



**CITY OF LAKEPORT  
PLANNING COMMISSION  
May 8, 2013**

**MINUTES**

**CALL MEETING TO ORDER AND ROLL CALL:** Chairman Wicks called the meeting to order at 5:04 p.m., with Commissioners Taylor, Gayner, Kauper and Russell present. Also present were CDD staff including Andrew Britton, Planning Services Manager; Brian Everhart, Engineering Technician II; and Tom Carlton, Building Official. Police Chief Rasmussen and City Attorney Brookes were also present.

**ACCEPTANCE OF AGENDA:** A motion was made by Commissioner Taylor, seconded by Commissioner Gayner, and unanimously carried by voice vote to approve the agenda as posted.

**CITIZEN INPUT:** Planning Services Manager Britton indicated that there was no citizen input submitted.

**COMMENTS FROM STAFF AND COMMISSIONERS:** No comments from Staff or the Commission.

**CONSENT AGENDA:** A motion was made by Commissioner Gayner, seconded by Commissioner Taylor and unanimously carried by voice vote to accept consent agenda item A (Minutes of the April 10, 2013 Planning Commission meeting).

**REGULAR AGENDA:**

- A. City of Lakeport
  - OA 13-02: Medical Marijuana Cultivation Ordinance

***Public hearing and consideration of a draft ordinance that would add Chapter 17.38 to the Lakeport Municipal Code and establish regulations pertaining to the cultivation of medical marijuana.***

Britton read portions of the staff report dated May 8, 2013, which included background information about current State laws pertaining to medical marijuana; nuisance odors and other public safety issues associated with medical marijuana cultivation in Lakeport; the City Council's direction to form a committee including City staff and Lakeport residents to develop a cultivation

ordinance; the committee's activities and recommendations; and details about the proposed ordinance.

Britton also distributed an email previously sent to the Planning Commission detailing suggested additions to the ordinance regarding the addition of a definition for "canopy" and related changes to Sections E and F of the draft ordinance.

Chairman Wicks initiated the review and discussion of the proposed ordinance beginning with the Legislative Findings section. Various items were discussed with input from Chief of Police Rasmussen, City Attorney Brookes, Planning Services Manager Britton and Building Official Carlton. Commissioner Kauper questioned compliance with the California Environmental Quality Act as described in the draft ordinance and also discussed the definition of a nuisance and the threshold for the City taking enforcement actions related to an odor-related nuisance.

Wicks pointed out a conflict regarding the minimum property line setbacks for a detached building used for cultivation in the Urban Reserve zoning district. The UR zoning regulations call for larger setbacks (rear and street-side of corner lot) for accessory structures than other residential zoning districts. Britton agreed to resolve the setback conflict and modify the draft ordinance as needed. The Commission agreed with the need for this clarification.

Additional discussion took place regarding the proposed additional language (definition of "canopy", etc.) and whether the new language was necessary given the other proposed regulations. Chairman Wicks requested a consensus voice vote and the Commission voted 3-2 to add the suggested language to the draft ordinance.

Chairman Wicks opened the public hearing at 6:35 p.m.

Testimony regarding the proposed ordinance was received from Howard Holtz, Lakeport resident and member of the City's cultivation ordinance committee; Ron Green, representing the Emerald Unity Coalition; and Kim Beall, Lakeport resident and member of the City's cultivation ordinance committee. Holtz and Beall recommended the approval of the proposed ordinance. Green expressed various concerns about the proposed regulations and also suggested that the City delay implementing enforcement of the ordinance until 2014 after the current growing season is complete.

Chairman Wicks closed the public hearing at 6:36 p.m.

After the conclusion of the public hearing, the Commission and staff discussed proposed regulations regarding the need for a building permit/compliance with the Building Code to install an odor-suppressing mechanical ventilation/filtration system described in Section F. 6. of the ordinance. Staff and the Commission discussed the potential option for portable ventilation/filtration equipment and the related need to modify this section of the ordinance to remove references to the Building Code and the requirement for approval by the Building Official.

