



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, FEBRUARY 17, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present except Commissioner Hatley.

D. BUSINESS FROM THE FLOOR:

Joe DeScala: Stated that Chairman Lopez was right regarding the 10-day appeal period, however the statute states by midnight of the tenth day. He also stated that the Landscape business on Highway 99W does not have a handicap parking space; Chairman Lopez stated that it was a Condition of the Use Permit and City Staff will check on it.

E. PUBLIC HEARINGS AND MEETINGS: None

F. REGULAR AGENDA:

- 1. Study Matter No. 2009-1: Discussion of a possible Ordinance amending the Zoning Regulations to include a Chapter regulating the cultivation of Medical Marijuana and prohibiting the establishment of a Medical Marijuana Dispensary in the City of Corning.**

Chairman Lopez introduced this item by title stating that the Staff Report presented to the Commission provides information on regulations utilized by the City of Gridley. Planning Director John Stoufer verbally provided more information on the Health and Safety Codes relating to this item and further additional information on the Ordinance approved by the City of Gridley. Mr. Stoufer stated that he has discussed this item with the City Attorney and Police Chief and that the Police Chief supports taking some kind of action. He further informed the Commission that City Staff had discussed regulating this via a Use Permit. Should the City decide to regulate via a Use Permit, a Use Permit could not be denied, only regulated via Conditions.

Chairman Lopez stated his concern regarding utilizing a Use Permit was having an avenue to police and regulate the growth and use via the Conditions. He also stated that he believed neighbors should know of the growth occurring near their residence.

Commissioner Robertson asked if State Law supersedes City Law; Mr. Stoufer stated that in this case yes. Chairman Lopez noted that the City would have the discretion to not allow a dispensary within the City; Mr. Stoufer confirmed this stating that the City of Gridley is not allowing a dispensary.

Mr. DeScala stated that Federal Law could supersede State Law, however the enforcement is the issue because Federal and State Laws conflict. It was stated that the DEA would step in if it were something like a large orchard.

Commissioner Robertson suggested limiting the number within an area similar to what was done with Daycare providers and possibly have Police/Code Enforcement Officers inspect the

site. Mr. Stoufer stated that they would be required to register with the Health Department each year.

Commissioner Robertson stated that she would like to see it regulated to the full extent that law allows. Chairman Lopez stated his agreement with Commissioner Robertson to an extent, he stated he agrees with much of what the City of Gridley is doing, however he would like to see a limit of 6 mature and 12 immature plants incorporated into the Conditions.

Commissioner Reilly moved to add to the recommended motion:

- Looking at the City of Gridley as a framework; going with the bare minimum of 6 mature and 12 immature plants; and
- Must receive a Building Permit; and
- Have an application process allowing the City to know the location of cultivation sights.

Mr. Stoufer suggested rather than making a motion tonight, let him obtain more information and present it to the Commission and continue this discussion to the next meeting so that additional information and research can be obtained and provided.

Chairman Lopez stated he would like to also see what other surrounding Cities have initiated before making a decision.

Commissioner Reilly moved to revoke his previous motion and moved to direct Staff to review and prepare draft language for an Ordinance for further review. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Hatley absent.**

2. Study Matter No. 2009-2: Discussion of amending Section 16.18.010(C) of the Corning Municipal Code as mandated by Senate Bill No. 1185 approved by the Governor on July 15, 2008.

Chairman Lopez introduced this item by title providing information stated in the associated Staff Report. Planning Director John Stoufer further explained the requirements of the State mandated Bill extending dates for filing maps with application to the City. He stated that this is a discussion item and informed the Commission of the recommendation by City Staff.

Commissioner Reilly confirmed that the Commission could grant a one year extension with reengineering up to a six year period, in two year installments, or six one year extensions. Chairman Lopez confirmed that the City could deny the extension the first time. Commissioner Robertson stated that the City now can extend up to two years, the State allows the City to allow extensions for an additional 6 years for a total of 8 years.

Chairman Lopez stated he would like to see it on a yearly basis due to the possible changes in building codes and allow up to a maximum 6 year extension above the original 24 months.

After further discussion, it was decided to add the following language:

- On a case by case basis; and
- Limited to a 6 year maximum.

Discussion Item, no action required at this time, the item will be brought back for future discussion.

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

H. ADJOURNMENT: 7:27 p.m.

Lisa M. Linnet, City Clerk