

The Planning Commission of the County of Amador met on December 11, 2018 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Callsen.

**THOSE PRESENT WERE:**

Planning Commissioners: Keith DesVoignes District 1  
Dave Wardall, District II  
Caryl Callsen, Chair, District III  
Andy Byrne, Vice Chair, District IV

Staff: Grace Pak, Deputy County Counsel  
Chuck Beatty, Planning Director  
Ruslan Bratan, Planner I  
Krista Ruesel, Planner I  
Mary Ann Manges, Recording Secretary

**THOSE ABSENT WERE:** Ray Ryan, District V

**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 Ryan~~ Commissioner Byrne, seconded by Commissioner Wardall and carried to approve the agenda as presented.

AYES: DesVoignes, Wardall, Byrne

NOES: None

ABSENT: Ryan

**C. Minutes:** November 13, 2018

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes, and carried to approve the minutes of November 13, 2018.

**D. Correspondence:** Letter by David Way regarding Agenda Item 1.

**E. Public Matters not on the Agenda:** Chair Callsen advised that anyone may address the Commission on any matter in the Commission's jurisdiction, but no action may be taken.

Dan Morris, resident of Lone, shared that the Planning Commission recently held a scoping

session related to US Mine Corporation's request to operate a motor cross track. He added that a permit is needed for the project and that there is evidence that the application for the permit is filled with misrepresentations. He voiced that the public should have a true description of what the project and environmental conditions are and shared concerns about US Mine previously proceeding with constructing and operating the track without having approval. Mr. Morris shared that he believes that the application should be dismissed due to the misrepresentations. He added that the County Code as well as State and Federal regulations are reflective of this. He stated that from an environmental perspective the County is in jeopardy if they approve the project. He added that the community has a disagreement with US Mine, not the County, and suggested that the County should take legal action for US Mine blatantly violating the law. He shared that he previously had a conversation with Chuck Beatty, Planning Director, who said that no permits had been applied for since US Mine acquired the property in 2015. Mr. Morris added that he believes that tremendous upgrading of the site has been done and that he has seen some kind of new structure from Fairway Drive in Castle Oaks. He added that the mining company needs to be brought into check.

Commissioner Byrne asked Staff if there were permits.

Chuck Beatty, Planning Director, replied that a Use Permit and Reclamation Plan came with the property and has been in place since around 1977 when SMARA was adopted. He shared that the annual mine inspections of US Mine Corp. have not found them to be in violation of their Reclamation Plan. He clarified that the Reclamation Plan applies to the end use of the property after mining operations cease and does not cover ongoing operations or movement of equipment.

Dan Morris shared an additional concern that soil excavation requires permits.

Commissioner Byrne added that we have Code Enforcement.

F. **Recent Board Actions:** None related to Planning Commission actions.

### **Public Hearing**

**Item 1 - Review and consideration of a proposed ordinance repealing Chapters 19.84 and 19.86 of the Amador County Code relating to medical marijuana dispensaries and medical marijuana cultivation, and adding new chapter 19.84 pertaining to restrictions on cannabis and related activities.**

**Applicant:** Amador County  
**Supervisory District:** All  
**Location:** The unincorporated portion of Amador County

Chair Callsen introduced the item.

Chuck Beatty, Planning Director, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Callsen opened the public hearing and asked if anyone wanted to speak.

Gary Redman, Amador County Undersheriff, thanked the Commission and County Counsel for their work on this project. He added that he believes the ordinance will allow us to conform to and be able to enforce current State law and policies. He shared that the ban on commercial marijuana is extremely important and that in the past year 38 firearms were confiscated and 5 or more arrests were made from close to a

dozen commercial cultivation marijuana grows. He shared that there is a huge criminal element associated with commercial grows. He added that the Sheriff's office is very clear about not infringing upon legal medical marijuana use or people's rights to have and possess recreational marijuana in Amador County. He commented that they take advantage of arrests for commercial grows as opportunities to educate the public.

Commissioner Wardall thanked Undersheriff Redman, and congratulated him on his recent promotion.

Chair Callsen asked if anyone else desired to speak. There being no further speakers the following actions were taken.

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

Ayes: Byrne, Wardall, DesVoignes, Callsen  
Absent: Ryan

Commissioner Wardall asked Grace Pak, Deputy County Counsel, to confirm that the only time a person can grow marijuana outside is for medical purposes.

Ms. Pak confirmed.

Commissioner Wardall questioned whether a doctor's letter was required to grow marijuana for medical purposes.

Ms. Pak confirmed.

Commissioner Wardall asked if the letter needs to be signed by a legal physician.

Ms. Pak confirmed that a letter needs to be signed and added that there have been changes in the law to where to require a cannabis recommendation to be signed by a treating doctor.

Commissioner Wardall asked if growing outside can be omitted from the proposed ordinance to where it states growing is strictly limited to inside for all cannabis.

Ms. Pak replied that the Commission can recommend an outdoor ban to the Board of Supervisors. She added that in the past the Board was concerned that growing medical marijuana inside could be cost prohibitive for some people. She commented that it is left up to jurisdictions to decide if marijuana can be grown inside, outside or a combination of both and that the County is trying to keep consistency with the current code without significant changes.

Commissioner Wardall asked Undersheriff Redman if growing recreational marijuana outside poses a threat to public safety.

Undersheriff Redman replied that outdoor grows within the limits of the code don't pose a threat to public safety and that complaints generally come from the nuisance of large scale grows. He shared that the Sheriff's office position is not to infringe upon the right for people to possess medical marijuana. He added that large scale grows are typically problematic.

Commissioner DesVoignes shared that, as a realtor with two offices, he has seen much damage to homes in other counties where marijuana has been grown inside. He shared that there are many problems and challenges with these houses when they are sold and added that he does not want to see Amador County have the same problem.

Commissioner Byrne asked if this ordinance would allow only 6 indoor plants.

Ms. Pak confirmed that the ordinance would allow 6 indoor plants and that part of the conditions of growing plants inside requires those who grow inside to do it responsibly with any required building permits. She added that some counties are requiring permits just for growing cannabis, but Amador County historically has not required cultivation permits.

Commissioner Byrne asked if a grow was not in compliance, would it go to Code Enforcement.

Ms. Pak confirmed.

Commissioner Byrne shared that he does not have any issues with the proposed ordinance.

Chair Callsen said that it been brought to her attention that our ordinance is not in compliance with recently changed State law because you must be allowed to transport cannabis through the County.

Mr. Beatty commented that the County cannot prohibit transport through Amador County, but if someone in an adjoining county is allowed to commercially grow they cannot distribute or dispense the marijuana to someone in Amador County.

Chair Callsen asked for confirmation that the ordinance does not prohibit transport through the County.

Mr. Beatty stated that the ordinance cannot prohibit transport through the County since the proposed ordinance applies only to zoned property which excludes road rights-of-way.

Commissioner DesVoignes asked if a permit was needed to transport.

Ms. Pak replied that a State permit is needed for transport and distribution and added that the State law requires a distributor to be licensed from end to end between two licensed businesses.

Chair Callsen stated that she had no further questions.

Commissioner Byrne questioned the content of the submitted letter by David Way and asked whether two sets of 12 plants for two people is still correct.

Mr. Beatty replied that Mr. Way's letter referred to an old ordinance that allowed up to 24 cannabis plants per parcel for medical use. The ordinance was changed in 2016 to limit medical cannabis to 12 plants per parcel.

Commissioner Byrne acknowledged that this was the old ordinance being referred to.

Commissioner Wardall shared his concern about outdoor grows. He stated that there are alternatives to marijuana if someone has a real medical condition. He added that areas of the County with small residential lots neighbors shouldn't have to put up with an outdoor grow. He stated that it will be noxious and offensive and shared that he would not vote to send the ordinance forward with the outdoor grow included in it.

Commissioner Byrne commented that he had concerns with the outdoor grow part and had a hard time deciding last time, but is willing to make a motion recommending approval of the proposed ordinance.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes, and carried to recommend approval to the Board of Supervisors of the proposed repeal of County Code Chapters 19.84 and 19.86, and replacement of Chapter 19.84 as submitted.

Ayes: Byrne, DesVoignes, Callsen  
Noes: Wardall  
Absent: Ryan

*NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has recommended approval to the Board of Supervisors of the proposed repeal of County Code Chapters 19.84 and 19.86, and replacement of Chapter 19.84 as submitted. A public hearing with Board of Supervisors will be scheduled at a later date.*

Mr. Beatty shared that at the last Planning Commission meeting it was mentioned that the Board had given approval for an additional Planner and introduced Ruslan Bratan as the newly hired Planner I.

Commissioner Byrne thanked Commissioner Callsen for her four years of service to the Planning Commission and announced that this will be her last meeting and that she will be missed.

Chair Callsen thanked the Commissioners and staff for their support during her term.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes, and carried to adjourn the meeting.

**Adjournment:** At 7:30 p.m. Chair Callsen adjourned the meeting of the Planning Commission, to meet again on January 8, 2019.

  
Andy Byrne, Vice Chair  
Amador County Planning Commission

  
Mary Ann Manges, Recording Secretary  
Amador County Planning Department

  
Chuck Beatty, Planning Director  
Amador County Planning Department