



**MINUTES
MEETING OF THE PLANNING COMMISSION**

TUESDAY, APRIL 2, 2019

PUBLIC SESSION: 6:30 p.m.

CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD., CLOVERDALE, CA 95425

OPENING:

- Call to Order: Chair Shanahan called the meeting to order at 6:30 p.m.
- Roll Call: Commissioner Bailon, Commissioner Cox, Alternate Commissioner Davis, Alternate Commissioner Reyes, Chair Shanahan. Absent: Commissioner Domke
- Pledge of Allegiance
- Agenda Review (changes/deletions) None
- Declaration of Conflicts of Interest

PUBLIC COMMENT PERIOD:

Franco Deghi expressed concern about the lack of information available about the Reach for Housing program, which purchased property next to his. He expressed concern about the impact on his property value. Assistant City Manager/CDC Thompson asked Mr. Deghi to stop by the City to discuss the issue.

CONSENT CALENDAR:

1. **Minutes Approval: March 5, 2019** - Motion made by Commissioner Cox to approve the minutes as amended, seconded by Commissioner Bailon. The motion passed by voice vote: 5 – ayes (Commissioner Cox, Commissioner Bailon, Alternate Commissioner Davis, Alternate Commissioner Reyes, Chair Shanahan)

PUBLIC HEARING ITEMS:

None

NON-PUBLIC HEARING ITEMS:

2. **Review and comment on proposed Cannabis Ordinance Amendments.**

Applicant: City of Cloverdale
Project Location: Citywide
Project Description: Zoning Ordinance Amendment amending Cloverdale the Cannabis Ordinance.
Environmental Assessment: To be determined.

Assistant City Manager/CDC Thompson summarized the proposed ordinance amendments and requested input from the Commission to incorporate into the recommendation, which will be brought back May 7, 2019 for public hearing and recommendation to Council. Some of the amendments come from state law, and others clarify the ordinance.

Setback from Sensitive Uses and Waiver of Setbacks: State law allows the local jurisdictions to adopt their own setbacks. Commissioner Bailon and Chair Shanahan asked that language be added about home-based daycares and to better define “small group.”

1. Waiver of Setbacks: Would allow an applicant who does not meet the standard setback distances from sensitive uses to request a setback waiver if there is a barrier such as a large road, fences, or walls. The location would be vetted in the permitting process, public hearing would be required, and findings would be made. The decision would be appealable to City Council. The waiver would allow applicants to find more locations to operate and is used in other jurisdictions. The Commission asked that more concrete examples be included in the description of what constitutes an “impassible physical barrier” to clarify the definition.

Special events. The proposed changes (from state legislation) will allow the city manager to use the criteria in the ordinance and state law to approve events in town. The city manager would route the request to different departments and then make a determination to approve or deny the permit. If denied, the permit can be appealed to City Council.

Commissioner Bailon supported the administrative permitting, but opposed on-site consumption, and requested that the definition of a “cannabis event” be clarified. He urged the city to err on the side of security. A suggestion was made to restrict cannabis events during school hours.

New State Legislative Changes Various changes were made at the state level.

Dispensary Permitting Processes. This addresses how many dispensaries to allow in town. Commissioner Cox did not see a need to change the number and commented that the market will determine how many are needed. Commissioner Bailon concurred that sellers that conduct business will get return business. Assistant City Manager/CDC Thompson commented that provisions for delivery are incorporated into the ordinance and are determined administratively. Dispensary applications must go through public hearing process. The Commission did not have an opinion on a number, noting it will be market driven.

Clean Up. Permits will no longer be called “use permits”, but “cannabis permits.” There are other minor administrative changes and clean up items found when implementing the ordinance.

Commissioner Davis expressed concern about allowing cannabis in TOD zones, as it could cause the city to lose funding. Assistant City Manager/CDC Thompson commented that Council spent a long time on the issue and was unsure how the City could lose money.

Commissioner Cox noted a few corrections:

- Page 13 of the staff report be changed to **May March**.
- Page 22 of 38 – permit requirements “c” to operate a ~~permit~~ **business**.
- Page 41, section (d) a microbusiness shall not ~~county~~ **count**.
- Page 46, section (a) Delete “temporary cannabis events.”

Commissioner Bailon suggested throughout report changing “premise” to “property.”

Commissioner Davis asked how many “public nuisance” complaints it would take until enforcement action was taken. Assistant City Manager/CDC Thompson stated that cannabis permits are subject to annual review for condition compliance, and police activity is reviewed. A finding could be made to indicate a public nuisance.

Public Comment

Jeanne Cox, Cloverdale, expressed concern that dispensaries should have a local permit to sell product at events in town and local rules to restrict cannabis consumption in public places.

Shawn Bovee, Cloverdale, thanked the Planning Commission for the progress they are making. The city is making progress on an issue that affects many aspects of the community.

John Lambert, Cloverdale, commented that there were cannabis businesses in town that do not meet the setbacks.

Public comment closed.

OTHER BUSINESS: none

PLANNER'S REPORT/COMMUNICATIONS: The Planner's Report is a verbal report for informational purposes only. Assistant City Manager/CDC Thompson summarized the upcoming items for Planning Commission and City Council.

PLANNING COMMISSION DIRECTION TO STAFF: None.

ADJOURNMENT: Adjourn to the next meeting Tuesday, May 7, 2019 at 6:30 p.m., or alternate date as requested, at the Cloverdale Performing Arts Center, 209 N. Cloverdale Blvd., Cloverdale, CA 95425.

Minutes adopted May 7, 2019