



**CITY OF CORNING
MINUTES**

**SPECIAL STUDY SESSION
CITY COUNCIL AND PLANNING COMMISSION
TUESDAY, AUGUST 25, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:	Becky Hill	Planning Commissioners:	Diana Robertson
	Ross Turner		Ryan Reilly
	Toni Parkins		Doug Hatley
	John Leach		Vacant
Mayor:	Gary Strack	Chairman:	Jesse Lopez

All members of the City Council were present except Councilor Parkins.
All members of the Planning Commission were present.

PUBLIC COMMENTS:

Mayor Strack announced that this was not a public hearing; it was a Study Session between the Planning Commissioners, City Council Members and City Staff. He stated that since this is not a public hearing, all public comments would be taken at the beginning of the meeting only. At that time he opened the floor for comments.

Mr. Berg, Attorney for Tehama Herbal Collective, Inc. (THC) addressed the Council and Commission outlining some of the legal aspects relating to the issue of Medical Marijuana and regulations for the Cultivation and Distribution of Medical Marijuana.

An audience member started to speak on behalf of Tehama Herbal Collective (THC) and Mayor Strack intervened explaining that this meeting was limited in time due to the scheduled City Council Meeting that follows at 7:30 p.m. Mayor Strack announced that no decisions relating to THC will be made tonight and reiterated that this is not a public hearing, but rather a study session for the Council, Planning Commission and Staff to discuss the issue and obtain information from our Staff.

Some members of the audience stated their rights were being taken from them by not allowing them to speak. Councilor Turner respectfully requested that the Mayor announce that anyone wishing to submit something in writing on this issue may submit it to the City and it will be reviewed and considered by the City Council. Mayor Strack agreed and made this announcement. Two members of the Elementary School Board were present and stated that the City should have received a letter from the School Board regarding this issue and would like to read it. Mayor Strack stated again that no decision would be made tonight and that the City Council would review the letter upon receipt.

C. REGULAR AGENDA:

1. Study Matter: Medical Marijuana, Discuss with Staff Potential Regulations for the Cultivation and Distribution of Medical Marijuana in the City of Corning.

Mayor Strack introduced this item by title and then turned the floor over to Planning Director John Stoufer for his presentation of information to the Council/Commission.

Issues presented for discussion by Mr. Stoufer were:

Cultivation: Mr. Stoufer provided the Planning Commission and City Council with information gathered relating to Conditions/Regulations imposed in other Cities/Counties in regards to the cultivation of marijuana by Dispensaries/Cooperatives/Collectives. He also outlined some possible concerns such as:

Indoor: Health Issues, Life Safety Issues. **Outdoor:** Nuisance smell to neighbors and security.

Regulations suggested and discussed by the City Council, Planning Commission and City Staff included:

Indoor Cultivation: A mandatory distance from School's of 1,000 ft. for cultivation sites, mandatory registration with Police Department, cultivation in a detached structure only, not allowing cultivation in multi-family structures, and a mandatory exterior building "Marijuana Cultivation" plaquard. The property owner must consent for growth, and residence must be occupied.

Outdoor Cultivation: Security camera's, no growing in front or side yards, increase backyard fence height to 8 – 10 feet, motion lights, mandatory registration with Police Department. Property owner must consent for growth. Resident must live on site. Primary Caregiver limits.

Distribution: Mr. Stoufer provided information gathered related to regulating the distribution of marijuana. He informed the Council, Commission and Staff that currently there are 24 Cities that allow this with zoning regulations applied to use; 39 Cities have adopted Ordinances to ban this within their City.

Distribution Options discussed were:

BAN (Many Cities/Counties have cases in legal litigation to establish, protect and/or define their regulatory power in regards to Medical Marijuana Collectives, Dispensaries and Cooperatives. They are also legally attempting to establish their legal right to impose regulations on the cultivation and distribution of Medical Marijuana).

Zoning (Numerous Cities only allow in certain zone): Not allow in residential zones, No In-home Occupation, and located in a C-2 zone only.

Mandatory distance limits: 500' from Schools, Parks, Churches, Child Care, and 300' from residential zone.

Dispensary Limit: A limit of one dispensary in Corning.

Security Measures: Security cameras, motion lights, mandatory registration with Police Department, identification cards, and listing of Co-op Members.

Councilor Hill stated that she had definite concerns with indoor growth specifically in relation to the safety of the City's Firefighters.

On the advice of the City Attorney, Councilor Turner moved to add an Emergency Closed session to the Agenda following the meeting to discuss possible litigation. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner and Leach. Opposed: None. Absent: Parkins. Abstain: None. Motion was approved by a 4-0 vote with Parkins absent.**

D. **ADJOURN TO EMERGENCY CLOSED SESSION: 7:15 p.m.**

Lisa M. Linnet, City Clerk