



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, DECEMBER 15, 2009
WOODSON ELEMENTARY SCHOOL GYMNASIUM
150 NORTH TOOMES AVENUE**

A. CALL TO ORDER: at 6:30 p.m.

B. ROLL CALL:

Commissioners:	Robertson
	Reilly
	Hatley
	Vacant
Chairman:	Lopez

All Commissioners were present.

C. MINUTES:

1. Waive the Reading and Approve the Minutes of the November 17, 2009 Planning Commission Meeting with any necessary corrections.

Commissioner Reilly moved to approve the Minutes as written. Commission Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy.**

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

2. Use Permit 2009-258, Sweet Seduction Tattoo; Pursuant to Section 17.54.020 (9) of the Corning Municipal Code, to establish a Tattoo Business (Parlor) in a C-3, General Business Zoning District.

Chairman Lopez introduced this item by title giving the location of the proposed business. Planning Director John Stoufer informed the Commission of a letter the City received from James and Janice Craig referencing the small Strip Mall where the 99 Cents store is located. Mr. Stoufer clarified that this is not the location where the applicant plans to locate her business. He further stated that this letter really wasn't applicable to the item on tonight's agenda. Mr. Stoufer then briefed the Commission on the Codes associated with this proposed business. He informed the Commission that surrounding residents/businesses had been notified of tonight's meeting and no other correspondence had been received.

Chairman Lopez then opened the public hearing.

Pamela Holden, Rebecca Calahan and Sam and Jessica Pierce all voiced their support of this business stating that it will bring revenue into this town.

Chairman Lopez asked if there was an age restriction for getting a tattoo, if they will have a procedure to verify patron age, and will the applicant be the only one in the shop. Commissioner Robertson asked if the applicant was required to be licensed to do this; she was informed no.

With no other comments Chairman Lopez closed the public hearing.

Commissioner Reilly moved to adopt Subfindings and Findings 1-4 as presented in the Staff Report for Use Permit 2009-258 and approve Use Permit 2009-258 subject to Conditions 1-2 as recommended by Staff. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy.**

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Commissioner Reilly then requested a five-minute break in order to finish reading the material provided today from THC. Chairman Lopez recessed the meeting at 6:44 p.m. for five minutes. The meeting will reconvene at 6:49 p.m.

Chairman Lopez called the meeting back to order at 6:49 p.m.

3. Ordinance No. 639, Regulating the Cultivation of Medical Marijuana: An Ordinance of the City of Corning adding a Chapter to Title 17 of the Corning Municipal Code that would regulate the cultivation of Medical Marijuana.

Chairman Lopez introduced this item by title giving a brief explanation of the history behind this Ordinance stating that the item to be discussed tonight is just the cultivation and zoning related to Medical Marijuana.

Ken Prather addressed the Commission stating that he and his wife represent approximately 1100 members of their collective. He outlined the history of the legalization of medical marijuana and the associated Proposition 215 and SB 420.

Chairman Lopez advised the Commissioners that they are here to discuss cultivation and zoning only.

Mr. Prather asked if the Commissioners had received and read the letter from his attorney that was delivered today. Chairman Lopez stated that the Commission had. Mr. Prather stated that you cannot separate cultivation and Cooperatives; they are one and the same.

With no further comment Chairman Lopez closed the public hearing.

Commissioner Lopez stated that he and Commissioner Reilly served on the Ad-Hoc Committee. He listed his concerns which were the square footage, whether in the future anyone can grow this, and whether the City could put restrictions on it.

Mr. Stoufer stated that the Commission and Council have the ability to amend the City Code to comply with State law at any time. This Ordinance addresses cultivation and zoning only.

Chairman Lopez asked if the Commission should consider some type of security breakage meter for the glass or stricter security wording within the Ordinance? Mr. Stoufer stated that the Ordinance, as written, requires Building Official and Police Chief approval of the security measures. Chief Cardenas stated that the whole purpose is to not make the plants visible, sidewalls of the detached structure must be of a non-transparent material and this needs to be specifically stated within the Ordinance (possibly within the definitions section).

Commissioner Reilly moved to recommend that the City Council adopt Ordinance 639 with the addition of the definition of the detached structure (Section B) to include statement that structure must be of a non-transparent material. Commissioner Robertson the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy.**

F. **REGULAR AGENDA: None.**

G. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.**

H. **ADJOURNMENT: 7:18 p.m.**

Lisa M. Linnet, City Clerk