

**PLANNING COMMISSION
CITY OF SONORA**

October 13, 2020

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: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Kevin Anderson, Peter Ghiorso and Ron Jensen.

MINUTES:

MOTION: Approve the minutes of the meeting of September 14, 2020 Planning Commission, as mailed.

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

PUBLIC APPEARANCES: None

PUBLIC HEARINGS

1) Text Amendment to the Zoning Ordinance, amending Section 17.60.040, uses permitted in specific zones, relating to cannabis businesses.

Community Development Director, Rachelle Kellogg, introduced the item and explained that the Planning Commission was only considering the changes to the City Zoning Ordinance. She stated that the text amendments related to Chapter 8.36, Cannabis Business Regulation, was provided for information only.

City Administrator, Mary Rose Rutikanga, presented a power point handout to the Commissioners. She discussed the direction provided by the City Council related to the changes to the City's cannabis regulations. She explained the provisions included under voter approved Proposition 64 and the City's current pilot program. She fully detailed the proposed changes under the draft ordinances and how they would alter the current regulations.

Chairman Garnin questioned if the proposed ordinances would allow for up to three separate manufacturing and three separate testing facilities in the identified zoning districts.

City Administrator, Mary Rose Rutikanga, stated that it would provide for up to three separate dispensaries, manufacturing and testing facilities.

Chairman Garnin asked if there was an applicant who requested this change or was the City considering it for another reason.

City Administrator, Mary Rose Rutikanga, stated that there is a potential applicant, however the City is also looking at it as a way to diversify its revenue. She stated that the City would collect both a public benefit fee and sales tax on the sale of recreational cannabis. She stated that the City has had numerous cannabis businesses express an interest to operate within the City.

Chairman Garnin asked how fees would be accessed if a business chose to operate as a medicinal and recreational dispensary under one permit.

City Administrator, Mary Rose Rutikanga, stated that it would be addressed under the Development Agreement for the individual business and at this time she was uncertain on exactly how this scenario would be structured.

City Attorney, Nubia Goldstein, clarified that each operator would be operating under one Development Agreement, which would be modeled under the current pilot program. She stated that the collection of the public benefit fee is tied to the operator and the operator has the flexibility to decide if they want to sell medicinal and/or recreational cannabis. She stated that the public benefit fee would not be doubled if they chose to operate both but that fees would be based on total sales.

Vice Chairman Richardson asked if the City currently only allows the sale of medicinal cannabis.

City Administrator, Mary Rose Rutikanga, stated that currently only the sale of medicinal cannabis is allowed and the City prohibits the sale of recreational cannabis.

Chairman Garnin opened the Public Hearing at 6:00 p.m. and restricted all participants to three minutes.

Jeff Muzio stated he is a current operator of a medicinal dispensary within the City and supported allowing recreational cannabis sales within the City.

David Winslow stated he was a teacher at Sonora High School and was opposed to the proposed changes to the City's cannabis regulations.

Anaiah Kirk asked if a permit holder could have a satellite store front and who he would email additional information to. He spoke in opposition to the proposed changes in the regulations.

City Attorney, Nubia Goldstein, stated that the number of dispensaries would be limited to a total of three storefronts within the City.

Community Development Director, Rachelle Kellogg, informed Mr. Kirk that any information could be provided to the City Administrator via email.

Mel Kirk stated that he was a business owner and was opposed to the proposed changes.

Bob Kirk spoke in opposition to the proposed regulation changes.

Daska Babcock stated she was a parent and spoke against the regulation changes.

David Peters stated he was a counselor and spoke against the proposed changes.

The public hearing closed at 6:41 p.m.

Community Development Director, Rachele Kellogg, explained the process for ordinance adoption and reminded the Planning Commission that they are only considering the changes to the zoning ordinance.

City Attorney, Nubia Goldstein, advised Commissioners that the ordinance being considered by the Planning Commission is not the regulatory ordinance related to the number of businesses or the allowance to sell recreational cannabis. She explained that the ultimate decision lies with the City Council.

Commissioner Jensen questioned who will make the decision to allow recreational sales of cannabis in the City and if it would ultimately be the state.

City Attorney, Nubia Goldstein, stated that voter approved Proposition 64 gives local government regulatory approval for cannabis. She advised that the City Council will make the final decision. She also advised that she was not aware of any proposed state mandate to allow recreational cannabis sales throughout the state.

Commissioner Jensen asked if the allowance of recreational cannabis can be done by a vote of the people.

City Attorney, Nubia Goldstein, stated that the authority rests with the City Council. She explained that there is a variety of ways that local governments are regulating the cannabis industry throughout California.

Vice Chairman Richardson asked if voting no would send a message to the City Council that the Planning Commission was not in favor of recreational cannabis sales in the City.

City Attorney, Nubia Goldstein, stated that the Planning Commission can make a statement or finding as part of their motion. She made it clear that the City Council will make the final decision.

Vice Chairman Richardson expressed concerns about allowing recreational sales within the City and the impact it could have on the community.

Commissioner Ghiorso discussed research that was completed in Colorado related to the negative effect of legalizing cannabis has had on their youth.

Chairman Garnin stated that while he supported the medicinal use of cannabis he was very concerned about opening up to recreational use.

Commissioner Jensen also expressed concerns about the proposed change to allow for recreational use of cannabis.

Commissioner Anderson stated that he was suspicious of some of the negative data that was expressed during the meeting and he was not sure it was reality.

MOTION: To deny approval of Resolution 10-13-2020A, as the Planning Commission is recommending that the City Council deny the expansion of the current cannabis ordinance and zoning ordinance to accommodate the recreational sale of cannabis within the City of Sonora.

MOTION: Ghiorso

SECOND: Richardson

VOTE: **AYES:** Ghiorso, Richardson, Garnin and Jensen (4)

NOES: Anderson (1)

ABSTAIN: None (0)

ABSENT: None (0)

DISCUSSION ITEMS

1) Community Development Director’s Report

Community Development Director, Rachelle Kellogg, provided an update on City projects and activities.

There being no further business to come before the Commission, the meeting was adjourned at 6:48 p.m. to the next Planning Commission Meeting on Monday, November 9, 2020.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director