

MINUTES

PLANNING COMMISSION 155 W. Durian Ave., Coalinga CA 93210 TUESDAY October 17, 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

James Vosburg, City Treasurer
Wanda Earls, Secretary/City Clerk

PUBLIC COMMENTS (None)

INFORMATION/CONSENT CALENDAR

1. Approval of Minutes from the September 12, 2017 Planning Commission Meeting

*Motion by Sailer, Second by Gonzales to Approve Consent Calendar Minutes of September 12, 2017. Motion **Approved** by a Voice 5/0 Majority Vote.*

PUBLIC HEARINGS

1. Adoption of Planning Commission Resolution No. 017P-024 Considering City Council Amendments to the Draft Cannabis Retail Operations Ordinance, Zoning Text Changes and 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.

Community Development Director Sean Brewer presented the staff report:

On September 7, 2017 staff presented, to the City Council, the Planning Commission's recommendations for the retail overlay district, retail ordinance, security resolution and various changes to the City's existing commercial cannabis regulations (ordinance 797). At that meeting, the City Council made several changes to the documents presented to them at the meeting requiring consideration by the Planning Commission before Council takes final action. Staff is seeking Planning Commission consideration of the changes whether to have the Council adopt as amended, do not adopt or recommend further changes.

City Council Update: The City Council made the following changes to this section in addition to the recommendations made by the Planning Commission:

- *Include language to allow both adult-use and medicinal use products to be offered at the retail facility (this was included in the definition of retail);*
- *Include micro business as an approved use;*
- *Update language to allow within the (MBL) zones and within state law as it applied to sensitive uses (1,800-foot radius from school, day care center or youth center);*
- *Update to the minimum operating requirements and restrictions to coincide with retail facilities; and*
- *Hours of operation, parking, facility size, and signage*

City Council Update: There were some modifications to the attached draft resolution made by the City Council to include language to allow the Police Chief additional flexibility to supplement security measures for alternative means of protection as a business becomes operational to ensure immediate safety measures are taken should they become necessary. Also, there was new language regarding camera systems, track and trace and financial auditing.

The Retail Cannabis Overlay District creates a special zoning area specific for permitting Cannabis Retail Facilities within the City. The two geographical areas in which the Cannabis Retail Overlay District is located is within the Manufacturing and Business Light Zoning Designation (MBL) near West Elm Avenue Southeast of Lucille and at the Juniper Ridge Industrial Park. The Retail Cannabis Overlay District established development regulations related specific to retail cannabis operations such as identifying geographical boundaries, permitted uses, parking ratios, size limitations, and signage. The language for the Retail Cannabis Overlay District was located in SECTION 1 of draft ordinance.

City Council Update: The City Council removed the retail cannabis overlay district regulations to expand the zoning district where retail cannabis facilities can be permitted. The proposed regulations authorize a retail facility to be located within the MBL zoning designations in accordance with the 1,600 foot distance from schools, and other applicable sensitive receptors established by state law. This is consistent with the geographical locations in which all commercial cannabis operations are currently permitted. Therefore, the retail overlay district section of the ordinance has been removed.

City Council Update: The City Council accepted all of the recommended changes that were proposed by the Planning Commission related to the Commercial Cannabis Operations. The following items were discussed and recommended by the City Council as additional changes:

- *Co-Location of Permittees;*
- *Updated definition of premises;*
- *Distributor regulation;*
- *Operation requirements for manufacturers and testing laboratories;*
- *Hours of operation; and*
- *Update to the Confidentiality Statement.*

In accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act, the adoption of ordinances, rules, or regulations by a local jurisdiction that requires discretionary review and approval of permits, license, or other authorizations to engage in commercial cannabis activity is exempt from the California Environmental Quality Act. The ordinance that is being considered requires further discretionary approvals (conditional use permit and regulatory permit) prior to a retail facility opening, therefore, it has been determined that the forgoing actions are exempt from further CEQA review in accordance with the MAUCRSA.

There are changes to Ordinance 804 creating, by default, no overlay district. Retail has same regulations.

Commissioners reviewed documents with following comments:

- Page 4 – Section 1 is red eliminated and Section 2 is now Section 1. All open items were renumbered accordingly.
- In reference to the MBL area, does that give advantage to anyone? Build from scratch or existing building?
 - W. Elm building could be used. Could be built in Industrial Park.
 - There is only one retail facility.
- Are there available properties?
 - Any property could meet requirements.
- Planning Commission approved Ordinance and Council stepped on it. Council is recommending substantial changes.
 - City Attorney said it had to come back to Planning Commission. The Planning Commission needs to advise what should go back to Council.
- Page 5 – Co-location of business.
 - Regulations out in mid November
 - Multi-licenses – separation of operations
- Is City permitting operations?
 - City is overseeing
 - Ordinance has been simplified
 - Co-location included
- Page 6 - AB2679 manufacturers disposal of any waste products
 - Hazardous waste disposed of according to law
 - Public Access to retail facility – hours according to State guidelines for retail side.

- Page 10 – Removal – without warrant
- Page 22 – Adult Use and Medicinal – Section 2 – Include micro business – Defense of retail
- Page 23 – Section B – Only in light manufacturing zoning – State Law and other laws
- Page 24 – Section D, Subsection 1-14 (retail) 1, 2, 8, 11, 12 & D Retail
- Page 25 – Parking area and signage
 - Why onsite consumption?
 - No consumption on site.
- Sign on business as to name of business?
 - Could be State level requirement.
 - There is no sign describing what they are doing?
- Age 18 or lower if from doctor – adult 21 plus
- Page 25 – Loitering not permitted. May allow onsite public consumption.
- Delivery information – Council concurs.

Resolution

Page 1- PD has technical – Camera – tech specs on cameras (megapixels) they have to meet code – 1.3 megapixels

Page 2 scope of auditors PD and FD?

It is Gross Receipts vs. Squire Footage – means to collect taxes

Probably Scope of Work for auditors.

Cash heavy business.

Zone enterprises – need separate accounts.

Revenue vs. expenses – encourage separate accounts

Chairman Stoppenbrink opened the public hearing.

Mr. James Vosburg said he is in support of location in the downtown area. He has owned a business for 35 years and they have now opened a new computer store. He wants to stimulate business to Downtown Coalinga.

He wants to benefit from that business in the downtown area. He encourages a busy downtown area where everyone can watch and be away from criminals.

The more businesses downtown, the more business to be had.

City is on edge of fiscal responsibility. We can raise taxes to keep City services or we can cut services.

Keep downtown and keep criminal element out. We need to stimulate our downtown area.

Ms. Jackie McGowan also wants downtown and 200 feet from schools. The State has ruled to allow.

Large city being allowed 20 dispensaries. She would not recommend her client to operate there. Need less cumbersome situations.

If built from ground, you will lose this opportunity.

She is a patient and daughter of Stoner. Dad wanted her to go with medical marijuana because pills did not work. She became a patient. She encourages a decision ASAP because you may lose opportunity.

Emeryville City Council decided as an emergency. (Cannot understand following comments.) She is in favor of downtown; she is passionate for downtown.

She has to go to Oakland to get what she needs. It was drugs or recreational. Her medication contact usually wants an exclusive contract. It is possible to have her medication here. She can bring contact here.

The people voted for medical and now we have recreational. It is moving fast. We look at City regs and State regs.

State will step-in, 300 pages to be released within next several weeks.

Chairman Stoppenbrink said November 16 and Measure G allows Cannabis Retail Facility.

Mr. Brewer said micro business permitted within the City.

Chairman Stoppenbrink closed the public hearing.

Commissioner comments:

- Ordinance as written permits location in any MBL area.
- Why was this not expanded to include downtown?
 - Council Member Ramsey indicated potentially for downtown.
- If Commission were to expand to other retail areas, can we broaden areas for dispensary thru RFP process?
- We sell liquor downtown, why not marijuana?
- It would be close to PD with more eyes looking out. That is not the case when located in outskirts of town.
- Downtown would have more eyes and more people.
- Don't preclude downtown from being considered; don't narrow options.
- Lots of discussion. The Council can consider.
 - Planning Commission can recommend MBL and consideration of downtown area. It is up to the Commission to direct staff.
- Commissioner said he has had some bad people in his office. It needs to be distance from downtown. We need to protect property owners.
- Those in favor of downtown need to market it.
- We need maps identifying and showing distance from schools, etc.
- Changes not in regulations

Chairman Stoppenbrink recommends multiple public hearings. Council and citizens need to promote downtown. Council needs to move on downtown and open up the areas.

Council Member Helmar recommends to approve Resolution with addition for Council to expand area to include retail area in addition to MBL.

*Motion to Adoption of Planning Commission Resolution No. 017-024 Considering City Council Amendments to the Draft Cannabis Retail Operations Ordinance Zoning Text Changes and 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. Direction to Staff is to put back in hands of City Council and for them to begin discussion of considering additional commercial zoning designations for permitting the future retail Cannabis facility such as the downtown area. Motion **Approved** by a 4/0 Majority Voice Vote. (Sailer voted no)*

The Planning Commission gave staff direction with the motion to continue this discussion before the Council for consideration and that the City Council, if they choose to do so, shall determine how to regulate the single retail Cannabis operation if expanded to public hearings to engage the public to discuss the possibility of expanding the zoning designations beyond the MBL zones where the single retail facility shall be permitted. This is at the discretion of the City Council.

DISCUSSION AND/OR POTENTIAL ACTION ITEMS (None)

DEPARTMENT REPORTS (None)

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements

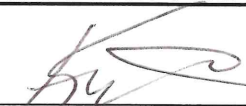
Commissioner Jacobs asked who to call in reference to Code Enforcement.

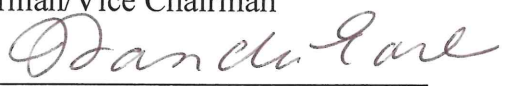
Mr. Brewer said to call Lieutenant Scott Ingham.

3. Chairman Announcements

The next meeting will be a public hearing on the 24th.

ADJOURN 7:12 PM


Chairman/Vice Chairman


City Clerk/Deputy Clerk


Date