PLANNING COMMISSION
CITY OF SONORA
JANUARY 11, 2016
5:30 P.M.

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chairman Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, Darren Eaton and Ron Jensen.

MINUTES:

MOTION**:** Approve the minutes of the October 13, 2015 Planning Commission Meeting, as mailed.

MOTION:	Anderson	**SECOND:**	Richardson
VOTE:	**AYES:**	Anderson, Richardson, Eaton**,** and Garnin (4)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	Jensen (1)	

PUBLIC APPEARANCES:

Member of the public, Mike Lemke, stated that he attended the open house for the Oak Valley Community Bank building. He stated that during approval of the project both City staff and the Planning Commission received complaints about the project and the City's approval but in reality the building turned out very nice and was a good addition to the shopping center. He also thanked staff for their work on the project.

PUBLIC HEARING:

1). The City of Sonora proposed that the Sonora Planning Commission consider and provide recommendations to the Sonora City Council concerning the adoption of Text Amendments to Title 17 of the Sonora Municipal Code, which would lift the ban on the cultivation of all marijuana in the City of Sonora. The Sonora Planning Commission is further requested to consider and provide recommendations concerning the proposed Text Amendments to continue, as a reasonable land-use regulation, the ban on the operation of marijuana dispensaries in the City of Sonora.

City Administrator, Tim Miller, presented the staff report explaining that new changes in state law was the catalyst in this City policy change that was directed by the City Council. He stated that the City's Zoning Ordinance is permissive, meaning that if a use is not specifically allowed by the Zoning Ordinance then it is prohibited. The City Council has an interest in allowing some small medical marijuana cultivation. He went on to describe the requirements within the proposed Ordinance that would have to be complied with if an individual desired to cultivate marijuana within the City limits.

Chairman, Chris Garnin, asked if the March 1st deadline in state law pertained to this Ordinance.

City Administrator, Tim Miller, stated that it did not as it was already prohibited in the Zoning Ordinance. He also clarified that if cultivation is banned by City Ordinance they cannot get a permit from the state.

Commissioner, Gary Anderson, asked if the intent of the City Council was to allow for some cultivation and was this a unanimous decision of the Council.

City Administrator Miller stated that not all of the Council was not in support of this policy change. The intent of the Council is to allow for some limited cultivation through a permit process with some fairly rigorous restrictions.

Commissioner, John Richardson, asked how the proposed Ordinance would be enforced and by what City Department.

City Administrator, Tim Miller, stated that enforcement would be on a complaint basis absent of an obvious violation. Enforcement would involve the Community Development Department and in most cases, the Police Department.

Commissioner, Daren Eaton, expressed concerns over the on-going maintenance and entitlements granted within the proposed Ordinance. He also had concerns over who can access the marijuana grown on these parcels.

City Administrator, Tim Miller, stated that was why the requirement to grow indoors was included within the Ordinance.

City Administrator, Tim Miller, stated that fees will be in place to cover staff costs and the benefit is for those who have a need for medical marijuana.

Commissioner, Gary Anderson, asked that if by having this Ordinance in place it may prevent some future litigation against the City.

City Administrator, Tim Miller, agreed that this may be the case. He also stated that there are several state initiatives to legalize recreational marijuana circulating and it is anticipated that something will be on the ballot.

Chairman, Chris Garnin, opened the public hearing at 5:54 p.m.

A member of the public questioned why cultivation could not occur in a residence. She also stated that it would have been helpful if the Ordinance was available to the public and that the Police Chief was not at the Planning Commission meeting to address this issue.

There being no further public comment the chairman closed the public hearing at 5:55 p.m.

Chairman, Chris Garnin, solicited feedback from the Commissioners regarding the proposed Ordinance.

Commissioner, John Richardson, stated that with the restrictions included within the Ordinance he felt comfortable with it and felt it was a step in the right direction; to provide this option to those who have a medical condition.

Commissioner, Gary Anderson, stated that if the City is going to allow limited marijuana cultivation this was the way to do it. However, he felt that there should be notification to neighbors if a cultivation permit is issued.

Chairman, Chris Garnin, expressed concerns over the notification to neighbors and felt the owners' location should not be provided if notification occurs. He supported the requirement of cultivation being limited to an accessory structure.

Commissioner, Daren Eaton, stated that even though the proposed Ordinance was very thorough, he has concerns over allowing a mind altering substance to be grown within the City. He also expressed concerns over the amount of City man hours that will be required for such a big program. He also had concerns over who would ultimately be the end user of the product.

Chairman, Chris Garnin, stated that he felt that it was crafted pretty tight and it paralleled the City's Livestock Ordinance. He felt it was a good first step for the City related to this issue.

Commissioner, John Richardson, asked that the Ordinance be reviewed by the City Council one year from its adoption to evaluate its effectiveness.

Commissioner, Gary Anderson, requested the notification of adjoining neighbors be required as part of the permit process.

City Administrator, Tim Miller, stated the issuance of the cultivation and building permit would be ministerial meaning that if they meet the requirements the permit would be issued. Notification of adjoining neighbors might create an expectation that the permit issuance could be stopped. He also stated that the permits would be public record and available for review by a member of the public.

MOTION: Motion by John Richardson adopting Resolution No. 1-11-2016, recommending approval to the City Council, the adoption of the proposed Text Amendments, under Ordinance No. 834, to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, along with the following two recommendations:

1. The City Council review the Ordinance one year from its adoption to evaluate its effectiveness.

2. Property owners adjoining the subject parcel be notified if a marijuana cultivation permit is issued.

MOTION:	Richardson	**SECOND:**	Anderson
VOTE:	**AYES:**	Richardson, Anderson and Garnin (3)	
	NOES:	Eaton (1)	
	ABSTAIN:	None (0)	
	ABSENT:	Jensen (1)	

Findings for the proposed text amendments:

A. Are consistent with the objectives, policies, general land uses and programs specified in the General Plan;

B. Are in conformity with public convenience, general welfare and good land use practice;

C. Will not adversely affect the orderly development of property or the preservation of property values; and

D. Have been determined, following review and compliance with CEQA, to be exempt from further review pursuant to the California Environmental Quality Act.

DESIGN REVIEW:

1. Application by Trado Restaurant for a Design Review Permit to construct a new beer garden at the existing building, located at 198 S. Green Street, in a C, Commercial zone; APN: 002-192-06.

The applicant's representative advised staff that this item was to be continued to a future Planning Commission Agenda. No action was taken on this item.

DISCUSSION ITEMS:

1. Community Development Director's Report

Community Development Director, Rachelle Kellogg, provided Commissioners with information regarding the upcoming Planning Commissioners Workshop on February 27, 2016 in Modesto, CA.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 6:20 p.m., to the next regular meeting on Monday February 8, 2016.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director