

MINUTES

PLANNING COMMISSION

TUESDAY August 22, 2017

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

Chairman Stoppenbrink
Vice Chairman Sailer
Commissioner Jacobs
Commissioner Gonzales
Commissioner Helmar

Staff:

Sean Brewer, Community Development Director
Marissa Trejo, City Manager

Wanda Earls, Secretary/ City Clerk

PUBLIC COMMENTS (None)

INFORMATION/CONSENT CALENDAR

1. Approval of Minutes from the August 8, 2017 Planning Commission Meeting
2. Approval of Minutes from the July 25, 2017 Planning Commission Meeting

*Motion by Sailer, Second by Gonzales to Approve Consent Calendar with Minutes of 8/8/17 and 7/25/17. Motion **Approved** by a 5/0 Majority Voice Vote.*

PUBLIC HEARINGS

1. Adoption of Resolution No. 017P-021 Recommending to the City Council
Adoption of an Ordinance Related to Minor Exceptions to the Planning

and Zoning Code Design and Dimensional Regulations

Community Development Director Sean Brewer presented the Staff Report to include the following:

- Recommendation
 - Planning Commission adoption of Resolution No. 017P-021 recommending to the City Council adoption of an ordinance related to the issuance of minor exception to the dimensional and design standards of the Coalinga Planning and Zoning Code.
- Background
 - The Planning Commission discussed all aspects of the ordinance and requested that staff bring back a draft ordinance for discussion that could then be recommended to the City Council.
- Proposal and Analysis
 - After the August 7th PC meeting, staff took all the feedback received and developed an ordinance that would meet the needs of the community while balancing the public health, safety and welfare.
 - The draft ordinance allows for a minor exception of ten (10%) as it relates to various design and site considerations such as distance buildings, projections, lot dimensions, set-backs, signs, required parking and dimensions, building height, code enforcements considerations and non-conformity. The ordinance also includes the imposition of conditions to ensure that the minor exception approval would be in compliance with the findings.

Comments:

- Code Enforcement – abate public nuisance
- Conformity adjustments
- Non-conformity adjustments
- Need clear direction
- Existing development, not new
- Sean needs flexibility
- Why did it take City so long to come up with this?
 - Businesses/Cannabis startup

After some discussion regarding 10%, 15% or 20%, the PC is recommending 15%.

Chairman Stoppenbrink opened and closed the public hearing receiving no comments.

*Motion by Gonzales, Second by Jacobs to Adopt Resolution No. 017P-021 Recommending to the City Council Adoption of an Ordinance Related to Minor Exceptions to the Planning and Zoning Code Design and Dimensional Regulations for a 15% flexibility to Community Development Director. Motion **Approved** by a 5/0 Majority Voice Vote.*

2. **Adoption of Planning Commission Resolution No. 017P-020 Recommending to the City Council approval of; (1) Adoption of a Cannabis Retail Operations Ordinance and Associated Zoning Text Changes; (2) Establishment of a Commercial Cannabis Retail Overlay District; and (3) Adoption of various amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code related to Commercial Cannabis Operations in accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act.**

Mr. Neil Hall, SCI Consulting

Community Development Director Sean Brewer presented the staff report as follows:

On November 8, 2016 the Citizens of the City passed Measure “G” authorizing and regulating the placement of one single cannabis retail operation within the City. At their February and March meetings in 2017, the City Council began discussing the location in which the single retail facility would be located and directed staff to proceed with locations near West Elm/SR 198 and select parcels at the Juniper Ridge Industrial Park. With the direction from the Council, staff began working with the planning consultants on a framework in establishing a zoning overlay district consistent with the boundaries established by the City Council and developed regulations for the single cannabis retail facility.

Comments:

- Around the asbestos area
- South edge of town – city owned
- Anyone can submit applications
- Retail ordinance
- Draft resolution for security measures at facility
- Resolution can change by amendment
- SB94 Adult vs. Medicinal
 - Marijuana to Cannabis
 - Compliance with new State laws
 - Update licenses
 - City to solicited operators
 - Competitive process
 - Only one facility operations
 - RFP Selection Committee with no Council Members
 - Selection Committee to make selection
 - 90% done with RFP
 - 3 phase approach
 - Reg. Permit Approval
 - Background checks
 - Reg. by permit
 - Regulatory retail
- Legal Status
 - City will select operator to go through permit process

- Entitlements for CUP, Site Plan Review, Etc.
- Ranking of applicants
- Council Adoption Hearing in mid-September
- Second reading of ordinance
- Other cities have gone through RFP process
- One retail facility and number of applicants unknown
- Things being ironed out as to parking, food, beverage requirements

Mr. Neil Hall, SCI Consultants

- License fee pays him

Chairman Stoppenbrink asked for any specific areas to address. Seems cut and dry and no real red flags.

- Section 129 Retail Ordinance
- Section 128 Permit Process
- POS for inventory tracking
- Verified on cameras – as to weight, etc.
- No Diversion
- Good practices
- Division of cash and product
- Banking issues
- Compliance – security cameras
- Monthly compliance and monitoring of camera feeds
- PD says similar to
- Track employees like car dealers
- Overseen
 - Financial component on retail
 - BOE reporting of taxes
 - Have to review to insure taxes are collected
 - Medicinal or adult cannabis
 - Licenses – A & M Licenses
 - Regulations out within 4 weeks
 - Local vs. State
- Retail establishment
 - Is retail and medical in same facility?
 - Medical – non taxable
 - Recreational – taxable
 - Card required or Recommendation for Medicinal
 - Regulations will clear up
 - Medicinal is 1/3 of sale of recreational
 - Gross receipts tax for medicinal but not sales tax
 - Customers and patients
 - DATA Base required
 - Probably two doors
 - Separate areas
 - Regs coming out

- Products labeling
- ID Card and prove 21 and over
- Scan processing by State
- Medicinal manufactured by illness
- Delivery of cannabis
- Outside of City limits?
- Neighborhood will see people from out-of-town

Chairman Stoppenbrink opened the public hearing.

Mr. Neil Hall said it is important that everyone moves in same direction. Compromises will be made.

Chairman Stoppenbrink closed the public hearing.

Mr. Brewer covered the changes of Ordinance 797 Strike Trough's:

- **Page 5, 15 - (15) Odor control.** Marijuana Cannabis operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the outside the premises, outside the building housing the marijuana cannabis operations, or anywhere on adjacent property or public rights-of-way. As such, marijuana cannabis operations must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness, if a smell extends beyond a property line: a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility
- **Page 5, 17 - (17) Secure building.** All marijuana cannabis operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other Page 6 of 32 security measures exist to ensure that the marijuana cannabis operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.
- **Page 7, 0 - o.** Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
- **Page 10, K and Q - k.** A descriptive business plan for the marijuana cannabis operation, including a detailed list of all marijuana cannabis operations proposed to occur on the premises.
- **Q - (q) Abandonment.** In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if marijuana cannabis operations cease for a period of more than ninety
- **Page 12 3 - (3)** For employee permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

- **Page 17 S – 1, 2, 3 - (s) Fees and taxes.** All marijuana cannabis operations shall pay applicable fees and taxes, which may include one or more of the following. (1) Business license fee. The business owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to business licensing. (2) Regulatory license fee. The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the marijuana cannabis operation. The amount of the fee shall be set by resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the marijuana cannabis operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The regulatory fee may be amended from time to time based upon actual costs. (3) Revenue raising fee. An annual revenue raising fee ("revenue fee") for the privilege of having the right to operate in the City.
- **Page 18 B - b. Alternative voter approved tax.** If the voters of the City approve a tax rate which is equivalent to the revenue fee, the business owner shall pay the tax in lieu of the revenue fee, or portion thereof, once the City begins to collect the tax revenue. In no event shall the business owner be required to pay more than the revenue fee.
- **Page 19 U - (u) Inspection.** Marijuana Cannabis operations shall be open for inspection by any City law enforcement officer or City code enforcement officer at any time the marijuana cannabis operation is operating, at any other time upon responding to a call for service related to the property where the Marijuana Cannabis operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any marijuana cannabis operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

Code enforcement officer will not be doing all inspections. Consultants like SCI can enter building for inspections. City agents can enter buildings for inspections.

*Motion by Helmar, Second by Gonzales to Adopt Planning Commission Resolution No. 017P-020 Recommending to the City Council Approval of; (1) Adoption of a Cannabis Retail Operations Ordinance and Associated Zoning Text Changes; (2) Establishment of a Commercial Cannabis Retail Overlay District; and (3) Adoption of Various Amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code Related to Commercial Cannabis Operations in Accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act. Motion **Approved** by a 3/2 Majority Voice Vote. Jacobs and Sailer Voted "No".*

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. Review of Remaining 2017 Planning Commission Meeting Dates

Future meetings:

September 12 and 26
October 10 and 24
November 14
December 12

Stoppenbrink gone on September 12th
Gonzales gone on week of September 10th for possible training

Maybe special meeting on the 17th of October

Sailer gone on November 14

Stoppenbrink may be on Jury Duty on November 14th. Meeting can begin at 6:30 PM instead of 6:00 PM.

December 12th meeting okay

Chairman Stoppenbrink wants to insure that those with conflicts are excused from attending the Planning Commission meetings.

DEPARTMENT REPORTS

More applications coming in.

CUP for supermarket to sale beer and wine; process too long. City is over-extended for ABC licenses.

K-mart – nothing new

Wal-Mart is not coming.

State Market purchased R&N.

Shift Se3tor approved and is a go.

COMMUNICATIONS

1. Staff Announcements

2. Commissioner Announcements

Commissioner Jacobs said he did not hear from Self-help.

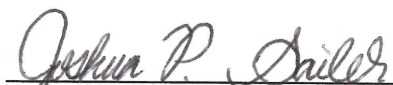
Mr. Brewer said he would email Marissa the city manager.

Question about all the parking on Truman Street. A parking lot is being paved so vehicles are parking on the streets.

3. Chairman Announcements

Chairman Stoppenbrink announced that WHCC Trustees are moving forward on the district office.

ADJOURN 7:30 PM


Chairman/Vice Chairman


City Clerk/Deputy Clerk

Date
