050: PO (Professional Office) permits the following: testing

As applied for by the City of Lakeport, subject to the findings listed in the staff report dated November 8, 2017. Seconded by Commissioner Froio.

The vote was called and was as follows:

AYES: Commissioners Wicks, Russell, Green, Froio and Chair Taylor (5-0)

NOES: NONE

ABSENT: NONE

CORRESPONDENCE: None

COMMENTS FROM STAFF AND COMMISSIONERS:

Chair Taylor commended Commissioner Green on all the information and insight he has provided to the Commission regarding the Cannabis related ordinances.

Chair Taylor advised the Commission he will be moving outside the City limits at the end of November.

Commissioner Green thanked the public, staff and Commissioners for their contributions.

Commissioners Froio, Russell and Wicks also commended Commissioner Green for his dedication to the Cannabis project.

DISCUSS AND SET THE NEXT MEETING DATE:

It was agreed by consensus that the next meeting be held on Wednesday, December 13, 2017 meeting adjourned closed 7:01 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.