

**AMADOR COUNTY PLANNING COMMISSION MINUTES  
SUMMARY MINUTES OF TAPE RECORDED MEETING  
JANUARY 5, 2016 – 7:00 P.M.**

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The Planning Commission of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chairman Ryan.

**THOSE PRESENT WERE:**

Planning Commissioners: Ray Lindstrom, District I, Chairman  
Dave Wardall, District II  
Caryl Callsen, District III  
Andy Byrne, District IV, Vice Chairman  
Ray Ryan, District V

Staff: Greg Gillott, County Counsel  
Susan C. Grijalva, Planning Director  
Chuck Beatty, Planner  
Heidi Jacobs, Recording Secretary

**NOTE:** The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

- A. Pledge of Allegiance.**
- B. Approval of Agenda:**  
**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Lindstrom and unanimously carried to approve the agenda as presented.
- C. Minutes:** December 8, 2015  
**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to approve the minutes of December, 2015 as presented.  
Absent: Commissioner Lindstrom
- D. Correspondence:** Email from Bill and Traci Muldery dated December 30, 2015 regarding Item 1. Email from Dave Wardall dated January 4, 2016 regarding Item 2.
- E. Public Matters not on the Agenda:** Commissioner Byrne asked about the status of the sprung tent structure at Kirkwood Resort; Chuck Beatty stated a meeting with the resort representative is scheduled for January 8, 2016 and a status update will be provided at the next meeting.
- F. Recent Board Actions:** Chuck Beatty reported the Board of Supervisors approved the Bassett Zone Change and Williamson Act Contract.
- G. Planning Commission:** Election of Officers and Agricultural Advisory Committee Members and Alternates for 2016.  
**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and unanimously carried to elect Commissioner Lindstrom as Chairman.  
**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to elect Commissioner Byrne as Vice Chairman.  
**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to elect Commissioner Callsen as the member and Commissioner Byrne as the alternate to the Agricultural Advisory Committee.

### Public Hearings

**Item 1 – Request for a Use Permit to allow a mobile food truck and outdoor seating for 18 persons in a “C-2,” Heavy Commercial District (APN 030-180-029).**

**Applicant:** Guicelda Flores-Arbaca

**Supervisorial District IV**

**Location:** 19660 CA Highway 88, approximately 0.25 miles east of Ridge Road, in Pine Grove.

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Lindstrom opened the public hearing.

Guicelda Flores-Arbaca, applicant, was available for questions. There was no public comment.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Ryan and unanimously carried to close the public hearing.

Commissioner Byrne asked about the status of the use permit issued for metal recycling at the same location. Mr. Beatty reported that use permit was granted for one year and is now expired and not valid.

Commissioner Ryan wished to address the concerns raised by the neighboring property owner regarding parking concerns.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and unanimously carried to approve the use permit amendment subject to the findings and conditions in the staff report and adding a condition to review the permit one year after issuance.

*NOTE: Mr. Beatty advised the Commission approved the Use Permit. If anyone wishes to appeal the decision of the Commission they can do so by submitting in writing to the Board of Supervisors a request for appeal prior to January 15, 2016, at 5:00 p.m. along with the appropriate appeal fee.*

**Item 2 – Review and consideration of proposed Ordinances amending Amador County Code Chapter 19.84 regarding Medical Marijuana Dispensaries and Chapter 19.86 regarding Medical Marijuana Cultivation within the unincorporated County.**

Susan C. Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. She added County Counsel has drafted one ordinance to include the proposed changes to both Chapter 19.84 and Chapter 19.86.

Greg Gillott, County Counsel, stated the State Legislature passed three companion bills to overhaul how medical marijuana can be grown, processed and distributed throughout the state. In the state legislation there is a deadline of March 1, 2016 for local jurisdictions to have regulations in place; it has since been discovered this deadline may be repealed when the legislature reconvenes. As drafted, the proposed ordinance continues to prohibit cultivation and distribution of medical marijuana and revises the exemption for cultivation for personal use to 100 square feet, up to 12 plants. The 100 square feet personal exemption is derived from the state law. He stated other proposed changes also include the requirement the cultivator must live on the property to prevent one person growing at multiple sites. In response to Commissioner Ryan, Mr. Gillott clarified cultivation includes indoor and outdoor grows with the same limit on square feet and number of plants and there are no proposed changes to the setbacks.

Chairman Lindstrom asked if staff had any idea how many people in the county are utilizing the exemption or how many complaints were received. Ms. Grijalva stated no permit is required so there is no record of how many people utilize the exemption and the number of complaints is not tracked.

Chairman Lindstrom opened the public hearing.

Amir Daliri, Amador County resident and patient utilizing the exemption, stated there is no longer a need for urgency to adopt an ordinance because Assemblyman Wood has presented an open letter to repeal the March 1 deadline. He appreciated the leadership Amador County has done in regulating the personal exemption. He stated there is no urgency to make a recommendation to the Board; the recommendation of the allowable plant area in the staff report is a substantial reduction to what is currently allowed. He stated Placer County has a great placeholder ordinance that can be used as an example. He urged the Commission to take their time and submitted the open letter from Assemblyman Wood, AB 243, AB21, and the County of Placer Medical Marijuana Placeholder Ordinance and Community Outreach Memo (see attached).

Mr. Gillott agreed AB21 has been introduced to remove the deadline and added that as of this meeting the March 1 deadline is still in effect. He recommended the Planning Commission move forward with a recommendation to the Board of Supervisors. Commissioner Ryan stated there is the possibility the deadline will be removed but felt the Planning Commission is only making a recommendation to the Board of Supervisors not a final decision.

Steve Goldsmith, Amador County resident, stated he produces a radio show in West Point and has the opportunity to speak with a lot of local residents. He is concerned about the Commission making a hasty decision because of the March 1 deadline; he believed the intent of the legislature is to allow the counties to make their own regulations without imposing a deadline. Mr. Goldsmith stated this is a plant and should be a business; this is an industry that can bring millions, if not billions, to California. He expressed concern that people have to drive to dispensaries in Sacramento.

August Gonzaga, Amador County resident, stated the currently allowed 12 plants with up to 24 plants with two recommendations per parcel works for him and for other people he knows. He encouraged the Commission to maintain the current rules and not rush into a decision.

Commissioner Ryan asked about the requirements. Mr. Gonzaga stated he understood the current rules to allow up to 24 plants per parcel with two recommendations.

Mr. Daliri stated the recommended change is a significant reduction from what is currently allowed; it will allow a 100 square foot area only which may allow for only one plant to be grown instead of the 12 plants per person and up to 24 plants per parcel. The canopy reduction is a big problem.

Mr. Goldsmith agreed the 24 plant limit is a good limit.

Mark Bastin asked if the proposed change is 100 square feet or 12 plants. Mr. Gillott stated it is 100 square feet, not to exceed 12 plants. Mr. Bastin stated 100 square feet would only allow for one or two plants. He asked where that number came from. Mr. Gillott stated the Board of Supervisors wanted to maintain a local personal use exemption and proposed adopting the State standards for the personal use exemption which is the 100 square feet. Ms. Grijalva clarified the County's current code allows 12 plants per patient, up to 24 plants per parcel.

Mr. Bastin wanted the Commission to be aware the 100 square feet would limit the number of plants to be grown to one or two; it is a significant reduction to what is currently allowed.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Wardall and unanimously carried to close the public hearing.

Commissioner Byrne stated he is confused about the idea of being able to grow the 12 plants; it seems like it is possible to grow 12 plants in a 100 square foot area but he could be wrong. Based on what is being said it is not possible.

Commissioner Ryan stated he did a "google search" and based on what he is reading is that each plant requires a 10 by 10 square foot area. He understood the needs of the county and the patients.

Mr. Gillott stated the 100 square feet is the state limit to be exempt from the proposed license.

Commissioner Callsen asked about the 500 square foot requirement as a caregiver. Mr. Gillott stated the caregiver is different than a patient; the state does define caregiver.

Commissioner Byrne asked what the Board is trying to regulate; will the County allow anything besides the personal use exemption. Mr. Gillott stated the proposed revisions will allow for personal use. Ms. Grijalva clarified if the County allowed 12 plants without the 100 square foot limit, the patient would need to obtain a license from the state for exceeding the 100 square foot exemption allowed by the state without a license.

Commissioner Ryan stated the regulation should be based on the number of plants and not on the space requirements; the County needs to balance both the needs of the patient and the needs of the neighboring property owners. He added if the state requires a license after a certain square footage, that should not mean the County has to have the same square foot limitation for the personal use cultivation; if the County allows 12 plants and that exceeds the area allowed by the state without a license, the grower would have to obtain the license from the state. Commissioner Byrne agreed and added that not knowing if the square footage limits came from indoor or outdoor propagation it is difficult to make informed decisions for outdoor cultivation.

Commissioner Callsen stated it didn't seem reasonable to limit the 12 plants to 100 square feet.

Commissioner Ryan suggested removing the 100 square foot spacing requirement but the other proposed revisions seemed reasonable.

Commissioner Wardall read from the email and attachment he received from Sheriff Ryan, attached. He voiced concerns about possible exploitation and would like to recommend language to protect neighboring property owners. Commissioner Byrne stated there is language to protect neighboring property owners.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to recommend the Board of Supervisors approve the proposed ordinance revisions and findings as contained in the staff report with the following changes to subsection 19.86.050 B. 1.

1. Cultivation is limited to ~~an area measuring a maximum of 100 square feet on any parcel, and in no event shall the total number of mature or immature plants on any parcel exceed twelve (12) regardless of the number of qualified patients or caregivers. The area used to cultivate medical marijuana shall be measured from the outer edge of the marijuana plant canopy and includes the aggregate area, including the space between plants, whether indoor or outdoor~~ twelve or fewer medical marijuana plants, mature or immature, per qualified patient or primary caregiver; not to exceed a maximum of twenty-four plants on any legal parcel of record.

Ayes: Commissioner Ryan, Commissioner Byrne, Commissioner Callsen, Chairman Lindstrom

Noes: Commissioner Wardall

***NOTE:** Ms. Grijalva advised the Commission recommended approval of the proposed draft ordinance amending County Code Sections 19.84 and 19.86 regarding medical marijuana with the recommended changes as stated related to the number of plants allowed. This item will be scheduled for a future Board of Supervisors meeting at which time notice will be given.*

**Adjournment:** At 8:40 p.m. Chairman Lindstrom adjourned this meeting of the Planning Commission, to meet again on February 9, 2016.

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/s/  
Ray Lindstrom, Chairman  
Amador County Planning Commission

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/s/  
Heidi Jacobs, Recording Secretary  
Amador County Planning Department

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/s/  
Susan C. Grijalva, Planning Director  
Amador County Planning Department